

**Report Item No: 1**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/0457/12  |
| <b>SITE ADDRESS:</b>            | Coppice Farm<br>Coppice Row<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7DS   |
| <b>PARISH:</b>                  | Theydon Bois   |
| <b>WARD:</b>                    | Theydon Bois   |
| <b>APPLICANT:</b>               | Mr John Sear   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Demolition of existing buildings and erection of single dwelling, including change of use of part of site to residential garden. (Revised application) |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (Subject to Legal Agreement)  |

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535721](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535721)

**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: 959/08B, 959/11E, 959/12D, 959/15 and 959/16.
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 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.
- 8 No development shall take place until details of the proposed surface materials for the driveway and hard standing area 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.
- 9 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.
- 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 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 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.
- 16 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 17 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 18 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 19 All buildings and containers within the site indicated on the site survey plan ref: 959/08b shall be removed from the land prior to commencement of the development.
- 20 The garage hereby approved shall remain as a garage and for no other use unless prior written consent is granted from the Local Planning Authority.
- 21 The residential curtilage of the dwelling hereby approved is restricted to that area outlined in red on the application drawing 959/12D. The area outlined in blue is to remain as agricultural land.

**Subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the new dwelling house meets at least level 5 of the Code for Sustainable Homes.**

*This application is before this Committee since it has been 'called in' by Councillor Philip (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))*

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

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

### **Description of Site:**

The application site comprises an area of land approximately 2.2 hectares that is located on the northern side of Coppice Row as you head west out of the village of Theydon Bois.

The site itself is fairly undulating with steep slopes that run up from the highway towards the site's rear boundary before it then falls away to the eastern side boundary. It wraps around the rear gardens of 'Forest Edge', 'Ye Old Almshouses' and 'Redholm' and extends to the western boundaries of 'Inglenook', 'Elmcroft' and the public house known as 'Sixteen String Jack'.

The site comprises of open fields with a variety of farm buildings located throughout. Extensive vegetation is located throughout the site and predominately along the northern boundary. Vehicle access is gained via an existing driveway that runs along the western side of the dwelling known as 'Forest Edge' which leads to the main complex of farm buildings.

The site was once used as a smallholding as a pig farm up until the late 1980's however the use came to an end due to financial difficulties as the holding was no longer viable. Temporary use of some of the buildings for stabling was agreed in the 1990s and currently the site is used for the grazing of horses and general storage.

The subject site and the surrounding area are located within the Metropolitan Green Belt. The site backs onto Epping Forest.

### **Description of Proposal:**

The applicant seeks planning permission for the demolition of all the existing buildings on the site and the construction of a 5 bedroom dwelling house.

The new dwelling would be situated centrally on the site behind the rear garden areas of the adjoining dwellings known as 'Forest Edge' and 'Ye Old Almshouses'.

Due to the steep gradient within this part of the site, the land would be excavated to provide a level area for the dwelling house. The dwelling itself has been designed as a series of elliptical shaped zoned pods linked together by a glazed roof. Each of the 4 pods proposed would vary in size and would be set at a slightly different finished floor level from one another. Along with the glazed area linking all the pods together, the new dwelling house would comprise of approximately 590sqm.

The pods themselves would lie beneath the natural land level and would be surrounded by a retaining wall giving the impression that the overall building is underground with limited views of the building's walls. Only the roofs of the pods and the retaining banks would be viewed.

The walls would be finished with cedar shingles and each of the pod roofs would be grassed.

Given that the site is not used for residential, it is proposed to change the use of part of the site from agriculture to residential garden area. The residential curtilage would therefore include the existing driveway and the land immediately behind the garden areas of the adjoining dwellings known as 'Forest Edge' and 'Ye Old Almshouses' as outlined in red on drawing number 959/12C. The remaining land as outlined in blue would remain as agricultural land.

