

Report Item No: 1

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/AniteIM.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))

The application was deferred from the Area Plans Sub Committee East meeting dated 4th July 2012 so that a Members site visit could take place.

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 Playbarn: 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:

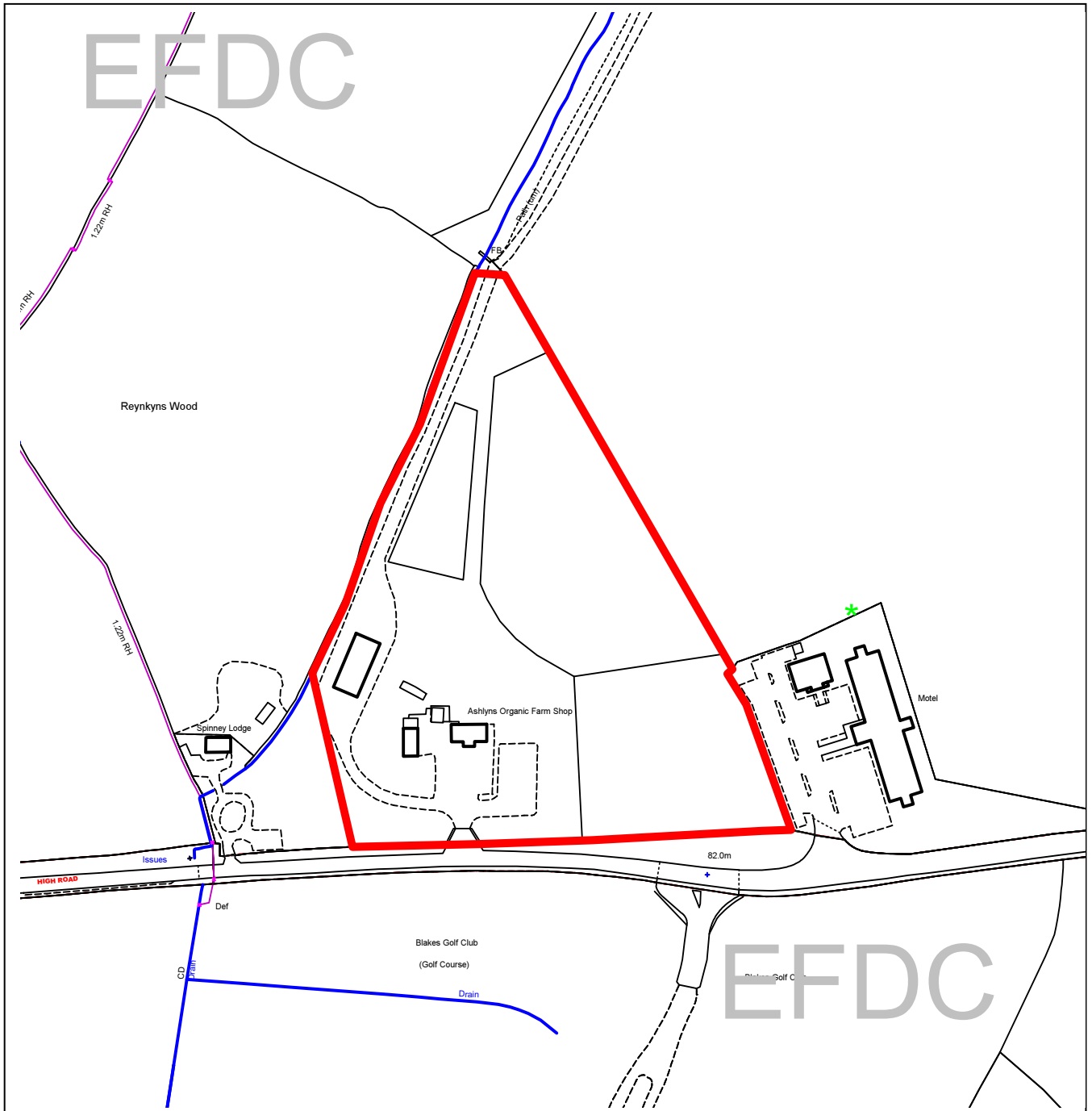
***Planning application case officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

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:	1
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: 2

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).

The application was deferred from the Area Plans Sub Committee East meeting dated 4th July 2012 so that a Members site visit could take place.

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 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 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 adaptation 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:

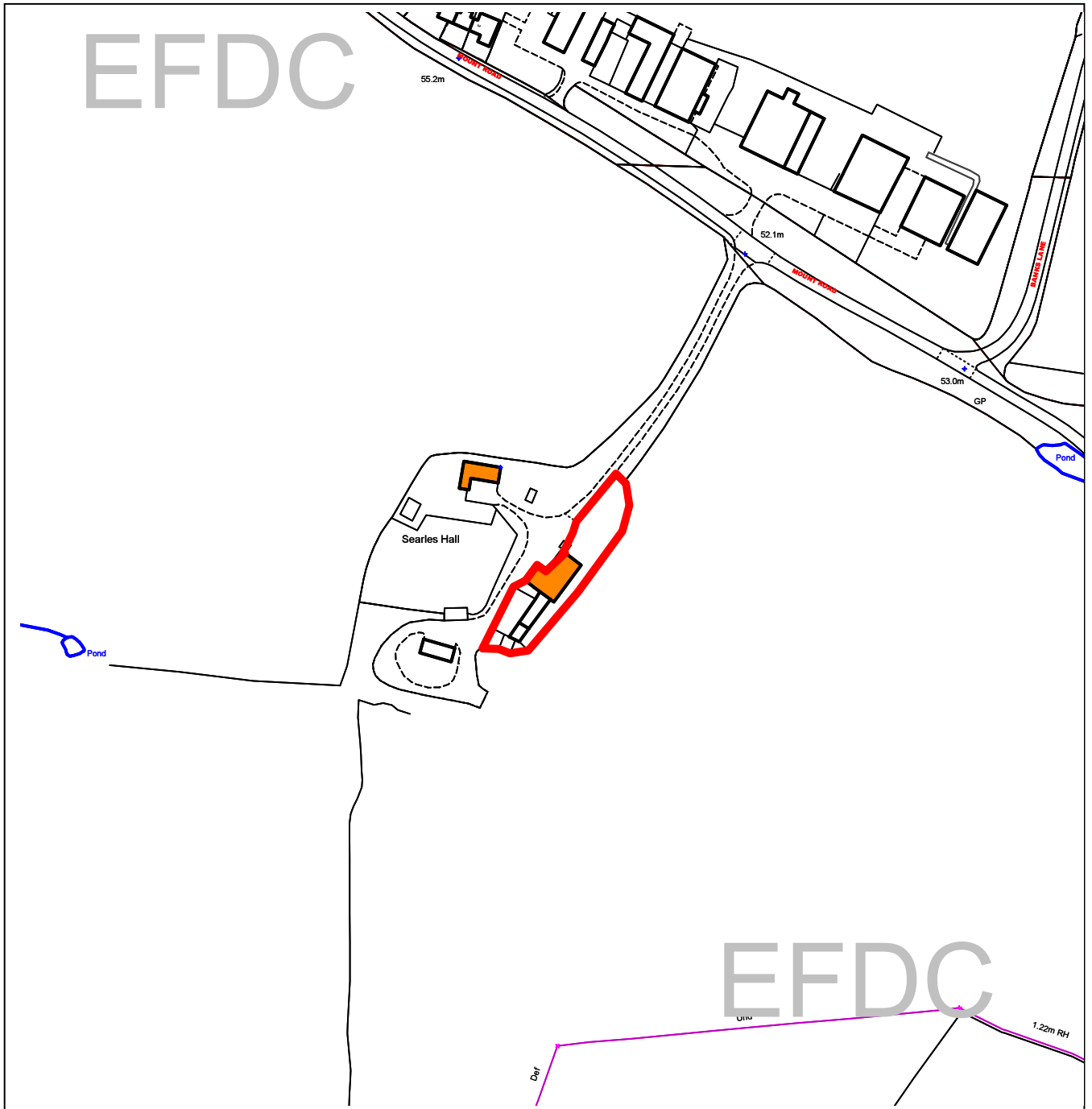
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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:	2 & 3
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: 3

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

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 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).

The application was deferred from the Area Plans Sub Committee East meeting dated 4th July 2012 so that a Members site visit could take place.

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: 4

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).

The application was deferred from the Area Plans Sub Committee East meeting dated 4th July 2012 so that a Members site visit could take place.

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 Apar 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:

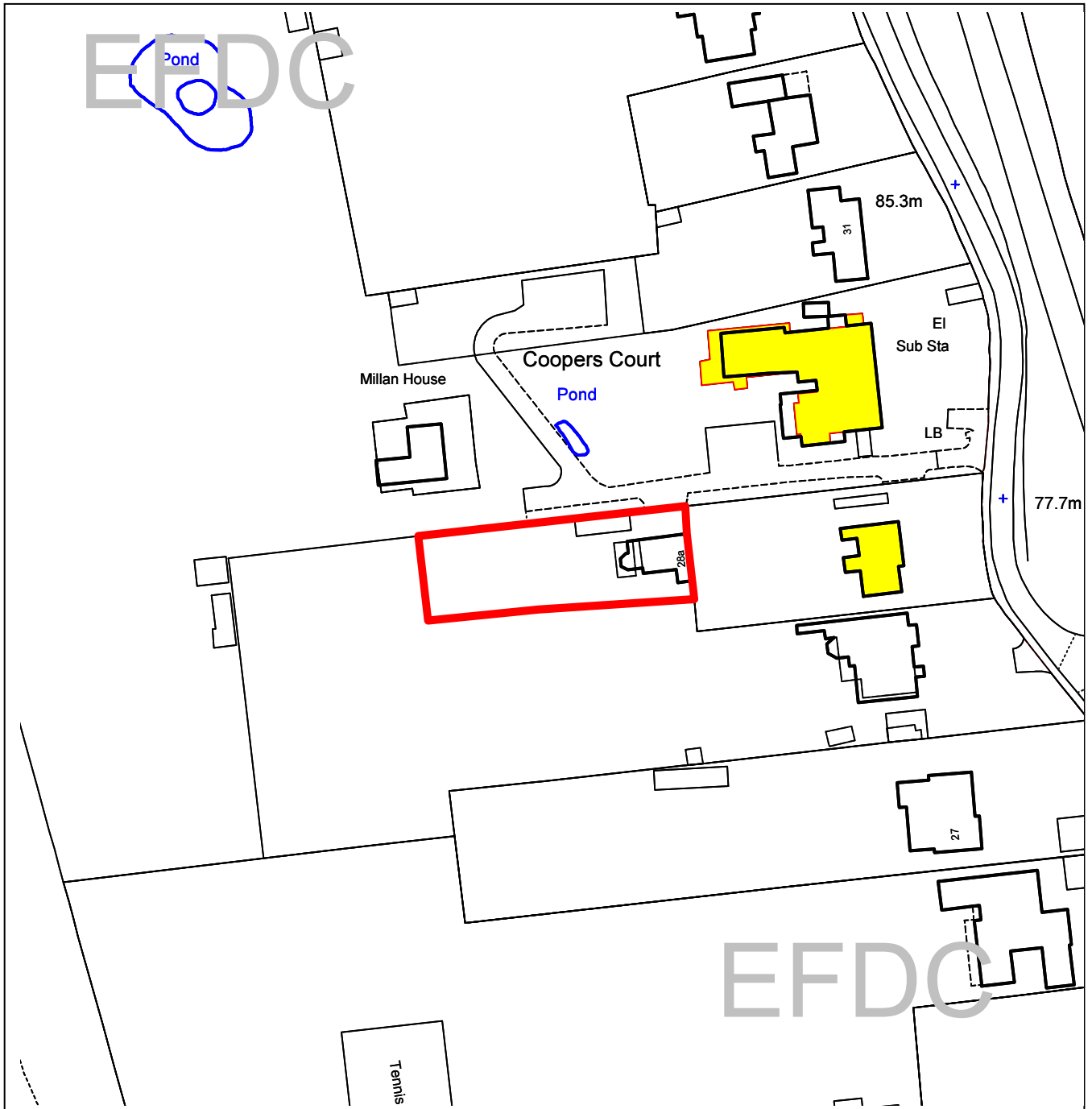
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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:	4
Application Number:	EPF/0375/12
Site Name:	Rothwell, 28A Piercing Hill Theydon Bois. CM16 7JW
Scale of Plot:	

Report Item No: 5

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).

The application was deferred from the Area Plans Sub Committee East meeting dated 4th July 2012 so that a Members site visit could take place.

