

Report Item No: 1

APPLICATION No:	EPF/1188/12
SITE ADDRESS:	Elm Cottage Epping Road Epping Upland, Epping, CM16 6PH
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr M Bristowe
DESCRIPTION OF PROPOSAL:	Retention of existing solar panels.
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=538493

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: P4512
- 2 The solar panels hereby approved shall not be used as a separate solar farm and shall only be used in connection to the dwellinghouse and equestrian site known as Elm Cottage, Epping Road, Epping Upland.
- 3 Once the development ceases being used or functional as operational solar panels all structures and works shall be removed from the site together with any associated materials, and the land restored to its former use as undeveloped grassland.

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

Description of Site:

The application site is located within a field to the rear of Elm Cottage, Epping Road, to the north of the small built up enclave of Epping Upland. The proposed development is located behind an existing bund and ménage and takes up an area of land approximately 142 sq. m. in size. The site is located within the Metropolitan Green Belt and served by an existing access track.

Description of Proposal:

Consent is being sought for the retention of 32 ground sited solar panels measuring a total area of approximately 142 sq. m. The panels are less than 1m in height to the topmost point and are surrounded by a 3 bar post and rail fence (which in itself does not require planning permission).

The development is located in a field to the rear of an existing ménage and bund that is used for horse keeping by the residents of Elm Cottage.

Relevant History:

None

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP10 – Renewable Energy Schemes
GB2A – Development in the Green Belt
GB7A – Conspicuous development

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:

2 neighbouring properties were consulted and a Site Notice was displayed on 01/08/12.

PARISH COUNCIL – Objects as this is inappropriate development in the Green Belt and due to the visual impact on the Green Belt. Concerned about use in view of number of panels, e.g. commercial or industrial.

Issues and Considerations:

The provision of renewable energy generation equipment is broadly in line with wider sustainability objectives both nationally and locally, therefore it remains at a more detailed level to be considered whether the broad sustainability merits of the proposals are acceptable in terms of location in the Green Belt and visual amenities in the area.

Green Belt:

In terms of Green Belt, the NPPF states that:

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

Whilst the NPPF does not specify which ‘elements’ of renewable energy projects will or will not compromise inappropriate development, solar farms and stand alone solar panel developments are not identified as being acceptable within the NPPF, and therefore constitute inappropriate development that are, in principle, harmful to the openness of the Green Belt. However, the NPPF also clearly identifies that *“the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open”*. Therefore, as well as the above ‘in principle’ harm, any physical harm to the openness of the Green Belt must also be considered.

The development consists of 34 stand-alone, ground mounted panels. Whilst this operation constitutes inappropriate development and therefore, in principle, is harmful to the Green Belt, the development is relatively small scale and the solar panels are less than 1m in height. To the south, between the development and the road, is an existing 2m high bund that adequately screens the development from public viewpoint. Whilst the solar panels are visible from the north, east and west, their height does not exceed the surrounding post and rail fence (which does not require planning permission) and as such the physical harm caused by this development is minimal.

Notwithstanding the above, the application nonetheless constitutes inappropriate development. However such inappropriate development can be considered acceptable if sufficient very special circumstances exist to outweigh the harm from inappropriateness. This can include any environmental benefits from such renewable energy schemes.

The solar panels are relatively small scale (in terms of a 'solar park') and have been installed to produce renewable energy for the applicant's house (Elm Cottage) and stables. Amongst the Core Planning Principles of the NPPF it states that planning should "*encourage the use of renewable resources (for example, by the development of renewable energy)*" and also identifies that:

"Local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide valuable contribution to cutting greenhouse gas emissions".

Based on the above national guidance, and given that the physical impact from this development is minimal, it is considered that the benefits from renewable energy generated in this instance is sufficient to outweigh the minimal harm to the Green Belt. However conditions should be added to ensure the solar panels are not used as a separate commercial solar park and that they are removed once they are no longer used/functional.

Visual amenity:

As stated above, the visual impact from the retention of the solar panels is minimal due to their small scale and limited height.

Other Considerations:

The parish council are concerned about the potential for the development to be used for commercial/industrial purposes. The number of solar panels is fairly small scale in terms of a solar park and as such is unlikely to be commercially viable as a stand-alone development, nonetheless a condition can be added ensuring that the development is not used for commercial purposes and that the panels are removed once they are no longer used/functional.

Conclusions

Whilst the solar panels constitute inappropriate development within the Green Belt, the very special circumstances by way of the renewable energy produced would outweigh the relatively small harm to the openness and character that would result from this development. As such it is considered that the development would be in line with the NPPF and Local Plan policies and is therefore recommended for approval.