### **Relevant History:**

EPF/2228/11 - Demolition of existing outbuildings and erection of single dwelling, including change of use of part of site to residential. (withdrawn 9/12/11)

EPF/1165/99 - Outline application for two detached houses (refused 24/9/99)

EPF/1602/98 - Erection of 22.5m high telecommunications mast with radio equipment housing (withdrawn 27/1/99)

EPF/0016/91 - Continued use of pig and cattle sheds as stables (approved 4/3/91)

EPF/0959/90 - Storage of motor vehicles prior to sale, within existing fenced enclosures for a limited period (refused 21/1/01)

### **Policies Applied:**

Local Plan policies relevant to this application are:

CP1 Achieving sustainable development objectives  
CP2 Protecting the quality of the rural and built environment  
CP3 New development  
CP5 Sustainable Buildings  
DBE1 Design of new buildings  
DBE2 Detrimental effect on existing surrounding properties  
DBE4 Development within the Green Belt  
DBE6 Car parking in new development  
DBE8 Private amenity space  
DBE9 Loss of Amenity  
GB2A Development within the Green Belt  
GB7A Conspicuous Development  
LL1 Rural Landscapes  
LL2 Inappropriate rural development  
LL10 Protecting existing landscaping features  
LL11 Landscaping scheme  
ST4 Highway safety  
ST6 Vehicle parking

The National Planning Policy Framework sets out Government's planning policies. Relevant sections of the Framework are set out below:

- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 9 Protecting Green Belt land
- Section 10 Meeting the challenge of climate change
- Section 11 Conserving and enhancing the natural environment

### **Summary of Representations**

THEYDON BOIS PARISH COUNCIL: - Strong Objection

Our objections remain the same as for the previous and essentially like application (EPF 2228/11) which was withdrawn prior to decision. Thus our fundamental objection is that this site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development and no very special circumstances have been shown to apply.

Policy GB2A makes it clear that Planning permission will not be granted for the '... construction of new buildings....' unless certain exemptions apply. No such exemptions apply. Specifically, the proposal comprises neither a replacement for an existing dwelling in accordance with policy

GB15A; nor is it a limited extension to an existing dwelling that is in accordance with policy GB14A; Similarly nor does Policy GB8A apply in that this does not comprise the change of use and adaptation of a building of 'permanent and substantial construction, capable of conversion without major or complete reconstruction; rather it involves the complete demolition of existing farm buildings on the site.

The recently published National Planning Policy Framework (NPPF) is also absolutely clear that relevant policies such as those protecting the Green Belt cannot be overridden by the presumption in favor of sustainable development. The relevant policies protecting the Green Belt are set out in section 9 and paragraph 89 in particularly pertinent as it states as follows:

*Para 89 A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are some clearly defined exceptions none of which applying this case. In reference to the replacement of a building, it specifically states that 'provided the new building is in the same use and not materially larger than the one it replaces'. Clearly, a dwelling house replacing agricultural buildings is not in the same use and thus the proposal contravenes the NPPF*

CITY OF LONDON – Objects

The proposed development would result in being conspicuous within the Green Belt thereby detracting from the visual amenity of the area and out of character with the surrounding locality.

There are no special circumstances to justify this development.

THEYDON BOIS ACTION GROUP – Strong Objection

The proposed development is contrary to Sustainability and Local Green Belt policies and the National Planning Policy Framework in relation to building new dwellings within the Green Belt.

Redeveloping the site would detract from the ambience of the forest and would be detrimental to native flora and fauna.

There are no very special circumstance that would override the harm the development would cause on the Green Belt.

The current agricultural land should not be neglected and allowed to fall into disuse.

NEIGHBOURS:

The application was advertised by post to twelve adjoining and abutting occupiers. Three letters of representation were received from the following occupiers:

7 WOODLAND WAY, THEYDON BOIS - Objects

The site backs on to Epping Forest which is a 'Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The proposed works would result in a major intrusion into the tranquillity of the Forest and be detrimental to its wildlife.

Disagrees with some of the statements within the Design and Access statement regarding agricultural diversification, vehicle access, sustainability and visual appearance.

The proposal is contrary to Local Green Belt policies, particularly GB2A and GB8A. If allowed, it could set a precedent for other similar developments backing onto the Epping Forest.

There are no special circumstances that outweigh the harm the development would have on the Green Belt.

#### HUNTERS LODGE, COPPICE ROW, THEYDON BOIS – Objects

Concerned regarding the lack of detail within the submitted application regarding retention and management of the surrounding landscape.

#### FOREST EDGE, COPPICE ROW, THEYDON BOIS – Objects

There is very little detail regarding the proposed access track and that its 3 metre width is not sufficient for vehicle movement.

If allowed, there would be a number of problems during construction relating to noise and disturbance coming from the site and potential damage to adjoining properties from heavy construction vehicles coming and going from the site.