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:

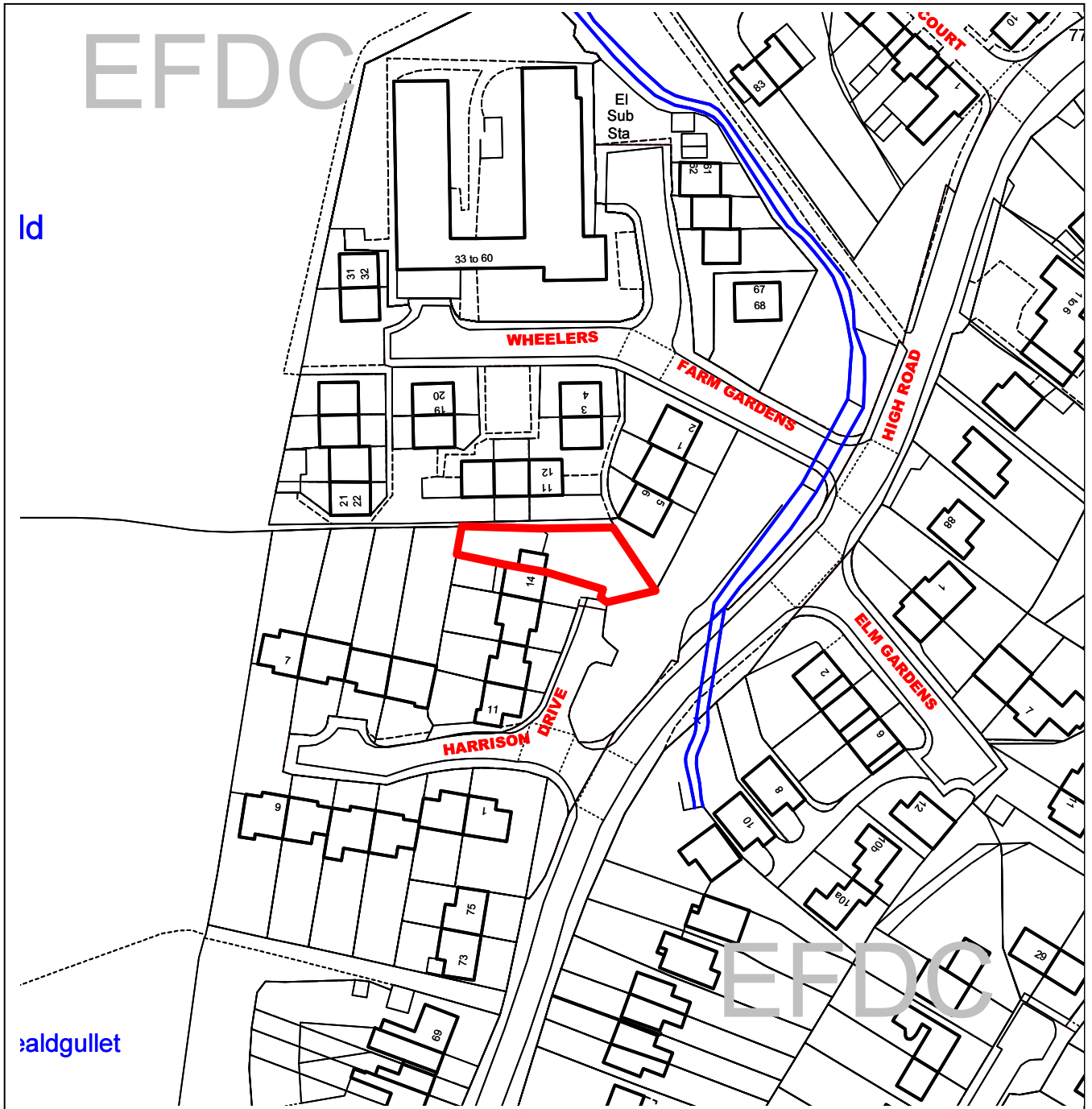
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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:	5
Application Number:	EPF/0832/12
Site Name:	14 Harrison Drive, North Weald CM16 6JD
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0729/12
SITE ADDRESS:	158 High Road North Weald Essex CM16 6BZ
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mrs Louise Johnson
DESCRIPTION OF PROPOSAL:	Replacement of existing garage and replacement with a new two-storey residential two bed annex.
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=536781

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 Prior to first occupation of the development hereby approved, the proposed rooflights in the rear roofslope shall be entirely fitted with obscured glass and have fixed frames and shall be permanently retained in that condition.
- 4 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 158 High Road, North Weald, and the application site shall not be subdivided in any way.
- 5 The residential annex hereby approved shall have no more than two bedrooms.

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 consists of a Grade II listed house that is set back some 30m from the edge of the highway and a detached double bay garage within the front garden. The front of the property is fairly well screened by a dense hedgerow and the site is surrounded on all sides by other residential properties.

Description of Proposal:

Consent is being sought for the demolition of a detached garage and erection of a two storey residential annex containing two bedrooms, two en-suites, a living room and a kitchen/diner. The proposed new building would be 13.5m in width and 6.5m in depth at ground floor level with a 10m wide by 6.5m deep first floor. The proposed outbuilding would have a ridged roof to a height of 6.1m with three front dormer windows and two rear rooflights. The original proposal was for a 15.7m wide by 6.5m deep two storey annex containing three bedrooms, however this was amended and reduced down in size after discussions with Planning Officers.

Relevant History:

EPF/0031/77 - Proposed alteration and extension of existing dwelling and erection of detached double garage – approved 02/03/77

EPF/0792/80 - Detached house within curtilage – refused 30/06/80

EPF/0590/82 - Garage – approved/conditions 09/07/82

EPF/0622/00 - New dwelling and detached garage within curtilage of existing property – refused 10/07/00

EPF/1613/00 - Erection of detached dwellinghouse and detached garage – refused 27/12/00

Policies Applied:

CP2 – Protecting the quality of the rural and built environment

HC12 – Development affecting the setting of Listed Buildings

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE3 – Design in urban areas

DBE9 – Loss of amenity

ST6 – Vehicle parking

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:

12 neighbouring properties were consulted and a Site Notice was displayed on 01/05/12. All 12 neighbours were reconsulted on the amended plans.

PARISH COUNCIL – **Original plans** – Object due to the size of the development and that it represents overdevelopment. **Amended Plans** – Object due to the size of the development and because it represents overdevelopment. The proposal would represent a visual intrusion surrounding the setting of the adjacent neighbouring properties.

160 HIGH ROAD – Object due to loss of light, potential overlooking, and due to the visual amenities of this large building. The building would not retain a 1m gap from the boundary and this

would not be in keeping with the Listed Building and is far too large for the proposed position. Applications to build new dwellings in this site have previously been refused.

154 HIGH ROAD – No objection to the conversion of the garage to allow for support to be given to the family's elderly relative.

Issues and Considerations:

The proposed development would consist of the erection of a relatively large, two storey annex, containing two bedrooms, a living room and a separate kitchen/diner. Although the amended plans are smaller than those originally submitted (which proposed a three bed development), this is still a relatively large building and is pushing the limit on what would normally constitute an 'annex'.

The definition of a residential annex is for subordinate accommodation incidental to the use of the main dwelling. The proposed development is desired to allow for the applicant's elderly father, who is finding it increasingly difficult to climb stairs, and his partner, who requires a separate room, to move onto the site. The originally submitted three bed building was also to cater for a carer if later required, however it was pointed out to the applicant that the reasoning for a residential annex is that it is ancillary to, and associated with, the main dwelling and care therefore can be provided by the elderly relative's family. Due to this the building has been reduced in size and now only proposes two bedrooms. Although there is still a concern with regards to the overall scale of this development and its appearance/possible use as a separate residential dwelling, suitable conditions can be imposed to ensure that it is not used as a separate dwelling and that it contains no more than two bedrooms.

The Council's Conservation Officer has raised no objections to the amended plans. The demolition of the existing garage is considered acceptable, as this has no historic significance to the site. The proposed annex would be located at a suitable distance from the Listed Building and its massing is improved by the use of a single storey bay closest to the listed house. The outbuilding is of a traditional design, giving the appearance of a cart lodge (albeit one that has been converted) with a hay loft above. Due to this it is not considered that the proposed development would have an adverse impact on the setting of the listed house. Much of the property's original setting has already been lost as it is now surrounded on all sides by residential properties. The open space around the property and its set-back position from the road are important remnants of its historic setting, however it is not considered that the proposed annex will cause substantial harm to this setting. However substantial harm could be caused if the curtilage of the listed building was divided. Therefore, along with the condition requiring the outbuilding to remain ancillary, a condition should be added to ensure that no subdivision of the site takes place.

An objection has been received from the neighbouring resident at No. 160 High Road with regards to the potential impact on their amenities. The revised plan has reduced the overall width and bulk of the proposed outbuilding and sets the development off the shared boundary by 500mm. The proposed annex would be located some 8m from the neighbour's front wall (at its closest point) adjacent to the front garden area of No. 160 High Road. The closest section of the building to this neighbour would be the single storey element, which would have a hipped roof, and the first floor of the proposed outbuilding would be some 11m from the front of the neighbour's dwelling. This would be sufficient distance to ensure that there is no immediate undue loss of light or visual amenities to the front windows of the property. Although there would be some impact with regards to loss of light and visual intrusion to the front garden of this neighbour, the adjacent area of land appears to serve a vehicle access/parking area and as such would not require high levels of protection.

Concern has been raised with regards to potential overlooking from the rear rooflights. Whilst these are high level rooflights that would be unlikely to result in any significant loss of privacy, these can be conditioned to be obscure glazed which would overcome any privacy concerns.

The proposed annex building would result in the loss of the existing double garage, which would mean that any cars parked within the site would be much more visible. Whilst such a situation is not ideal within the setting of a listed building there is more than adequate space to accommodate the parking and any further outbuilding for garaging would be resisted, as these would be more harmful to the setting of the listed building than open parking. As such, it is not considered that the loss of the covered parking would be harmful enough in itself to form a reason for refusal.

Conclusion:

Whilst the proposed annex is a large two bed building, it is considered that its ancillary use can be adequately controlled by use of conditions. The development would not be unduly harmful to the amenities of neighbouring residents or to the setting of the listed house. As such the application is considered to generally comply with the relevant Local Plan policies and is therefore recommended for approval.

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

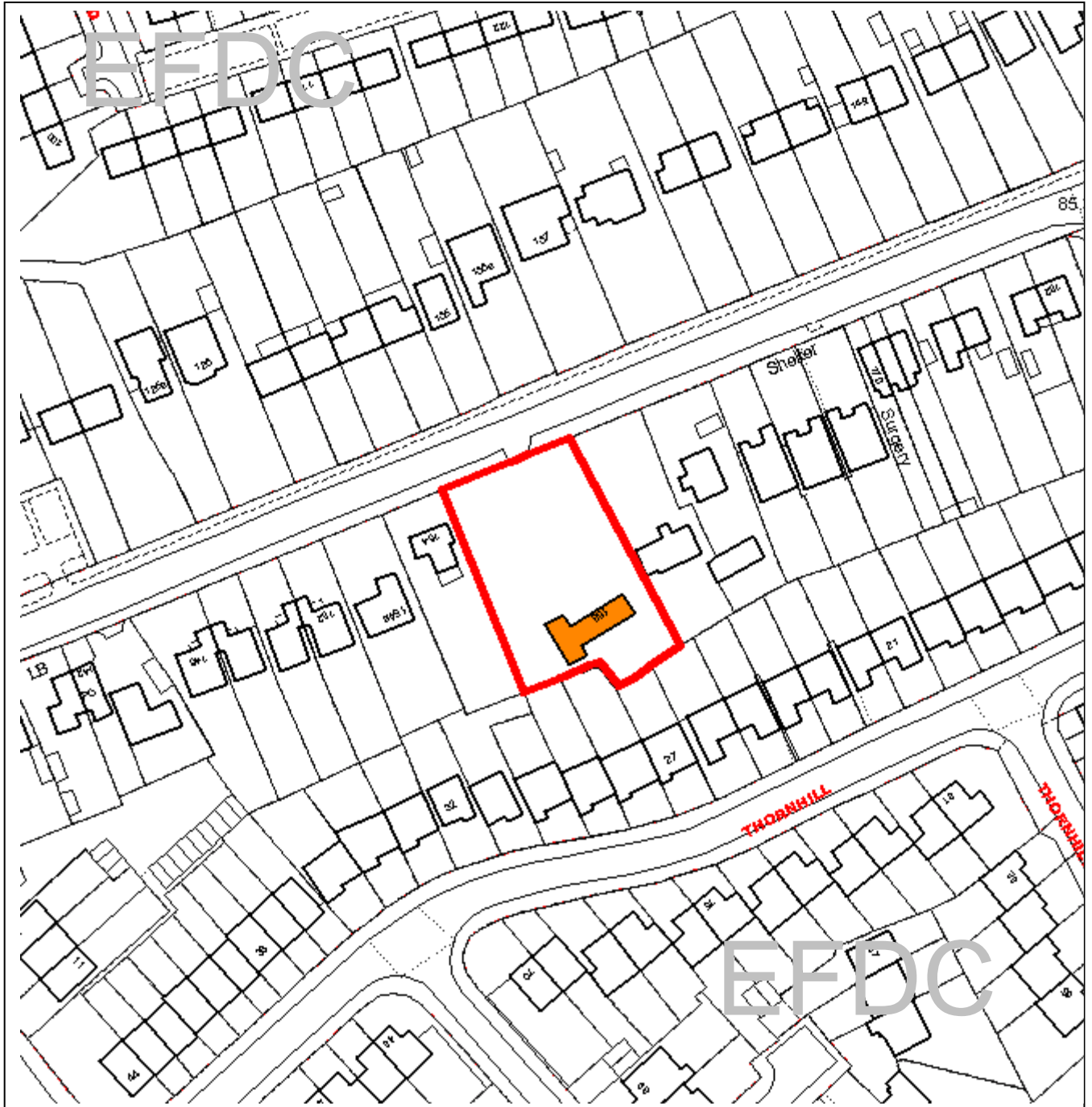
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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/0729/12
Site Name:	158 High Road, North Weald CM16 6BZ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0846/12
SITE ADDRESS:	Bury Farm Cottages Bury Lane Epping Essex CM16 5JA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr & Mrs Hunt
DESCRIPTION OF PROPOSAL:	Demolition of two existing houses, single garage and outbuildings. Closure of existing access. Construction of 2 detached four bedroom houses, 2 detached double garages, new internal access road and hardstanding with associated landscaping. (Renewal of EPF/1078/09)
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=537218

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 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]

- 4 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]
- 5 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]
- 6 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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.
- 7 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.