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

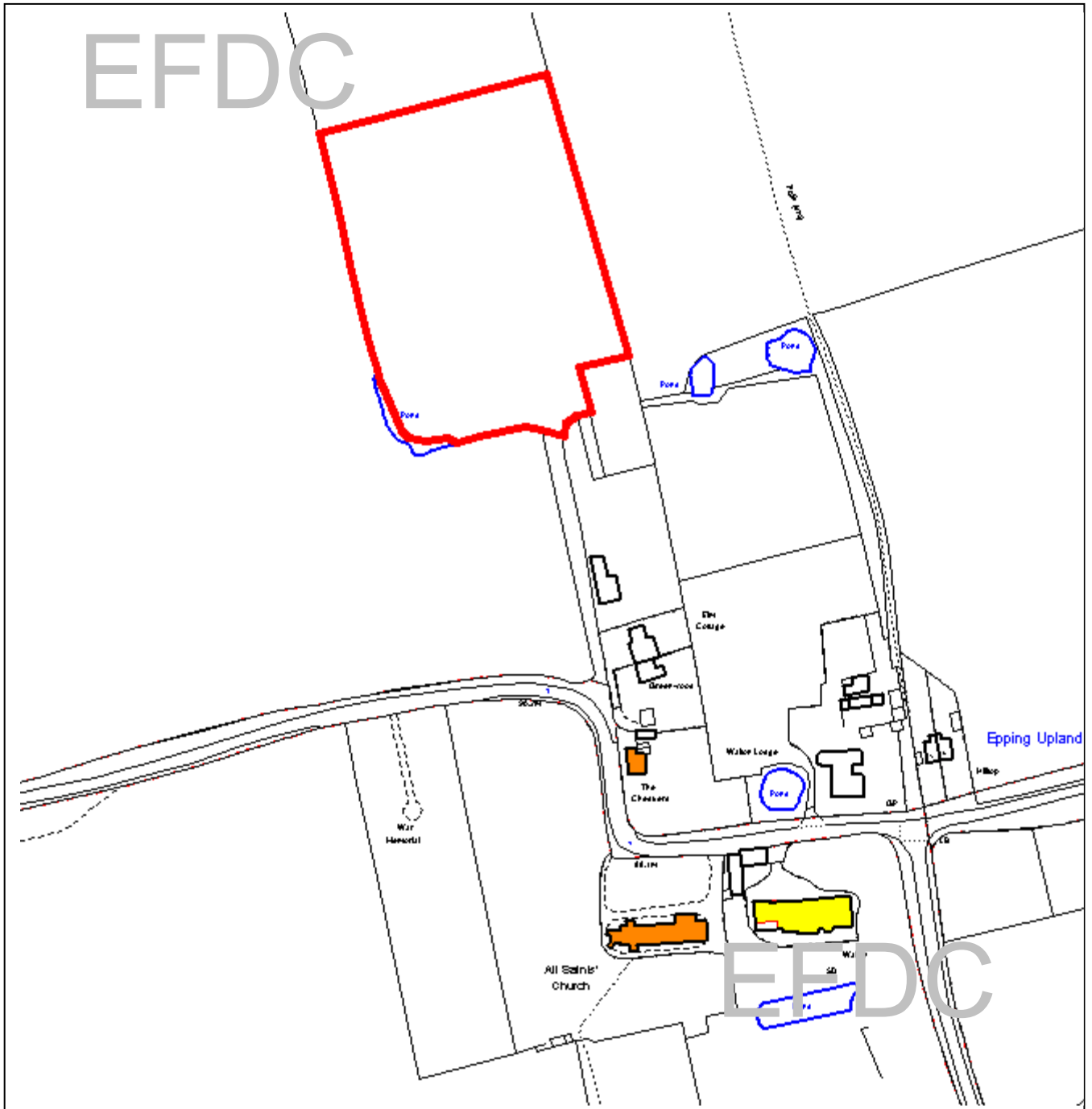
**Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228**

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/1188/12
Site Name:	Elm Cottage, Epping Road Epping Upland, Epping, CM16 6PH
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/1278/12
SITE ADDRESS:	26 Old Nazeing Road Nazeing Essex EN10 6RW
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr Stephen Downes
DESCRIPTION OF PROPOSAL:	Demolition of the existing bungalow and the construction of a pair of semi-detached houses.
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=539038

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: 1502/01-05 submitted as part of application EPF/1278/12.
- 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 The proposed window openings in the eastern flank elevation at first and second floor level shall be 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 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or