#### **Issues and Considerations:**

The main issues to be addressed are:

- Sustainability
- Design and appearance
- Green Belt
- Landscaping
- Land contamination
- Conservation
- Highways and parking
- Neighbouring amenities

#### **Sustainability**

The design of the proposed dwelling house has been planned to be a zero-carbon house and would conform to the Latest Code for Sustainable Homes Level 6 as demonstrated within the Energy Statement and Sustainability Report prepared by ME7 dated July 2011 that formed part of this application.

The house has been designed with photovoltaic cells on the roof to provide all electricity supply for the house, as well as ground source heat pump to obtain heat from the earth to heat the building ensuring that the building would be self-supporting in terms of its energy use. Along with the use of natural and recycled construction materials, making the best use of natural elements such as sunlight, daylight and natural ventilation, combined with the avoidance of a reliance upon fossil fuels, and the use of renewable technologies are all part of some of the elements that make the proposed house achieve a zero-carbon footprint and a level 6 under the Code for Sustainable Homes.

Following on from the above, the Energy Statement and Sustainability Report was forwarded onto Council's building surveyors who made the following observations.

A code 6 home would be truly exemplary - there are currently only 34 certified code 6 dwellings in the UK. However due to the strict criteria to meet a code 6 house, out of 329 designed/registered code 6 houses in the UK only 34 have been completed and certified. Due to the strict criteria and the additional costs involve to certify a code 6 house, it may prove better all round that the house be imposed to have at least a minimum Code for Sustainable Homes level 5. Such a level is still of



an exemplary standard (currently only 160 houses in the UK are certified at this level) and it still involves a strong sustainable commitment by the applicant.

The applicant is willing to enter into a legal agreement that the proposed house meets the Code for Sustainable Homes level 5.

Turning away from the physical side of the new house in relation to sustainability, it is also a requirement that a development be located in a sustainable location.

The proposal to accommodate a residential development in this location is not very sustainable as it is on the edge of the urban centre of Theydon Bois. Although there is a bus service that runs along Coppice Row into the village of Theydon Bois and beyond, it is still considered that future residents would have to rely heavily on private vehicles to gain access to local facilities and amenities.

However given the exceptional circumstances behind the design of the building and the level of its construction methods in terms of it being zero-carbon and minimal level 5, it is considered that this would outweigh the concerns of the development being located on the edge of a settlement. Single dwellings are seldom refused on sustainability grounds even in relatively remote locations. This location, whilst not particularly sustainable, is by no means isolated or remote.

### Design and Appearance

Policies DBE4 and LL2 state that a new development must respect the wider landscape setting and the character of the surrounding area.

The design of the new dwelling is not traditional. It does not incorporate traditional features.

The design is unique and a result of promoting sustainability and minimal impact on landscape.

The proposed house, in the view of officers, is of an exceptionally high quality of design which is innovative in its nature and by virtue of the fact that there are so few dwellings nationally that achieve at least a level 5 Code for Sustainable homes rating.

The dwelling has been designed to ensure that there is a sensitive relationship between house and surrounding landscape. The dwelling would be built into the lie of the land working with the contours with the individual pods stepping down the fall of the land. As such the dwelling would be minimalistic in terms of its visible presence and would harmonise with the landscape setting. Furthermore, the removal of the redundant agricultural buildings would provide a more open aspect and improve the landscape setting.

The overall size and scale of the new dwelling house is appropriate. The dwelling house would be single storey with an eaves height of 2.6 metres with a maximum roof height of 4 metres. Given that the majority of the dwelling house would be sited beneath the natural land level and hidden behind the retaining banks, the majority of the house would have limited view lines from public vantage points including from the forest and as such the proposed development would not result in an excessive amount of bulk or massing that would be at odds to the surrounding locality.

It is considered that the proposed development would not result in a detrimental impact to the character and appearance of the surrounding locality and it is set far enough away from Coppice Row not to have a detriment to the street scene.

### Green Belt:

New dwellings are not a form of development that is identified as appropriate within the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 55 of the National Planning Policy states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development is of an exceptional quality of innovative design. Such a design should:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas.
- Reflect the highest standards of architecture
- Significantly enhance the immediate setting and
- Be sensitive to the defining characteristics of the local area

The re-development of the site would involve removing a number of large buildings some of which have stable use and storage use. The floor area and volume of these buildings and their visual impact on the site is greater than that of the proposed dwelling. Removing these buildings would enhance the immediate setting of the rural landscape. This is not unusual or very special.