- 8 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.
- 9 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.
- 10 Prior to the first occupation of the dwellings hereby permitted, the existing access from Bury Lane shall be closed off and landscaped in accordance with details approved under conditions 8 and 9 and not be re-opened or used again without prior approval from the Highway Authority.
- 11 Prior to the commencement of development the applicant shall provide details of proposed surface water drainage details to be submitted to and approved in writing by the Local Planning Authority.
- 12 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 garages hereby approved shall be retained so that they are 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.
- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, E and F (extensions, outbuildings and hard surfacing) shall be undertaken without the prior written permission of the Local Planning Authority.
- 14 No demolition/conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

Description of Site:

The application site is an irregular shaped area of land containing an existing pair of brick built cottages and their outbuildings and a detached double garage on the eastern side of Bury Lane, on the outskirts of Epping Town.

The site maintains a number of established trees, some of which are subject to Tree Preservation Orders. The site is within the designated Green Belt to the southern side of Bury Farm.

Description of Proposal:

The applicant seeks consent to demolish the existing houses, single garage and outbuildings and replace them with two detached houses, two detached double garages and associated hardstanding. A new access road would be created to the north of the site into Bury Farm. The proposal is identical to an extant permission which was approved under EPF/1078/09.

Relevant History:

EPF/1538/02 – Demolition of existing cottages and replacement with three detached dwellings – Refused

EPF/0133/04 – Demolition of existing pair of cottages and replacement with single dwelling and garage - Refused

EPF/1510/04 – Demolition of existing pair of houses, garages and outbuildings and erection of two detached dwellings with detached garages and associated landscaping - Approved

EPF/1078/09 - Demolition of two existing houses, single garage and outbuildings and closure of existing access. Construction of 2 detached four bedroom houses, 2 detached double garages, new internal access road and hardstanding with associated landscaping. Grant Permission (with conditions) – 26/11/09.

Policies Applied:

- CP2 – Protecting the quality of the rural and built environment
- 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
- LL11 – Landscaping schemes
- ST4 – Road safety
- ST7 – New roads and extensions or improvements to existing roads

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.

Representations Received

EPHING TOWN COUNCIL: Objection. The committee object to the overall application relating to the houses which are, in the view of the Committee, an inappropriate enlargement of development in the Green Belt.

4 neighbours consulted and site notice displayed – no replies received.

Issues and Considerations:

This application has been previously approved in 2009. This application is identical to that previously approved and there has been no material change to site circumstances. It would therefore be unreasonable to now refuse planning permission for this development.

Policy GB2A and GB15A enable the provision of replacement dwellings subject to the proposals not:

- i) being materially greater in volume than that which is being replaced,
- ii) having a greater impact on the openness of the Green Belt than the original dwelling,
- iii) resulting in the size of private or cultivated garden of the replacement dwelling exceeding that which is being replaced.

The proposals do not increase in volume beyond that previously approved, and result in the closure of the existing access and formation of a more concealed entrance from the Farm Road, therefore it could be argued that the perceived openness of the Green Belt is improved, however the residential garden areas will be increased beyond the current provision as a result of the reversed orientation. The additional garden areas are extensively landscaped at present with a number of mature and protected trees and the applicant has indicated that new native landscaping would be provided. This may be considered sufficient to minimise impacts which may arise from the garden enlargements, subject to the removal of permitted development rights for hard surfacing and outbuildings in the gardens.

In respect of landscaping issues, policy objectives remain unchanged and the applicant has sufficiently demonstrated that subject to conditions, the development can be carried out without adverse impact to existing landscaping and trees and can result in landscaping improvements. The design is unaltered and remains acceptable.

In respect of highway and drainage matters, no objections have been raised from either Land Drainage or Highways and conditions have been requested.

Conclusion:

The proposed scheme has been previously approved by this Local Planning Authority and there have been no material changes which would warrant a different decision here. Therefore, subject to the appropriate alteration of the original conditions to suit this proposal, it is deemed acceptable and recommended for approval with conditions.

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

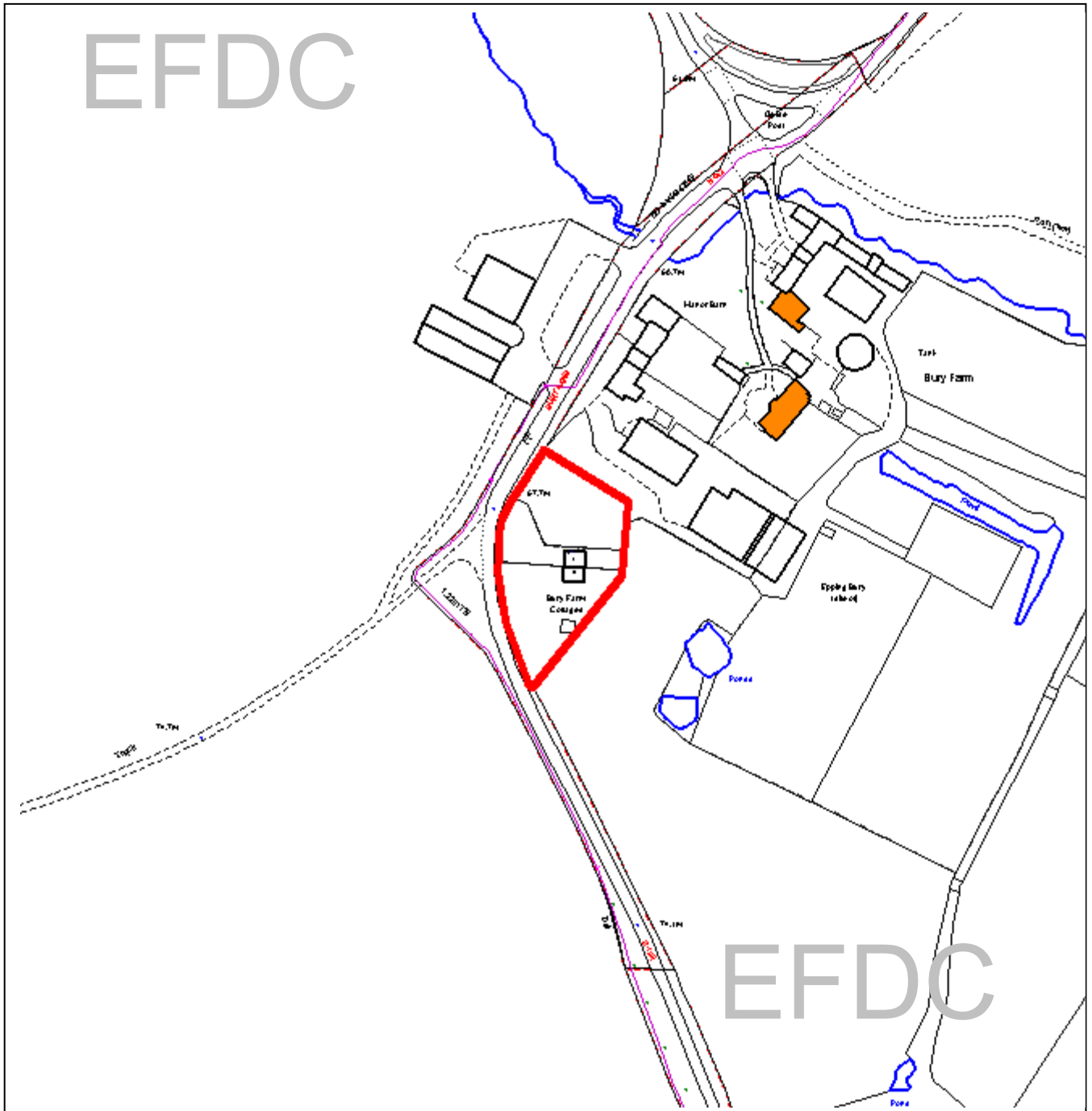
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/0846/12
Site Name:	Bury Farm Cottages, Bury Lane Epping, CM16 5JA
Scale of Plot:	1/2500

Report Item No: 8

APPLICATION No:	EPF/0856/12
SITE ADDRESS:	Cold Hall Farm Kiln Road Stanford Rivers Essex CM16 6AD
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Ms Lauram Guglielmucci
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use from barn to Car Body Repairs shop.
RECOMMENDED DECISION:	Recommend: 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=537237

CONDITIONS

- 1 The premises shall not be used for any purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order), other than for car body repairs and car spraying.
- 2 The operating hours and any deliveries associated with this use shall not take place outside the following hours:- 09.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 3 No external storage, including storage of vehicles, shall take place in connection with the use of the site unless otherwise agreed by the Local Planning Authority.
- 4 The rating levels of noise emitted from the unit hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.

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

Since it has been 'called in' by Councillor Brady (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h)) and,

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

Description of Site:

The site is situated in an isolated location within the boundaries of the Metropolitan Green Belt some two miles from the village of North Weald. The site is accessed down a private road which is also part of the local bridleway network. The farmhouse is a listed building and the immediate area also includes a number of ancillary farm buildings including the subject building. This is an “L” shaped structure finished in weatherboarding with a pantile roof. The main section of the building measures approximately 11.0m x 4.0m. A curtilage listed barn once stood on the position of this building but this was seriously damaged in a storm and this late 20th century barn was constructed in its place. The building was seemingly last used as a storage facility for the farm. The immediate area is characterised by open swathes of arable farmland.

Description of Proposal:

The proposal is a retrospective application to continue the use of the proposal site as a car body repair shop. The use would include repairs to vehicles and spraying. Such a use would fall within class B2 of the Use Classes Order 1987.

Relevant History:

There is an extensive history to the site the most relevant and recent being;

EPF/0740/08 - Grade II listed building application for the partial demolition and reconstruction of Grade II listed barn following storm damage. Grant Permission (with conditions) – 12/06/08.

Enforcement

ENF/0025/12 - New doorway made into barn. Lorries delivering late at night. No Breach – 02/05/12.

ENF/0196/12 – Car spraying in barn. Ongoing.

Policies Applied:

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB8A – Change of Use or Adaptation of Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE9 – loss of Amenity
RP05A – Potential Adverse Environmental Impacts
HC12 – Development Affecting the Setting of a Listed Building
CP1 – Achieving Sustainable development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
E12A – Farm Diversification
ST4 – Road Safety
ST6 – Vehicle Parking

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:

STANFORD RIVERS PARISH COUNCIL: No Objection subject to a restriction on hours of use, control of noise levels, outside storage and the number of cars serviced per week.

NORTH WEALD COUNCIL: Objection. Not suitable in a rural area and the only access is from Kiln Road.

1 NEIGHBOUR CONSULTED AND TWO SITE NOTICES DISPLAYED ON 25/05/12 – 8 replies received.

11 MOUNT END, COUNCILLOR HEATHER BRADY: Letter Received by the Local Planning Authority requesting that the application is heard before committee if officers are minded to approve.

NORTH WEALD BASSETT RURAL PRESERVATION SOCIETY: Objection. Inappropriate development in the Green Belt. Kiln Road is one track and only suitable for farm vehicles. The extra vehicles would be a hazard to road users.

16 FIRHAM PARK AVENUE: Objection. Petition signed by 28 people. Concern that the additional traffic would be a danger to riders using the bridleway.

1 TOWER CLOSE, NORTH WEALD: Objection. Concern about the increase in traffic and its impact on horse riders along this bridleway.

30, BUSHWOOD, LEYTONSTONE: Objection. Concern that traffic would be an endangerment to riders along the bridleway.

15 YORK ROAD: Objection. Concern about impact on walkers, horse riders and local wildlife. Concern that this would lead to expansion into the surrounding countryside.

TAWNEY BARN, TAWNEY COMMON: Objection. I feel this could be a hazard to horse riders using the bridleway as any sudden bangs or noise could easily startle a passing horse using the bridleway that passes right alongside the suggested barn. The lane between Cold Hall Lodge and Cold Hall Farm is very uneven with large potholes which will only get worse with heavy and regular vehicle access and causing another hazard to horses. Furthermore if a large vehicle (or any vehicle for that matter) meets a horse along this driveway there is nowhere for the horses to go to get out of the way of any vehicles.