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

- 6 No development, 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.
- 7 The proposed development shall follow the findings of the submitted Flood Risk Assessment by EAS and dated 19/01/12 and the finished floor levels of the development hereby approved shall be set no lower than 24.90m Above Ordinance Datum (AOD) as detailed in the submitted Flood Risk Assessment by EAS at Section 3, Page 4.
- 8 There shall be no obstruction above ground level within a 2 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splay shall be provided before the vehicular accesses are first used by vehicular traffic and retained free of any obstruction at all times.
- 9 Prior to first occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the accesses at the junction with the highway shall not be less than 3 metres, shall be retained at that width for 6metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
- 10 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 and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 11 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and maintained in working order throughout the course of the development. The equipment will be used to clean the wheels of vehicles leaving the site.
- 12 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.
- 13 No development shall take place until details of the proposed surface materials for the parking areas/terrace have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior

to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

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:

26 Old Nazeing Road is a detached bungalow situated on the north side of the road at the end of a run of 6 terrace properties. This group of properties are the only dwellings on this side of the road, with detached properties (mainly chalet style bungalows, with one pair of semi-detached properties) located on the opposite side. The property is not within the Green Belt but the boundary for the Green Belt is directly to the side and rear and this also forms the boundary for the Lea Valley Park. There is an entrance to the park directly to the west of the site. The site has been cleared of vegetation but an evergreen hedge has been retained to the rear and partly to the side. The site is currently vacant and fenced off with construction hoarding.

Description of Proposal:

The proposal is a revised application following the refusal of an application for a new dwelling (EPF/0186/12). This proposal has just been dismissed on appeal (23/08/12, APP/J1535/A/12/2174941). This application is to demolish the existing bungalow on the site and replace it with a pair of two storey houses. The dwellings would measure approximately 12.0m wide x 10.8m deep. Two 3.5m deep single storey extensions would be added to the rear, giving a total length of 14.3m. The houses would have an eaves height of 4.9m and a ridge level of 8.6m. The roofs would be half hipped. Accommodation is proposed in the roof and this would be facilitated by rear dormer windows.

Relevant History:

EPF/0186/12 - Demolition of the existing bungalow and construction of a new dwelling with associated works. Refuse Permission - 26/03/2012.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
DBE1 – Design of new buildings
DBE2 – Effect on Neighbouring properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
RST24 – Design and Location of Development within or adjacent to the LVRP
GB7A – Conspicuous development within or adjacent to the Green Belt
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 - Vehicle Parking
LL3 - Edge of Settlement Landscaping
LL11 – Landscaping Schemes

SUMMARY OF REPRESENTATIONS:

11 neighbours were consulted and two replies received.

69 OLD NAZEING ROAD: Strong Objection. This is overdevelopment of this site. The proposed buildings will be much taller than the adjoining houses and will affect the view from our property. With two 3 bedroom houses the parking will soon become a problem. This site is suited to a bungalow or a single two storey house. I understand that the developer would want to maximise his profit on this development but should not be allowed to build something which is out of character with the existing buildings on this road

71 OLD NAZEING ROAD: Objection. These houses look more like townhouses and are out of character with the rest of the road. Concern that parking will be a real issue with this development. A ditch has been filled in by the current owner and we are concerned about potential flooding.

NAZEING PARISH COUNCIL: Objection. Objection as per previous application – due to the height and bulk of the proposed development and not in keeping with the streetscene. No objection to a house replacing the bungalow on the same footprint and in keeping with adjacent properties. There seems to be an infringement onto Environment Agency land.

Issues and Considerations

The main issues with this proposal relate to impact on the adjacent Green Belt and Lea Valley Park, amenity, design and highway and parking issues. The recent planning history of the site is another material consideration.

Green Belt/Lea Valley Park

The previous application to develop this site for one large 5 bedroom property was dismissed on appeal, with impact on the Green Belt/Lea Valley Park being the reason to withhold consent. It is therefore useful to consider the comments of the Inspector in this case and to ascertain if previous concerns have been addressed.