More importantly however, the proposed house is in the opinion of officers of an exceptional design and its use of renewable energy sources will enable the house to comply with a minimum level 5 of the Code for Sustainable Homes and also be carbon neutral status. Not only is it a truly outstanding and innovative design, it also has been well planned in that it would be sensitive to the defining characteristics of the area in that the dwelling would be built into the lie of the land working with its natural contours to have minimal impact on the openness and visual amenity of the area as explained above.

National Policy stipulates that new developments should contribute to protecting and enhancing our natural, built and historical environment; and as part of this, helping to improve biodiversity, prudent use of natural resources, minimise waste, and mitigate to climate change including moving to a low carbon economy.

It is considered on balance that the innovative nature and design of the building does amount to very special circumstances, sufficient to outweigh the limited harm to the Green Belt that would result from the development.

### Landscaping

A tree survey and an Arboricultural Impact Statement prepared by Caroline Hay Associates in January 2012 was submitted as part of the application.

This information was referred to Council's landscape officer who stated that they had no objection to the proposal subject to conditions be placed on the planning permission requiring that all excavated material be removed from the site due to the possibility of it being contaminated, and that further details be submitted prior to any works commencing showing tree protection measures.

### Land contamination

Given the former uses of the site that include piggeries, poultry and stables, there is the potential that the site be contaminated. As such, Council's contaminated land officer has requested the standard land contamination conditions be placed on any granted permission that require full surveys before any works are commenced on site.

### Conservation

New developments such as the proposed are to make adequate provisions for the protection of established habitats of local significance for wildlife. An Ecological Assessment was carried out by MKA Ecology Limited in June 2012 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. However in addition, if the application was granted permission, then conditions would be required for further surveys to be conducted before any works commence in relation to roosting bats and bird life within the surrounding area.

### Highways and parking

Vehicle access is gained via an existing driveway that runs along the western side of the dwelling known as 'Forest Edge' off Coppice Row. There are adequate sight splay lines as not to cause a harmful impact upon highway safety. It is noted that the existing drive is only 3 metres wide which is not an acceptable width for vehicles to pass one another if coming in the opposite direction. However a dwelling house would result in fewer vehicle movements to and from the site than if the site was used for agriculture.

An adequate amount of vehicle parking has also been provided for the new dwelling house to meet the needs of future occupiers.

### Neighbouring amenities:

The proposed development would not result in a detrimental impact to the amenities of adjoining property occupiers. The new dwelling house would be located a significant distance away from adjoining boundaries and dwellings as not to result in a loss of privacy, loss of light or visual blight. It is noted that there might be some disturbance to the adjoining property occupier of 'Forest Edge' during construction works, this is not uncommon and is not a reason for refusal.

### Other issues:

The only other known example within the UK which is similar to that which is proposed, was for a new dwelling house with a wind turbine that was recommended for approval by Bolton Council in June 2011.

Bolton Council said that the proposed house was recommended for approval because of its 'exceptionally high quality design' and its 'sensitive relationship with the surrounding landscape'. These were considered to be very special circumstances that would outweigh the harm the proposed development would have on the Green Belt.

It was then subsequently referred to the Secretary of State (Eric Pickles) as the proposal was also on Green Belt land. The Secretary of State concluded to allow Bolton Council to issue its decision to grant planning permission after considering all issues stating that the proposal would not be contrary to National Policy.

Whilst each application should be considered on its own merits and although the above application was assessed against PPS's and PPG's instead of the now National Planning Policy Framework, this decision is relevant for this particular type of development within a Green Belt Location.

**Conclusion:**

The proposed development is of an exceptionally high quality design and sensitive to the surrounding landscape and its neighbouring residents. The design and construction of the house and its use of renewable energy sources will enable the house to comply with a minimum level 5 of the Code for Sustainable Homes and also be carbon neutral status. The development results in less impact on the openness of the Green Belt than the existing buildings on the site and it is considered that the nature of the development amounts to very special circumstances sufficient to outweigh the limited harm from inappropriateness (and any other harm) that will result. The development is therefore recommended to be approved subject to conditions and subject to the applicant entering into a legal agreement to ensure that the new dwelling house meets at least level 5 of the Code for Sustainable Homes.

Should the sub-committee agree with the officers recommendation, then the application will need to be referred to District Development Control Committee for a final decision.