COLD HALL LODGE: Objection. Concern about cars speeding along this narrow road which fades away after the burial ground to practically nothing. Concern for the many horse riders, ramblers and children that use this laneway. The use is already being carried out and workers are up and down this road several times a day. This is within an ancient landscape.

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees and comments received from the general public will also be assessed.

Green Belt Considerations

The site is in an isolated location, with no through road, and the existing access to the site is single track. The immediate area is characterised by arable farmland with sparse development and is popular with riders on horseback, as part of Kiln Road forms part of the local bridleway network.

The use applied for is already being undertaken at the site, this application having been received following an enforcement investigation. Vehicle repair uses and paint spraying, owing to their propensity to harm the amenity of residential areas, fall within class B2.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) which is now adopted and is a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, "Supporting a Prosperous Rural Economy", promotes the "sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings..." Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

The main issues in this case with regards to the criteria in Policy GB8A are; that the building is of substantial construction capable of conversion and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt, associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. This building has been recently rebuilt and is in good condition. Although the structure has been rebuilt in recent years this was due to storm damage and was not evidently with the view to securing another use.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. There can be a concern with such uses that open storage and the parking of vehicles can erode the open character of the Green Belt. However in this instance open storage and any amount of vehicle parking which may be necessary could be controlled by condition although it is not envisaged that such a use would require an excessive amount of outside storage or vehicle parking with cars arriving generally on an appointment basis and the building could easily accommodate two cars. It is therefore considered that this use would not be unduly prominent within the Green Belt.

The site is in an isolated location and would therefore result in an increased dependence on the private car to access this facility. It could not therefore be argued that the site is in a sustainable location and local plan policies and the NPPF do indicate that development should encourage the use of sustainable means of transport. However farm diversification and the reuse of buildings in the Green Belt is also encouraged at both local and national level. In this instance the reuse of an agricultural building to carry out car body repairs/paint spraying is a reasonable form of farm diversification having regard to the type of building under consideration and uses which are sometimes carried out at farms i.e. repairs to machinery, farm vehicles etc. This type of use would not have a particularly high turnover of vehicles visiting the site, owing to the nature of the development and size of the building, and perhaps would only generate a few vehicle movements a day. The forms indicate that there would only be one employee operating at the site. Again having regard to the lawful use of the site as a farm, vehicle movements are part and parcel of the everyday activities of such a use. It is therefore considered that the increased movement to the site would not have a material impact on the open character of the Green Belt.

Part of the road network from North Weald to the site forms part of the local bridleway network and is effectively a single track country lane. A number of users of the bridleway have voiced concern about the increase in traffic and its potential effect on the bridleway. However, as stated, this use would not result in an excessive increase in potential users of the roadway/bridleway and it is not considered that the use would be significantly greater than for a working farm. In that instance much larger vehicles would use the roadway. There is also the potential for everyday movements to and from the existing dwelling on the site. The concerns of users of the bridleway are noted, however the nature of this road would ensure that vehicles moved with due diligence and the approval of this scheme would not have a significant impact on road safety. Essex County Council Highways section is of the opinion that the use would not result in excessive traffic movements and would not compromise road safety.

Amenity

This use falls clearly within Class B2 of the Use Classes Order which does not include light industry (B1). B1 uses are deemed to be capable of being carried out in residential areas without causing excessive disturbance and as such B2 uses require careful consideration when located close to residential development. In this instance there is only one residential property in close proximity to the application site and it is located approximately 30.0m from the building. The proposed use includes car spraying and body repairs. From an environmental health perspective the spraying is contained within the building so there would be no health concerns. This use has the potential to create noise and disturbance. The use is being carried out on an open site and is not contained within a built up area. No complaints have been received from the adjacent house with regards to noise disturbance. This use would be inappropriate in a built up area due to noise but in this location it would not be such an issue. Subject to a condition limiting the hours of operation this use would not have an excessive impact on the amenity of neighbours in the adjacent house. It is necessary to restrict the use of the site to the use applied for as other uses would have the potential to be unsuitable in this location. A condition restricting noise emitting from the site is also deemed necessary.

Listed Building

The barn to which this application relates stands within the curtilage of Cold Hall Farmhouse a Grade II listed 17th century building. Historic OS maps show that a barn has existed on the same site since at least the mid-19th century; however, it is evident that the present structure is late 20th century in date having been rebuilt on the footprint of an earlier building. As the change of use will not cause harm to any historic fabric and there are no external alterations proposed, which will preserve the setting of the farmhouse, the change of use will not have a detrimental impact on the setting of the listed house.

Conclusion:

The proposed use of this building is in general accordance with national and local planning policy. Although not strictly in a sustainable location the development meets policy requirements with regards to farm diversification and the reuse of agricultural buildings and is viewed as being economically and socially sustainable. Road safety would not be materially affected by this proposal and the amenity of neighbours would not be excessively infringed upon. The setting of the adjacent listed building would be preserved. Appropriate conditions can be imposed to address the concerns that arise with the development in order to render it acceptable. 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:

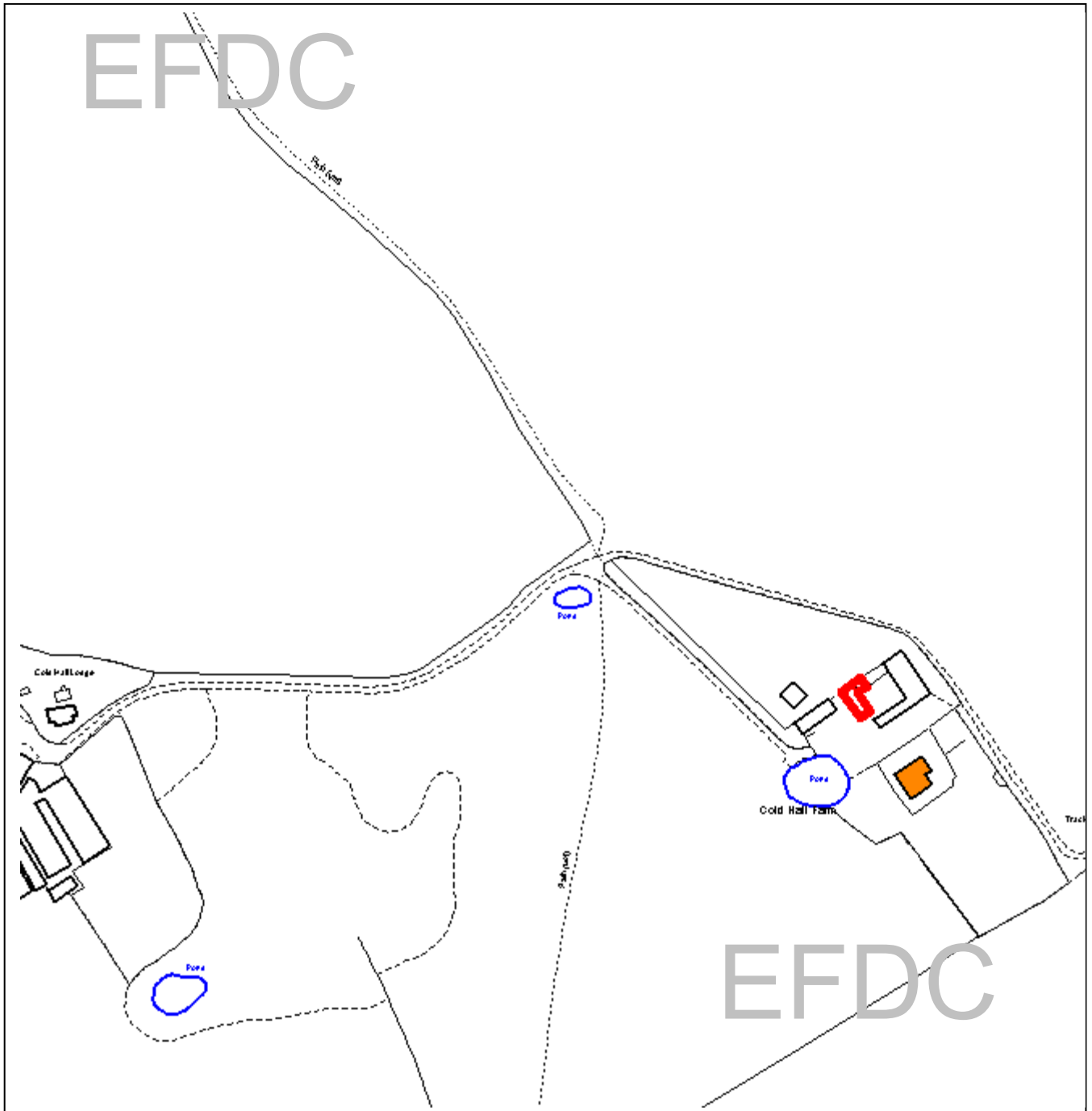
Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336

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:	8
Application Number:	EPF/0856/12
Site Name:	Cold Hall Farm, Kiln Road Stanford Rivers, CM16 6AD
Scale of Plot:	1/2500

Report Item No: 9

APPLICATION No:	EPF/0864/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities.
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=537281

CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 09.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage shall take place in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- 3 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 4 The uses hereby approved shall be contained within the buildings outlined in red on the submitted location plan and there shall be no further conversions of buildings at the site to non agricultural commercial activities.
- 5 The premises referred to on the approved location plan as Units 1B, 2A and 3A shall be for the stated B2 purposes and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) and the premises referred to as Units 6, 7A and 7C shall be for B8 use only.

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

New House Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent retrospectively to change the use of a number of farm buildings to commercial uses. These buildings are indicated on the submitted location plan, although it should be noted that a recently approved agricultural building has been omitted from the submitted plan. This building is located to the north of building 6 and was approved in 2008 as an agricultural machinery store (EPF/1549/08). The submitted proposal for retrospective change of use as detailed on the submitted location plan is as follows;

Building 1B – Change of use from former agricultural use to a joinery workshop. A company by the name of Aspect Joinery operates from the site (B2). This building is in the Essex barn style.

Building 2A – Change of use from agriculture to a micro brewery, occupied by Pitfield Brewery (B2). This building is an older style utilitarian agricultural building.

Building 3A – Change of use from agricultural to a joinery workshop, and occupied by Cube Joinery (B2). This building is also an older style utilitarian agricultural building.

Building 6 - Change of use of recently constructed agricultural building measuring 724 sq m and described as “Erection of steel portal framed strawed yard building for cattle (EPF/0024/05)” to a facility to store documents for Tabbers Ltd (B8).

Building 7A – Change of recently constructed lean-to agricultural building measuring 278 sq m and described as “Lean to extensions on existing agricultural grain store to house cattle and farm machinery (EPF/0359/08)” to a facility to store documents for Sagro Capital (B8).

Building 7C - Change of recently constructed agricultural building measuring 278 sq m and described as “Lean to extensions on existing agricultural grain store to house cattle and farm machinery (EPF/0359/08)” to a facility to store documents, Sagro Capital (B8).

A further application has been made separately for a “Grain storage building” under application EPF/2517/11.

Relevant History:

There is an extensive history to the site the most relevant and recent being;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002.
EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02.
EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08.
EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.
EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Current application (undecided).

Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

Policies Applied:

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB8A – Change of Use or Adaptation of Buildings
DBE2 – Effect on Neighbouring Properties
DBE9 – Loss of Amenity
RP05A – Potential Adverse Environmental Impacts
HC12 – Development Affecting the Setting of a Listed Building
CP1 – Achieving Sustainable development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
E12A – Farm Diversification
ST4 – Road Safety
ST6 – Vehicle Parking

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:

2 Neighbours Consulted – 5 replies received.

MORETON HOUSE: Objection. Concern about increase in activity at the site in particular the movement of large lorries which are not suitable for these roads. Concern about noise from bleeping forklift trucks. There is no restriction on delivery hours. The lacquer spraying at building 3A regularly results in pungent fumes being dispensed from the extractor equipment towards this house. The fan is left on for long periods which is disturbing. Had an application been made for these uses we would have objected and we are not in favour of retrospective consent.

FRUIT FARM COTTAGE: Objection. I am constantly disturbed by the sound of large vehicles at the site. Concern about road safety in the area. I believe that the existing buildings could be converted for grain storage as opposed to building a new structure.

SCOTTS FARM: Objection. Concern about the movement of large lorries along country roads.

HILL FARM: Objection. Concern about the commercial activity and the movement of large vehicles along country lanes.

THRESHERS BARN: Objection. Concern about large vehicle movements on the road. The roads such as ours are far too narrow to facilitate frequent use by lorries and other very large vehicles which often have trailers as well. There is nowhere for large lorries to turn. Concern about damage to the water drainage system.

PARISH COUNCIL: Objection. Concern about the increase in large vehicles using the local road network. Concern about chemical smells and air pollution. Whilst the Parish Council usually supports the growth of small businesses and the economic benefits this brings to small rural areas it feels like it cannot in this instance.

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees, the planning history of the site and comments received from the general public will also be assessed.