The main concern with the proposed single dwellinghouse was that it had a higher ridge line and was significantly deeper than the adjacent end terrace dwelling, No 24. The overall bulk and massing at first floor and roof level was considered out of keeping with adjoining properties. A projecting gable above the proposed garage was considered particularly conspicuous from the park. In this scheme for two dwellings the ridge level has been reduced to just half a metre higher than the adjacent terrace. The two storey depth has been reduced at the rear of the dwelling. The eaves level has been lowered to match that of no. 24, and a double span gable roof has been replaced by a half hipped roof. The deeply gabled garage has been omitted. Collectively these changes are considered to overcome the previous concerns on bulk and massing.. This is sufficient to reduce the overall conspicuous nature of this development from both the surrounding Green Belt and the adjacent park. It is noted that the Lea Valley Regional Park Authority have no objection to this scheme subject to a suitable landscaping condition whereas they were extremely concerned about the impact of the previous proposal. The Inspector also expressed concern that there would not be suitable space provided along the western flank to allow for some planting which could soften the impact of the proposed development. This proposal indicates a suitable degree of space between the flank wall and boundary fence to allow for some planting. A landscaping scheme could be secured with an appropriate condition ensuring a softer finish along this boundary. Overall the proposed scheme although clearly larger than the building it replaces, would not be unduly conspicuous from the Lea Valley Park/Green Belt. The reduction in bulk and massing now renders the proposal acceptable from this perspective.

Design

The previous application was considered relatively “boxy” and its bulk and general appearance out of character with the general style of residential properties along the road. This proposal, providing 2 modest properties, is more in keeping with the size of dwellings nearby. The design differs from the adjacent terrace but this pair of symmetrical dwellings would add positively to the overall character of the vicinity. Suitable materials for the finish can be agreed by condition. A neighbour has expressed concern that the proposed dwellings would appear more like townhouses. The half hipped roof would add bulk to the dwelling but there are no front dormer windows and generally the houses, although different in character from neighbouring houses, would not appear unduly out of place. The overall bulk and scale from the previous scheme has been significantly reduced.

Amenity

Previous concern had been expressed that the depth of the single dwellinghouse would have an overbearing impact on the adjacent neighbour. The depth of the rear projection of these dwellings has been reduced by approximately 2.0m. The proposal would now project approximately 2.0m beyond the rear building line of the neighbour. This dwelling is also set in from the boundary. It is therefore considered that the changes significantly reduce any overbearing impact down to an acceptable level. Side facing windows can be reasonably conditioned as obscure glazed. The two proposed dwellings would have no impact on each other’s amenity. The amount of private amenity space for each dwelling is adequate.

Highways/Parking

Two parking spaces are proposed for each dwelling and this is adequate and in compliance with local policy. The Highways Authority has no objection to the proposal subject to suitable conditions.

Flood Risk/ Environment Agency Comments

The Council’s Land Drainage section has advised that the existing ditch to the front boundary of the property is redundant and now serves no useful purpose. They therefore have no objection to its removal. The Environment Agency had previously no concerns with regards to the initial development subject to a condition relating to the findings of the submitted Flood Risk Assessment by EAS. They now express concern that the increased culverting of this ditch would stop a wildlife corridor and that this could have an impact on wildlife in the vicinity, particularly Water Voles. The site visit confirmed that the ditch to the front of the site has been backfilled. The Environment Agency concern relates to how the Nazeing main river is approximately 120m downstream from the site and connects to the site via the ordinary watercourse. It is reasoned that as Water Voles are present on the main river they could use the drain to the front of the site. As stated the advice from the Council’s Land Drainage Section, who have visited the site and carried out a detailed appraisal, is that the ditch to the front of the site is obsolete. The ditch that ran along the front of the row of terrace dwellings has, at least been culverted, or backfilled. It is therefore highly unlikely that the ditch to the front of this site is being used as a haven for Water Voles. It is therefore deemed unreasonable and unnecessary to refuse the application for this reason or to require conditions requesting Water Vole surveys.

Trees/Landscaping

The Local Planning Authority would want to see the existing hedge retained along the northern and part of the western boundary. A further condition agreeing suitable landscaping to soften the impact of this development can also be secured by condition.

Other Issues

Neighbours on the opposite side of the road facing the site have raised concerns about overdevelopment and loss of view. The two proposed properties have more than adequate private amenity space to meet current standards and are comparable to adjacent properties in terms of scale, so cannot be considered overdevelopment.

There is no 'right' to a view in planning terms. Loss of view in this instance would be minimal and would not be grounds to refuse the application.

Conclusion:

This proposal follows a recent application for a single dwellinghouse which was refused consent and a subsequent appeal dismissed. It is considered that previous concerns with regards to the overall bulk and scale of this proposal have been overcome. There are no concerns with regard to amenity. Appropriate conditions can mitigate other concerns with regards to this development. It is therefore recommended that this 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 West

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Agenda Item Number:	2
Application Number:	EPF/1278/12
Site Name:	26 Old Nazeing Road, Nazeing EN10 6RW
Scale of Plot:	1/1250