***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:***

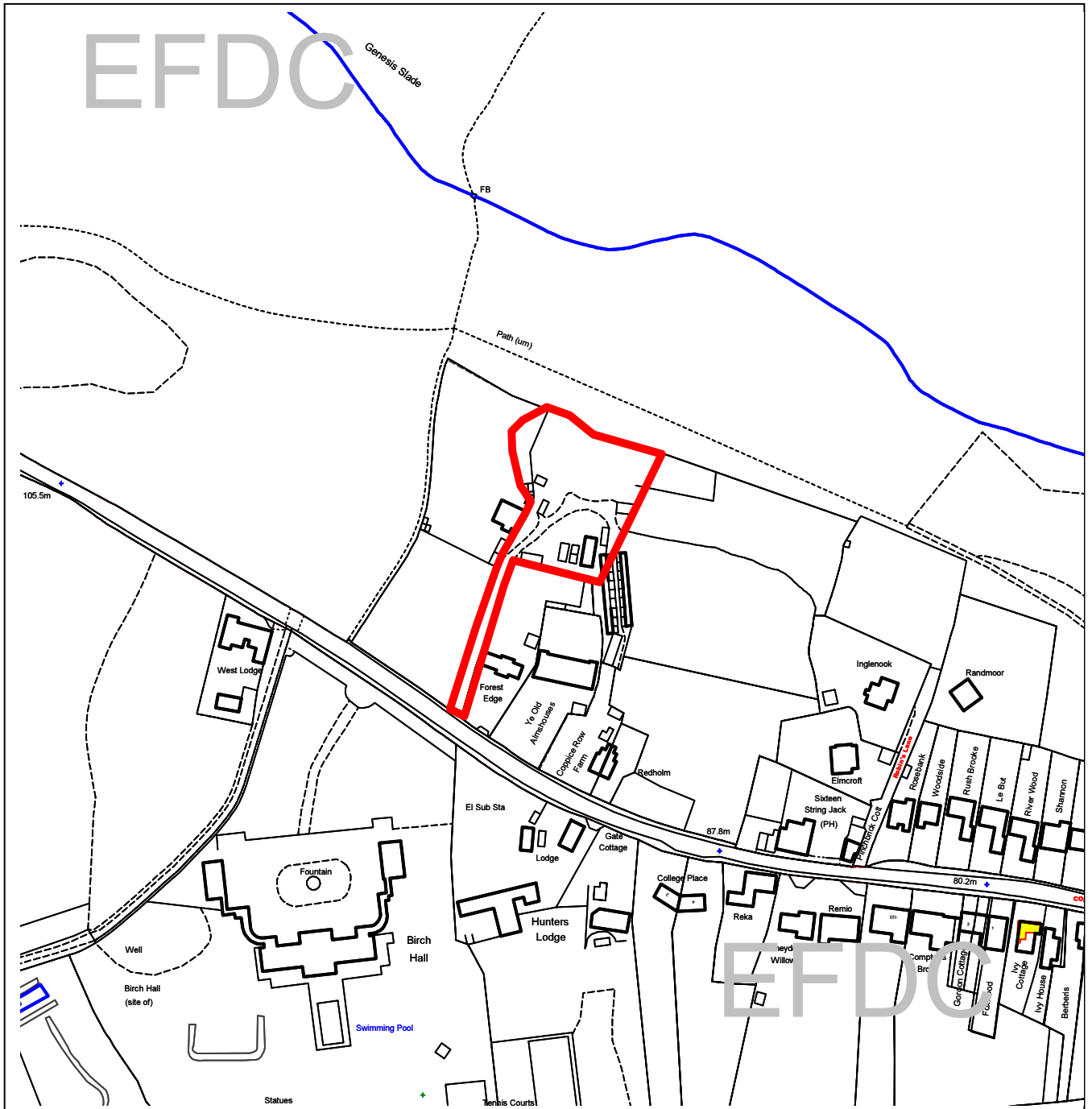
***Planning Application Case Officer: Mr Lindsay Trevillian  
Direct Line Telephone Number: (01992) 564337***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

|                            |   |
|----------------------------|---|
| <b>Agenda Item Number:</b> | <b>1</b>  |
| Application Number:        | EPF/0457/12   |
| Site Name:                 | Coppice Farm, Coppice Row<br>Theydon Bois, CM16 7DS |
| Scale of Plot:             | 1/2500  |