Green Belt Considerations

The existing buildings on the site vary in size and style with some smaller, older farm buildings and other more recently constructed modern pre-fabricated structures. Buildings 6, 7A and 7C were granted consent as buildings to house cattle. The applicant has stated that he has since moved away from organic farming and back to grain production and its subsequent storage for distribution. These buildings are now in use as document storage facilities and the applicant claims that these buildings are unsuitable for grain storage having been constructed as cattle housing. An application has also been received for a further grain store (EPF/2517/11). A supporting statement has been received from an Agricultural Consultant, Mr Richard Allen, which confirms that existing buildings on the site not being used for grain storage are unsuitable for grain storage. The reasoning given is that the structures are “too light to take the thrust of grain” and a need for specialist designed buildings to accommodate the “powerful farm machinery used to load it in and out of the buildings”. The need for a new grain building will be assessed under the separately made application but this information is of use as background to this application.

This application for the change of use of the buildings must be judged under current Local Plan policies with regards to the reuse of farm buildings and other relevant policies.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, “Supporting a Prosperous Rural Economy”, promotes the “sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings”. Paragraph 90 of section 9, “Protecting Green Belt Land”, states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a “presumption in favour of sustainable development” with three strands outlined – economic, social and environmental.

The main issues in this case with regards to the criteria in Policy GB8A are; that the building is of substantial construction capable of conversion and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt, associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. The buildings have all been constructed in a manner which makes them easily converted to B2

and B8 uses. Although some of these buildings have been constructed in recent years the Local Planning Authority must take the view that they were constructed with a view to progressing the agricultural business at the site and owing to changes in work practices at the site are now no longer suitable.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. The existing site is a working farm which experiences a reasonable level of traffic volume on a daily basis. This use has not ceased with the conversion of these buildings. The issue is whether the change of use would significantly increase the amount of traffic visiting the site. A further consideration is the recent NPPF guidance which confirms the appropriateness of the change of use of agricultural buildings as per local policy GB8A and which promotes sustainable growth in rural areas "in order to create jobs and prosperity". The proposed uses would lead to an increase in traffic visiting the site. However, the advice from Essex County Council Highways Section is that the types of uses would result in a relatively low level of movement especially when compared to a fully functioning farm. There are no recorded instances of accidents in the immediate vicinity. There is some sympathy for local residents with regards to traffic movements along quiet country lanes. However this must be balanced against whatever economic benefits such changes of use bring.

The joinery workshops are both employing people from the locality and in this regard are making a positive contribution to sustainable economic growth in a small rural area. Movements to and from the site for this reason would not be excessive. The micro brewery makes a similar contribution and has evidently been in existence for a number of years without any cause for concern. It is considered that such a use is appropriate at a working farm and although no supporting statement has been provided with regards to farm diversification; such a use is a popular example of farm diversification owing to the type of grains grown at certain farms. Therefore these uses, notwithstanding the issue of increased traffic, would make a positive contribution to the immediate locale. These subject buildings (1B, 2A, 3A on the submitted plan) have seemingly been in existence for some time and do not appear to be appropriate for modern grain storage. Taken within the context of the site external parking would not be excessively intrusive within the Green Belt and outside storage could be controlled by condition. Therefore having regard to all relevant considerations in both local and national policy, on balance, these uses are deemed an appropriate reuse of agricultural buildings.

Three of the buildings (6, 7A and 7C) are being used for document storage. As stated the applicant claims that these buildings are not suitable for grain storage owing to the fact that they were designed for other purposes. A separate application has been made for a new grain store at the site. The suitability of existing buildings should be judged as part of this application, however these buildings must be judged in line with Policy GB8A in that an applicant has applied for another use for buildings which, from his farming perspective, had become obsolete. In this regard storage of materials is highlighted in Policy GB8A as one of the more appropriate uses of redundant agricultural buildings and that there is an increased demand to store such things as legal documents. The use can be clearly contained within the agricultural buildings and would not therefore result in open storage. Such long term storage would not result in excessively frequent trips to the site. It is therefore considered that, notwithstanding their potential suitability for grain storage, which will be dealt with under application EPF/2517/11, the current use of these buildings is an appropriate one.

Amenity

The proposed uses are located in a relatively isolated location although there are two neighbouring properties on the opposite side of the road and the main listed farmhouse to the south. The issue of road safety has already been addressed in this report and concerns noted. These uses for the most part would not seriously infringe on amenity. Noise from a working farm would generally be expected. A condition controlling the level of noise emitting from the individual uses at the site and

one controlling hours of operation is deemed appropriate. The adjacent neighbour at Moreton House has raised concern about pungent smells from building 3A and the noise from reversing forklifts is infringing on his general amenity and in particular on his enjoyment of his garden area. Many modern farm vehicles have similar reversing mechanisms and it is not considered that such disturbance is totally uncommon in a rural area. The disturbance that this brings is recognised, however the condition controlling noise levels and hours of operation should reduce this to an acceptable level. Such disturbance would be more reasonably classed as a minor irritation as opposed to having such an impact on amenity to warrant a refusal of this scheme.

It is conceivable the fumes from unit 3A would be drifting towards the garden area of Moreton House. There are no records with the Environmental Health section of the Council of this having previously caused a serious nuisance. It is recognised that the use of the site would result in some loss of amenity from fumes. However the property is served by a relatively large garden area and the main house is some 45.0m from the workshop. It is therefore considered that the use of the site is acceptable, however if the nuisance level is sufficiently high occupants of the neighbouring property have recourse through separate legislation covering environmental nuisance and contact with the Environmental Health section of the Council would be advised.

Listed Building

The main farmhouse on the site is a listed building. However the conversion of existing buildings would have no material impact on the setting of this building.

Conclusion:

The proposed use of these buildings when considered against local and national policy, which makes provision for the reuse of agricultural buildings in the Green Belt, is deemed appropriate. The application for a further building at the site will be considered under the separate application. The concern of local residents and the Parish Council is duly noted but it is considered these concerns can be mitigated with appropriate conditions. These uses are however deemed acceptable and therefore recommended for approval with conditions.

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

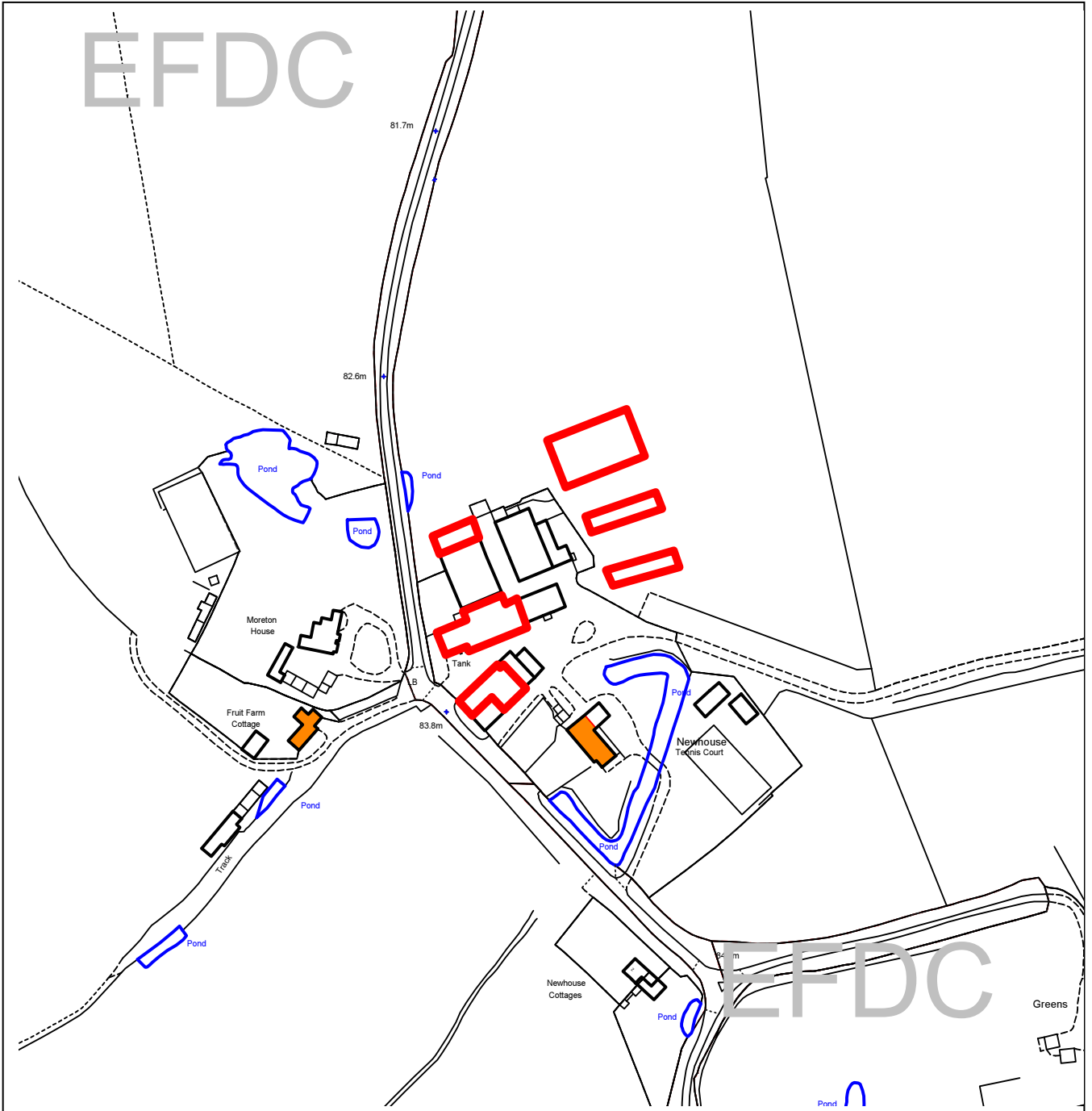
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 564336***

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:	9
Application Number:	EPF/0864/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 10

APPLICATION No:	EPF/2517/11
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	W W J Collins
DESCRIPTION OF PROPOSAL:	Erection of an agricultural steel portal framed purpose designed grain storage 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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533534

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 be as detailed on the approved plan, 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 tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 4 The building hereby approved shall only be used for agricultural purposes and for no other purpose including non agricultural commercial activities.

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 The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

New House Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent to construct an agricultural grain store at the farm and at the rear of the existing group of farm buildings in an open field. The structure would have a floorspace of 36.5m x 20m, an eaves height of 7.5m and a ridge height of 10.2m. The finished materials would be plastisol coated steel with a precast concrete wall for the first 3.0m from ground level.

Relevant History:

There is an extensive history to the site the most relevant and recent being;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002.

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02.

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08.

EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.

EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities – Current application (undecided).

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural Buildings

DBE9 – Loss of Amenity

HC12 – Development Affecting the Setting of a Listed Building

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:

SITE NOTICE DISPLAYED: No objections received for this application.

PARISH COUNCIL: No Objection.

Issues and Considerations:

The main issues regarding this development relate to any impacts the proposal may have given its location within the Metropolitan Green Belt. Impact on neighbour amenity will also be assessed. The planning history of the site is another material planning consideration.

Green Belt Considerations

The planning history of the site outlines that a number of agricultural buildings have been constructed at the site in recent years. The applicant has stated that a reversion to conventional farming from organic will result in a greater yield and thus a need for greater storage space. The need for greater storage space is accepted, however the concern is that buildings currently being used for commercial purposes may be suitable for grain storage thus removing the need for more buildings and rendering the building not demonstrably necessary for the purposes of agriculture within the unit in line with Policy GB11.

The main building on the site currently being used for grain storage was approved in 2002 under application EPF/1785/02. This building had an eaves height of 6.0m and a ridge level of 8.6m. The plans indicate "grain walling" as part of the make up of the building. A cattle building was approved in 2005 (EPF/0024/05) with an eaves height of 5.5m. This building was open sided originally and is now enclosed. Two open side extensions were approved on the side elevations of the existing store (EPF/0359/08) and these have subsequently been infilled. These have an eaves height of approximately 4.5m. The three latter additions at the site are currently being used for document storage. The issue is whether these buildings are suitable for grain storage.

The applicant and his agent, Mr John Allen, indicate that these buildings are not suitable for grain storage as they were not designed for this purpose. It is clear that these buildings were approved with open sides and the only approved grain store at the site has pre-cast concrete walls designed for this purpose. Although two side extensions have been added to this building the pre-cast concrete walls are still clearly visible. The cattle building approved in 2005 and the extensions approved to the grain store in 2008 can clearly be seen on aerial photographs as having open sides. This adds credence to the applicant's claim that these buildings were not suitable for grain storage. They have since been adapted by filling in the sides but not with pre-cast concrete which would seemingly make them suitable for grain storage but with a plastisol finish. There is an argument that these buildings could have been adapted for grain storage, however the reversion to conventional farming and its increased yield seems to have been a fairly recent decision at the farm when these buildings had already been adapted. It would now appear unreasonable to have these buildings converted for grain storage if indeed they would be useable for this purpose. Consequently it is accepted that the existing buildings on the site are not wholly suitable for grain storage in their current state.

It has therefore been sufficiently demonstrated that the new grain store is demonstrably necessary for the purposes of agriculture within the unit, in line with policy GB11, and having regard to the submitted letters by the applicant and his agent. It is further accepted that other buildings at the site, in non agricultural use, are not wholly acceptable for grain storage.

Policy GB11 also requires that the building would not have a detrimental impact on the appearance of the locality or nearby residents. The proposed building is similar in bulk and scale to the other agricultural buildings on the site. Taken in this context it would have no serious impact on the appearance of the area and with no immediate neighbour, no impact on amenity. The building would be viewed as one of a cluster of large structures and the submitted plans show an intention of grouping the buildings together as opposed to allowing unnecessary spread into the surrounding Green Belt. The proposed development would have no impact on highway safety and would not affect any sites of importance thus complying with Policy GB11. Overall the proposal is in general compliance with this policy.

Conclusion:

It is considered that it has been demonstrated by the applicant that this building is demonstrably necessary for the purposes of agriculture within this unit and that existing buildings are not appropriate for grain storage. The development would have no impact on amenity and is generally compliant with local policy and national guidance contained in the NPPF. 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:

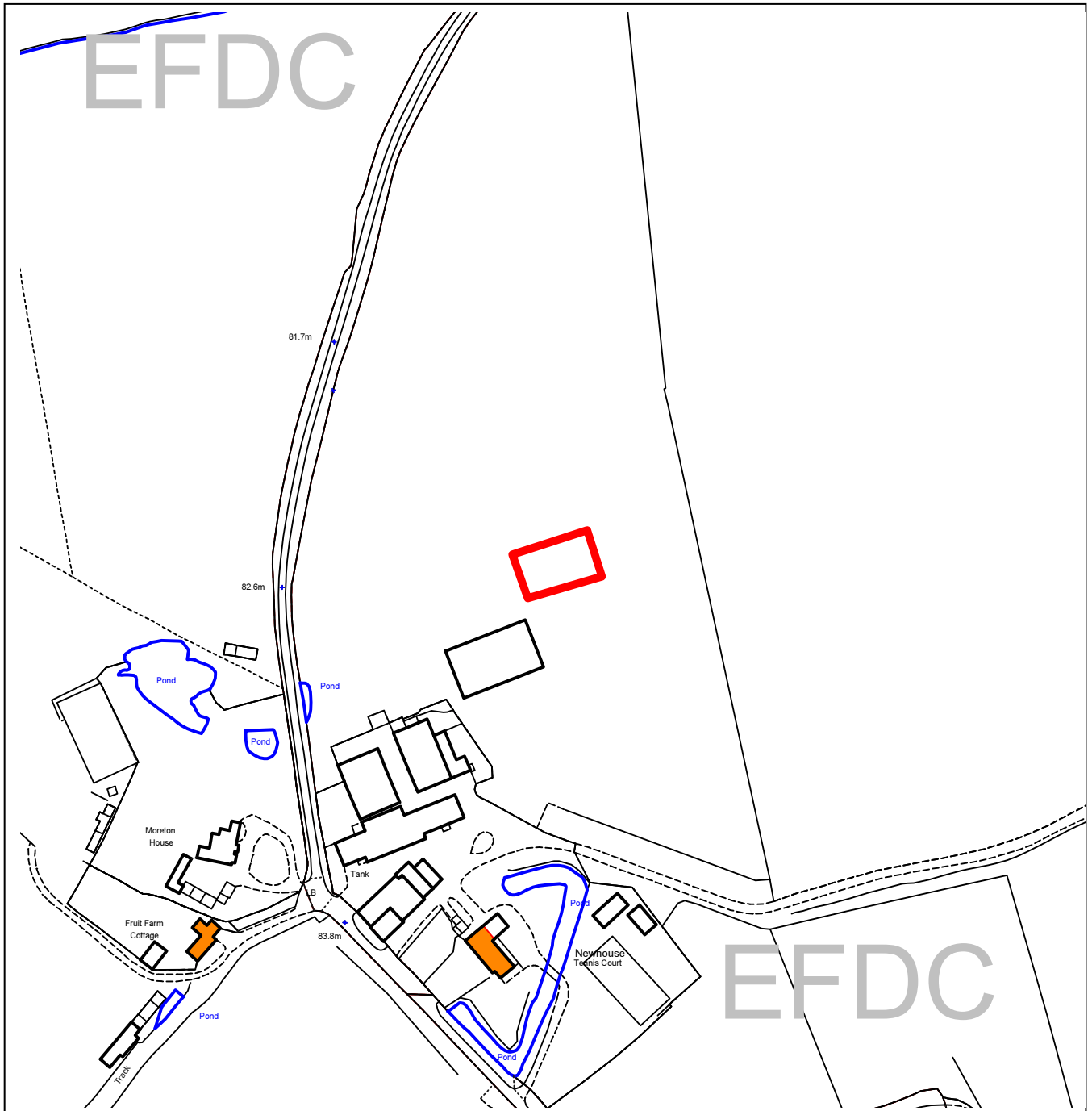
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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:	10
Application Number:	EPF/2517/11
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 11

APPLICATION No:	EPF/0871/12
SITE ADDRESS:	9 Charles Street Epping Essex CM16 7AU
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs Robin Hellier
DESCRIPTION OF PROPOSAL:	Two storey side extension and alterations to front roof above existing entrance with installation of rooflights.
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=537319

CONDITIONS

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

This application is before this Committee since it is an application submitted by a member of staff of the Directorate of Planning And Economic Development (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(j)).

Description of Site

A two storey semi-detached house located on the north side of Charles Street. The property is not listed nor does it lie in a conservation area

Description of Proposal:

Two storey side extension and alterations to front roof above existing entrance with installation of rooflights.

Policies Applied:

DBE9 – Loss of amenity.
DBE10 – Residential extensions.

Summary of Representations:

EPPING TOWN COUNCIL – no objections.

NEIGHBOURS – 5 properties consulted and no replies received.

Issues and Considerations:

A two storey side extension of 1.6m width is proposed, but a 1m gap between this extension and the side boundary with number 13, Charles Street will be maintained. Consequently the proposal will not lead to a cramped appearance in the street scene. This side extension will be recessed 0.15m behind the main front wall of the house. In addition the front section of the first floor of the extension will have a sloping roof, which will be significantly lower than the existing gable end roof over the main two storey front bay of the house. The proposed extension will therefore read as subordinate to the existing house, and its design is acceptable.

A small first floor storeroom extension is proposed in a recessed position on the other side of the main front bay of the house. This small extension will have a sloping roof over it, which will continue downwards over the existing ground floor porch, and the appearance of this small extension is also acceptable.

The proposed extensions are modest in scale and they will have a very limited impact upon the amenity and outlook of neighbouring properties. The town council raise no objections and no comments have been received from neighbours.

Conclusions:

It is recommended that conditional planning permission be granted.

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

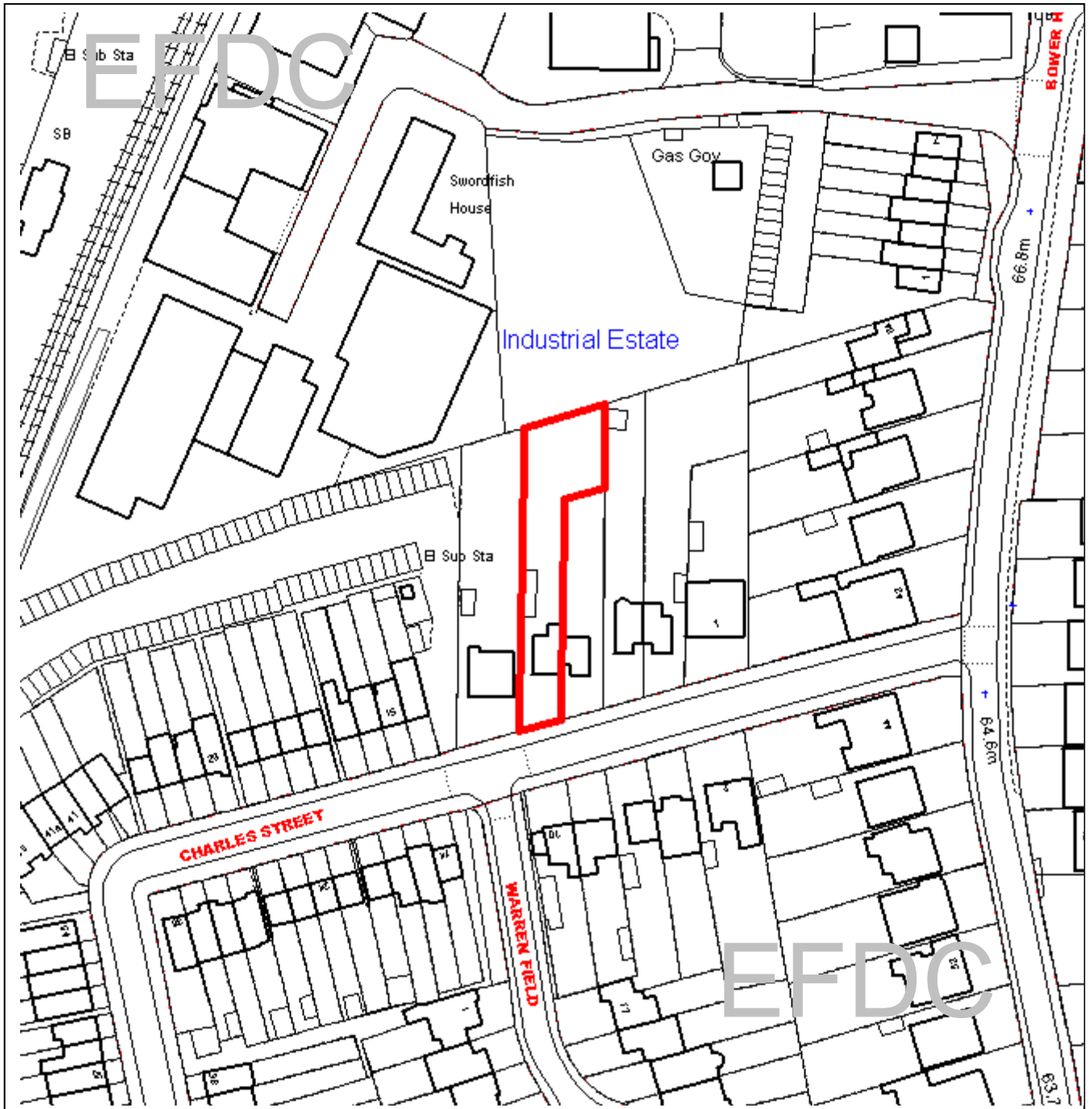
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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:	11
Application Number:	EPF/0871/12
Site Name:	9 Charles Street, Epping CM16 7AU
Scale of Plot:	1/1250

Report Item No: 12

APPLICATION No:	EPF/0904/12
SITE ADDRESS:	The Orchard Queens Head Yard The Street Sheering CM22 7LN
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Stephen Foley
DESCRIPTION OF PROPOSAL:	Proposed new 3 bedroom detached, two storey house with parking and proposed new garden area.
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=537406

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: BF/SF/001
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor front elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 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.

- 7 If any 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.
- 8 The turning area shown on the approved plans shall be provided prior to the first occupation of the site and retained thereafter free of obstruction to enable a vehicle to turn and leave in a forward gear.
- 9 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.
- 10 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]
- 11 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]

- 12 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]
- 13 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.
- 14 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.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since 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 cannot 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 southern side of The Street, Sheering, behind No's. 14, 16 and 17. The application site currently contains a small brick built building that has a Certificate of Lawfulness for use as a residential dwelling, along with an associated yard/garden, parking, and vehicle access. The site is bounded to the east by No's. 18 to 22 Queens Head Yard, The Street,

which are a row of two storey terrace properties facing onto the site. This adjoining land also gives access to No's 23 and 24 Queens Head Yard, which face onto the adjacent football ground. To the south of the site is said football ground. To the immediate north of the site are the rear gardens of No's. 14, 16 and 17 The Street, and to the west is the rear garden of Wheelwrights Cottage. The section of the application site containing the dwelling, parking and access road (the section previously considered lawful for residential use) is located outside of the Metropolitan Green Belt. The area of proposed side garden is located within the Green Belt, and has a current lawful use as a storage yard.

Description of Proposal:

Consent is being sought for the removal of the existing residential property (the brick built building previously granted a Certificate of Lawfulness) with a two storey three bed detached dwelling. The proposed new dwelling would be L shaped to a width of 10.4m and a total depth (including the rear projection) of 8.4m. The dwelling would have a gable ended pitched roof to a ridge height of 8.2m and rear projecting ridge height of 7.2m. The existing access would be retained and utilised with parking along the roadway and a turning head at the front/side of the proposed house. The proposed garden would be on the storage yard and would therefore encroach into the Green Belt.

Relevant History:

EPF/0276/76 - Outline application for one dwelling – withdrawn 23/06/76

EPF/1577/76 - Outline application for two dwellings – refused 17/01/77 (appeal dismissed 27/09/77)

EPF/1720/80 - Formation of a vehicular access and erection of 6ft high chain link fencing to enclose drive and land adjoining – approved/conditions

EPF/0123/83 - Retention of vehicular access and compound for a further period – approved 11/03/83

EPF/0890/85 - Outline application for house and garage – refused 04/11/85

EPF/0395/88 - Outline application for dwelling house and garage – refused 13/05/88

CLD/EPF/1043/11 - Certificate of lawful development for existing use of building for residential purposes and use of land as garden – lawful 14/07/11

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB4 – Extensions of residential curtilages

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE8 – Private amenity space

DBE9 – Loss of amenity

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

The above policies form part of the Councils 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:

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

PARISH COUNCIL – None received.

21 QUEENS HEAD YARD, THE STREET – Object as this would result in a loss of light to the neighbours and due to ground disturbance and water issues.

22 QUEENS HEAD YARD, THE STREET – Object as this would be out of proportion with the existing dwellings in Queens Head Yard, as there would be a loss of light and visual amenities to neighbours, and due to issues with the restricted access.

17 THE STREET – Object as the land is in the Green Belt, the proposed house would be overwhelming and unsuitable 'out of scale with neighbouring properties', and as there is a need in the area for smaller, less expensive properties. Previous applications have been refused here due to inadequate access. There would be no objection to a single storey house.

WHEELWRIGHTS COTTAGE, THE STREET – Object due to overlooking and due to access issues to Queens Head Yard.

Issues and Considerations:

Numerous planning applications have previously been refused on this site for the erection of houses, with the latest (1988) being refused as part of the site is located within the Green Belt and the erection of new dwellings constitutes inappropriate development, and as the vehicle access serving the dwelling is substandard and does not allow for adequate visibility splays to obtain suitable sight lines.

Notwithstanding the planning history to the site, a Certificate of Lawful Use was considered lawful in 2011 for the use of the access and eastern part of the site for residential purposes. Whilst the existing small brick built building located on site is windowless and appears uninhabitable, sufficient evidence was provided to the Council to prove that the applicant had resided in the building for in excess of four years. Therefore, the brick building now constitutes a lawful residential dwelling.

Suitability of the site:

The eastern section of the land (where the new dwelling, access road, parking area and turning head, and immediately adjacent amenity space would be located) is located within the lawful residential curtilage of this site, which is outside of the Green Belt. There are no in principle objections to replacing a house either within or outside of the Green Belt, and the issues with regards to a comparative size (i.e. a replacement dwelling 'not materially larger than that which it would replace') are only relevant to Green Belt sites. As the new replacement dwelling would not be located within the Green Belt there is no standard size requirement that the replacement dwelling would have to comply with. However it would have to be appropriate to the site and surrounding area, and would be subject to all other assessments (such as impact on neighbours, design, etc.).

Although previous applications for new dwellings on this piece of land have been refused, these pre-date the lawful residential property being on site and therefore would have been assessed differently from this case. Whilst Sheering is not in a sustainable location, as it is not well served by public transport or local amenities, there is no net gain in terms of number of units on the site. Whilst a three bed dwelling would likely result in greater levels of traffic movements than a single bed building that it would replace, this would not be significant enough to warrant a refusal.

Whilst the proposed replacement dwelling would be located outside of the Green Belt, the proposed amenity space would encroach onto the western part of the site, which is within the

designated Green Belt. Local Plan policy GB4 states that extension of residential curtilages into the Green Belt will be permitted where:

- (i) *it would not have an adverse effect upon the open character of the landscape, and*
- (ii) *it would relate well to the curtilages of any adjoining residential properties; and*
- (iii) *it would not be excessive in size.*

The proposed curtilage extension would effectively infill the current storage yard between the now lawful curtilage of the application site and the rear curtilage of Wheelwrights Cottage. It would retain the village boundary line set by the residential properties to the east and west of this site, and therefore is considered to comply with the above policy.

The proposed site, with the encroachment into the Green Belt, would provide adequate levels of private amenity space that would not suffer from any undue loss of privacy, would provide adequate off-street parking provision, and would allow sufficient turning space to allow vehicles to enter and leave in forward gear. As previously stated, whilst the existing access is substandard this is used to serve the lawful residential use on the site and therefore its continued use is considered acceptable.

There are current boundary disputes between the neighbouring residents in Queens Head Yard and the applicant with regards to the access road and the erection of fencing. Concerns have been raised with regards to this and regarding the inability for emergency vehicles to access the site (and the difficulty that will be experienced with construction vehicles accessing the site to undertake the development). However the access road subject to this application and that serving Queens Head Yard are private roads and the boundary dispute is a civil matter between the land owners. Therefore, this issue does not form any part of the consideration for this application.

Impact on neighbours:

Given the scale and nature of the lawful dwelling on the site, the proposed development would result in the erection of a building approximately five times larger than that which it replaces. As the replacement dwelling would be outside of the Green Belt there are no restrictions on the size of a replacement dwelling aside from what can be accommodated on the site without being detrimental to the surrounding area.

A property of this scale, two storeys in height, would clearly have a greater visual impact on neighbouring residents than the existing building, particularly as the entrance and frontages of the dwellings on Queens Head Yard face onto this site. However, the proposed new dwelling would be located some 3m from the side boundary of the site (adjacent to the access to Queens Head Yard) and some 8.5m from the neighbours front walls. The immediately adjacent neighbour (No. 22 Queens Head Yard) contains no first floor front windows, and only has the front door and a small obscure glazed window facing the site. The width of the proposed new dwelling at its closest point would match that of this neighbour and would not extend beyond the first floor rear wall of the immediately adjacent neighbour (which benefits from an additional 2.5m deep single storey projection), and would therefore not detrimentally impact on this neighbour's rear garden. The main impact from the replacement dwelling would therefore only be on the access road and entrances to the properties in Queens Head Yard. There are no side windows within the proposed house facing onto these neighbouring properties.

In addition to the above, the replacement of the existing, somewhat unsightly, brick building and untidy yard area and its replacement with a suitably designed dwelling, further set back from the side boundary, could be considered a visual improvement to the setting of the neighbouring properties.

The proposed dwelling would be located 6m from the rear fence of No. 17 The Street, which has a garden some 18m in depth (12.5m from the rear wall of the extensive single storey rear addition). This distance is considered sufficient to ensure there would be limited visual harm and loss of light to the neighbour's property. The new dwelling has been designed to ensure that all first floor windows facing No. 17 The Street are obscure glazed, to protect against any loss of privacy to this neighbour, and the established existing hedge is shown to be retained. These factors can be suitably controlled by conditions.

An objection has been received from Wheelwrights, The Street, with regards to overlooking from the new dwelling. Whilst there are first floor flank windows proposed in the new dwelling, which would face onto the rear garden of Wheelwrights, these would be located some 20m from the shared boundary. This exceeds the recommended 15m distance between new first floor rear windows and shared rear boundaries as laid out in the Essex Design Guide and, as such, the proposed distance would be more than sufficient to ensure that there would be no undue loss of privacy to this neighbour.

Design:

The proposed dwelling would be of a suitable design with traditional materials. The height of the proposed dwelling would be comparable to the adjacent properties in Queens Head Yard and it is not considered that this would be overbearing in comparison to the surrounding dwellings. Whilst the terrace houses in Queens Head Yard, and the original properties to the front of the site, are all relatively small dwellings, the overall size of the proposed dwelling would be in keeping with several surrounding properties in terms of size, including Wheelwrights Cottage, The Old Queens Head, The Twinings and The Elms. With the extended garden the dwelling would be suitably sized in comparison to the plot, and would be a visual improvement over the existing site and building.

Highways/access:

Previous applications have been refused for a residential property on this site due to the substandard vehicle access. Whilst the access arrangements have not changed since these refusals, the access now has a lawful use to serve a residential unit on the site. Due to this, it would be unreasonable to refuse planning permission for a replacement house on this basis. Whilst some weight has been given to the intensification of use that would result from the development, as the small single storey dwelling would be replaced by a considerably larger three bed 'family' house, it is still considered that the vehicle movements would not be dissimilar to the existing use as a small residential dwelling and storage yard. Therefore, despite the poor vehicle access, it is not considered that the development would be any more harmful to highway safety than the existing situation.

Objection has been received from neighbouring residents with regards to works to the access with reference to 'encroachment' of land and the erection of fences. The LPA is aware of long standing boundary disputes on this site with regards to the access and the erection of fencing, however this is not an issue with which the Council can get involved. This is a civil matter between the owners/users of the land and does not impact on this application. If the access road becomes narrower than shown as a result of the boundary dispute then this would still be no different to the lawful situation on site, and therefore this would not alter the decision of Planning Officers.

Issues of access for emergency vehicles has also been raised, however this would not be a relevant consideration in this instance. Building Regulations can ensure that the new dwelling is adequately catered for in terms of fire risk, which would overcome the need for immediate access from the Fire Brigade, and as the access ways are private and are currently closed and/or fenced off, emergency access to the neighbouring properties at Queens Head Yard are already restricted. The replacing of this dwelling would not alter the situation and therefore this is not considered to be a material planning consideration of any significant weight.

Other matters raised:

An objection has been raised with regards to potential issues resulting from construction traffic on the site, and any possible subsidence and damage to services that this may incur, along with issues regarding the impact on the existing water supply. These issues would all be dealt with under other legislation such as Building Regulations and, as such, they are not material considerations in this application.

A neighbour has stated that "*Sheering does not need any more large pretentious houses, there is a need for small less expensive properties*". It is unclear whether this statement is based on any evidence or is purely personal opinion, however it is understood that the applicant, who currently resides within the small brick shed and a residential mobile home on the site, is intending to live in the replacement dwelling. As such, this proposal would be largely based on his personal needs rather than to meet any form of market demand in the area. Notwithstanding this, the proposed three bed house is not particularly 'large' or 'pretentious', and the application site is of a size whereby a three bed house could easily be accommodated with sufficient separation from the site boundaries, adequate amenity space and suitable off-street parking provision. Therefore, it is considered that this size dwelling would be suitable for this location.

Conclusion:

Whilst previous applications for the erection of dwellings on this site have been refused, the site now has a lawful use for residential purposes. Therefore, the principle of a dwelling on this site is no longer a reason for refusal, and the existing, albeit substandard, access is in place and would be unchanged as a result of this development. Although the replacement dwelling is significantly larger than the existing brick built (residential) building on the site, and would extend the area of residential curtilage into the adjacent piece of Green Belt land, this would not be unduly detrimental to neighbours amenities and would meet the requirements of the relevant Local Plan policies. The increase in traffic using the substandard access would be minimal and not sufficient enough to warrant a reason for refusal, and the other issues raised by neighbouring residents are given little, if any, weight in this decision. Therefore the application is recommended for approval.

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

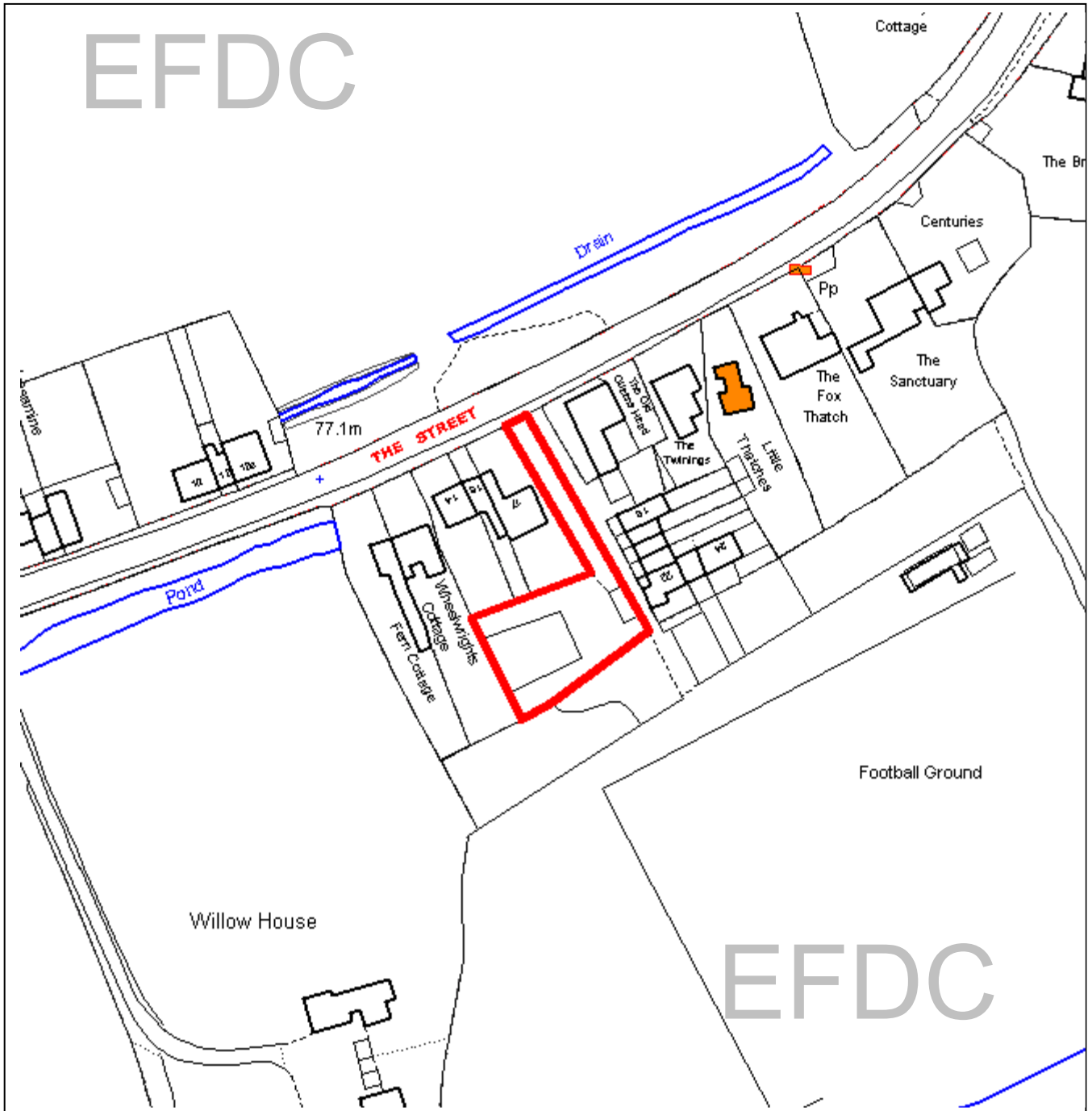
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	12
Application Number:	EPF/0904/12
Site Name:	The Orchard, Queens Head Yard The Street, Sheering, CM22 7LN
Scale of Plot:	1/1250

Report Item No: 13

APPLICATION No:	EPF/0991/12
SITE ADDRESS:	34 Great Stony Park High Street Ongar Essex CM5 0TH
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Scott Jarvis
DESCRIPTION OF PROPOSAL:	Single storey rear extension and extending the existing decking area. (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=537747

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 details shown on the submitted plans, additional drawings that show details of the proposed new window and door openings 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.

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 Proposal:

It should be noted that the proposed application is a revised application as the most recent application, EPF/0014/12, was refused. This application was for a single storey side and rear extension that wrapped around the corner of the building. The application was refused for the following reason:

The proposed development, by reason of its design, height in relation to existing architectural features, proposed materials and projection to the side, detracts from the character and appearance of the existing building, the conservation area and street scene contrary to policies CP2, HC6, HC7, DBE4 and DBE10 of the Adopted Local Plan and Alterations and Government guidance contained in PPS5. Furthermore, due to the nature of the conservation area, the proposal would lead to an unwanted precedent further eroding the group value of this conservation area.

The applicant has now revised the design of the proposed extension by removing the side element of the extension. The applicant now seeks planning permission to remove the existing conservatory to the rear of the dwelling and replacing it with a single storey rear extension. The proposed extension would more or less have the same building footprint as the existing conservatory although the ridgeline of the extension would be slightly higher than that of the conservatory. Materials for the extension are to consist of facing brickwork and plain tiles to match those of the existing dwelling.

It is also proposed to extend the existing decking area to the side of the building. Approximately an additional 20 square metres would be proposed. The decking area would be extended right up to the side boundary of the property.

Description of Site:

The site accommodates a three-storey dwelling that forms part of a block that has been divided into 5 dwellings. Great Stony Park is a gated development, situated around an open grassed area, which forms the Great Stony Park Conservation Area. The site was originally an orphanage school with each block a dormitory set around the circular green. The buildings were converted to domestic residential use in the late 1990's and the Conservation Area as a whole is a very well preserved example of its type with the group of buildings being complete and largely unaltered. The application site backs on to the Arts centre and has an existing timber conservatory to the rear, which is to be replaced. The application site is within the Metropolitan Green Belt. To preserve the buildings as a group, at the time of conversion restrictive conditions were added to the permission, which removed permitted development rights for Class A, B, C, D, E, F and H of Part 1 and Class A of Part 2.

Relevant History:

EPF/1594/04 - Erection of rear conservatory (approved)

EPF/0012/12 - Single storey side and rear extension (refused)

Policies Applied:

Local Plan policies relevant to this application are:

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE9 – Impact on amenity
- DBE10 – Design of Residential Extensions
- DBE4 – Design within the Green Belt
- HC6 – Character, Appearance and Setting of Conservation Areas
- HC7 – Development within Conservation Areas
- GB2A – Development within the Green Belt

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 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.

Summary of Representations

ONGAR TOWN COUNCIL: Objects

Ongar Town Council appreciates the revisions in this amended application but remains very concerned about this important site where the unity of style is of great value. At this time when heritage asset review is being completed and the new local plan is in preparation the Council is concerned about any application that might be construed as setting a precedent.

NEIGHBOURS:

The application was advertised to adjoining property occupiers and a site notice was placed on site. Three representations were received from the following occupiers:

13 GREAT STONEY PARK – Objects

The site is located within the Great Stony Park Conservation area and the proposed development would be at odds with the Edwardian architecture in this area. If allowed, there would be a flood of similar developments proposed and as such result in further detriment to the character and appearance of the surrounding locality.

35 GREAT STONEY PARK – Objects

The proposed development would be visually intrusive and would result in a loss of light. The proposed development would be out of character with the Great Stony Park Conservation area and would set a precedent for future proposals. The development could potentially result in further problems in relation to drainage within the surrounding locality.

38 GREAT STONEY PARK – Objects

The proposed development would change the character and appearance of the surrounding locality.

The proposed development, if allowed would result in setting a precedent for other similar applications.

The development would result in being visually intrusive and result in a loss of light.

Issues and Considerations:

The main issues with this proposal relate to impact on amenity, the Green Belt, appropriateness of the design in the Great Stony Park Conservation Area and whether the revised application has overcome the Council's previous refusal.

Amenity:

The proposal is for a single storey extension and this will be sited some distance from No. 35 Great Stony Park. The rearwards element of the extension replaces the present glazed conservatory. It follows a similar footprint at the boundary with No. 35 as with the existing conservatory. Although the roof is slightly higher and it would be finished in brick, a degree of

separation is retained from the boundary and this is considered generally acceptable in terms of neighbouring occupier's outlook and amenity.

Green Belt:

The proposal results in a floor area increase of some 13m². Given the relatively modest floor size of the proposal and the location of the proposal within a built up enclave on the edge of a settlement, it is considered that the proposal is a limited extension to the property and does not harm the openness and character of the Green Belt in this location.

Conservation Area and Design/ appearance:

This private residential estate is a very well preserved example of its type with the group of similar buildings being complete and largely unaltered. The character of this Conservation Area derives from the quality of the built environment and the uniformity of the design and materials used in the buildings.

The main reason why the previous application was refused was that it incorporated a side extension. It was concluded that a side extension in this location would be clearly visible within the Conservation Area and that it would erode both the original appearance of the front elevation and the vertical proportions of the building by splaying the footprint to the side.

Any additions to the buildings should remain at the rear of the properties in order to maintain the uniform appearance of the buildings, which is very important to their group value.

It should be noted that rear extensions and conservatories have been granted planning permission in the past on other properties within the Great Stony Park area. So the proposed development would not result in causing a precedent within the surrounding locality due to being the first of its kind. However in saying this, each application is judged on its own planning merits.

Now that the applicant has revised the application to remove the single storey side element of the extension, it is considered that the proposed development has overcome Council's previous reason of refusal. The proposed single storey rear extension is of a simple design and sympathetic to the form and appearance of the original building. As it is now limited to the rear of the building, does not project beyond the side elevation and that it occupies a similar building footprint to the conservatory, it is considered that it would not have an adverse impact to the Great Stony Park Conservation Area. Council's Conservation Officer has no objections to the proposed development subject to conditions requiring further details in relation to window and door openings and materials.

Its size, scale and siting are appropriate in that it would not result in an excessive amount of bulk or massing to the original building. It would appear subservient and form an integral part to the building.

The proposed extension to the decking area is also considered appropriate in relation to its size, scale and siting. It would not be seen from the highway due to existing screening on the boundaries and it would not result in a detrimental impact to the character and appearance of the surrounding locality and the street scene.

Other issues:

It was suggested within one of the neighbour's objections, that all applications within the Great Stony Park Area should be automatically consulted to all freeholders as specified within the Section 106 Agreement when the buildings were converted into residential dwellings back in 1998.

This is not a material planning consideration in the assessment of this application but rather is a procedural matter. However to clarify this situation, both the Council's Conservation Officer and Legal Officer have looked at the Section 106 Agreement and there is no requirement within this agreement for the Council to consult all freeholders within the Great Stony Park Area.

Conclusion

In conclusion, the proposed development has overcome the previous reason of refusal under application EPF/0014/12. The design and appearance of the proposed rear extension along with the new decking area is now appropriate in that it would now be sympathetic with the Great Stony Park Conservation Area and the architectural rhythm of the original building. It would not result in a detrimental impact to the openness of the Green Belt or result in a harmful impact to the amenities of adjoining occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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

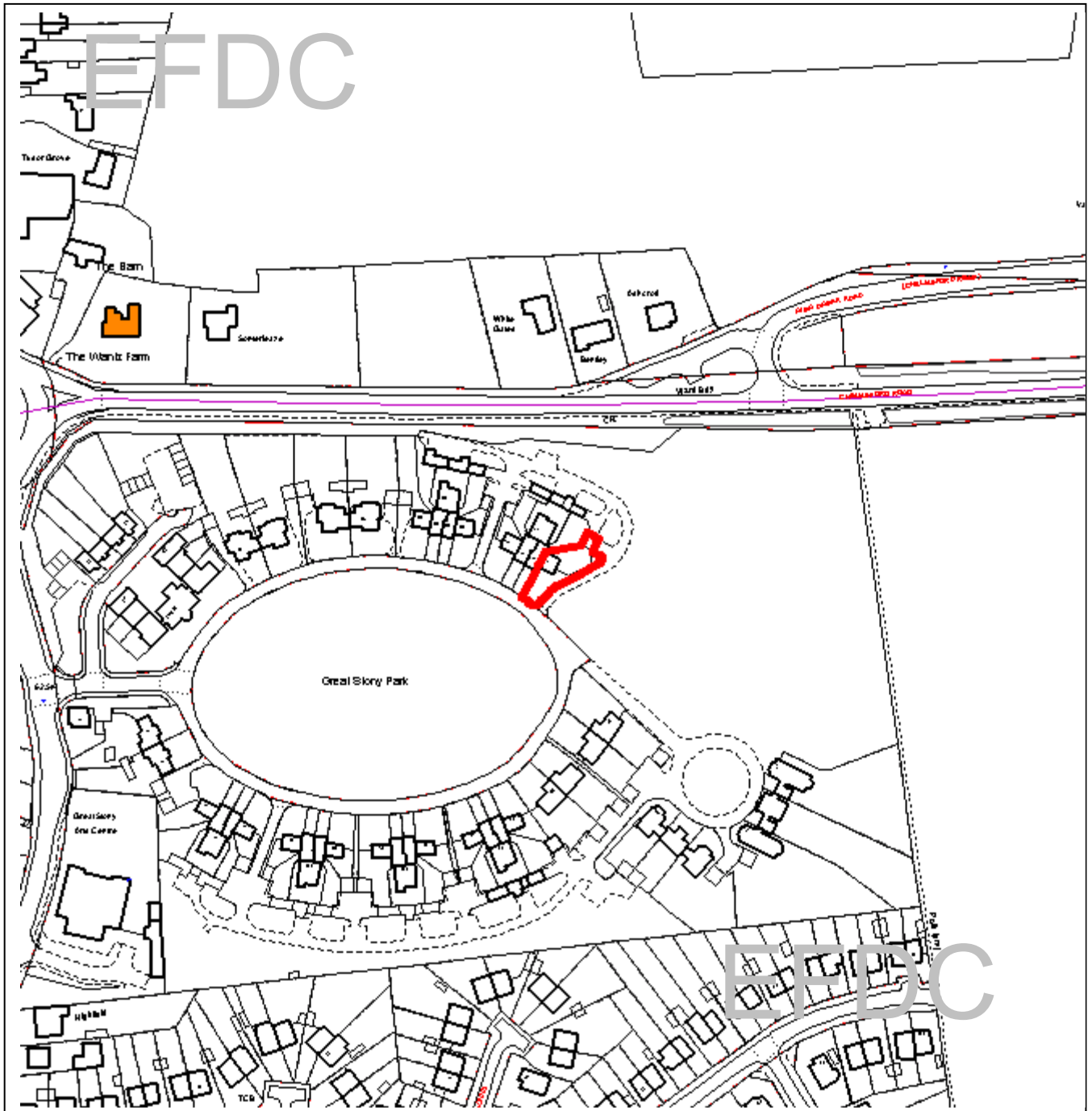
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	13
Application Number:	EPF/0991/12
Site Name:	34 Great Stony Park, High Street Ongar, CM5 0TH
Scale of Plot:	1/2500