**Report Item No: 2**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/0817/12  |
| <b>SITE ADDRESS:</b>            | Upper Clapton Football Club<br>Upland Road<br>Thornwood<br>Epping<br>Essex<br>CM16 6NL                                     |
| <b>PARISH:</b>                  | North Weald Bassett  |
| <b>WARD:</b>                    | Epping Lindsey and Thornwood Common  |
| <b>APPLICANT:</b>               | Upper Clapton FC   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Replacement club house and associated development and outline planning for enabling development of 8 Semi detached houses. |
| <b>RECOMMENDED DECISION:</b>    | Refuse Permission  |

**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=537099](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537099)

**REASON FOR REFUSAL**

- 1 The proposed enabling development of 8 semi detached 4 bedroom dwellings is inappropriate development and is physically as well as by definition harmful to the Green Belt. The circumstances put forward in the application to support the development are not considered to be sufficient to outweigh the very real harm to openness that would result from the development. The proposal is therefore contrary to the principles set out in the National Planning Policy Framework and to policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed residential element of the scheme is considered to be a form of unsustainable development due to the location of the site in an area where residents are likely to be heavily reliant on use of the car to reach shops, employment, schools and other facilities. As such the development is contrary to the principles of the NPPF and ST1 of the Adopted Local Plan and Alterations.
- 3 The provision of 8, 4 bedroom properties within the residential element of the development would be likely to result in a cramped form of development with insufficient private amenity space contrary to policy DBE8 of the adopted Local Plan and Alterations.

*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:**

The application site is a roughly rectangular area of land on the southern side of Upland Road and has a road frontage of about 130m and a depth of over 330m, which has current use as a Rugby Football Club ground and golf range. There is an existing run down pavilion building set about 50m back from the road and a separate changing room block at the eastern boundary of the site, behind which is a golf range. To the front of the building is a hard surfaced car park with 90 spaces. The remainder of the site comprises 3 rugby pitches and a training ground. This part of Upland Road itself is characterised by semi detached residential properties with long rear gardens. There are substantial hedgerows around the boundaries of the site and the vehicular access is via a gateway adjacent to number 45 Upland Road.

### **Description of Proposal:**

The application is a hybrid application in two parts seeking full planning permission for the replacement of the existing club facilities with new and improved facilities and outline consent for 8 semi detached residential properties to be located at the front of the site in order to provide adequate funding for the proposed replacement facilities.

The proposed replacement pavilion would provide updated and improved facilities and would be located more centrally within the site. The proposed building has been kept low in profile by the use of double pitched roofs with a main ridge height of just 6.2m. In addition the intention is to provide improved training areas with natural and artificial grass pitches and hardcourt training (for soccer and netball), improved access to the ground with a total of 193 parking spaces, improved access for disabled visitors, improved floodlighting, facilities for indoor sports and community use within the clubhouse, facilities to support women's rugby and relocation of the golf driving facility

The proposed enabling development of 4 pairs of semi detached houses is located along the road frontage adjacent to Number 45 Upland Road. Although this element is in outline only indicative plans have been submitted that show 3 suggested house types all of which would be 4 bedroomed properties with ridge heights similar to other properties within the road. The houses are shown set forward of the nearest properties and with 10m deep rear gardens. The suggested layout retains gaps of about 1.5m between the pairs of dwellings and indicates footpath accesses between the pairs through to the rear access road.

Vehicular access to the club and to the residential properties would be shared and would be in the centre of the site and 2 parking spaces are proposed for each dwelling immediately behind each house off a 5m wide access road running behind the houses.

It is proposed that the gate into the rugby club site be set back some 60m from the road frontage, just beyond the turning to the rear residential parking area. The existing substantial hedgerow around the site is shown to be retained, although gaps would of course be needed for the proposed pedestrian and vehicular accesses.

### **Relevant History:**

The rugby club has operated from this site since the 1930's with the existing clubhouse being built in 1933.

The Golf Driving Range was approved in 1990, apart from that there have been only minor additions and alterations over the years none of which are of particular relevance.

### **Policies Applied:**

The following policies from the adopted Local Plan and Local Plan Alterations are considered relevant and in general accord with the National Planning Policy Framework (The Framework) and should therefore be accorded substantial weight.

CP2 Protecting the quality of the rural and built environment  
CP3 New development  
CP5 Sustainable building  
GB2A Development in the Green Belt  
GB7A Conspicuous Development  
NC4 Protection of established habitat.  
RP4 contaminated Land  
HC6 Affordable housing thresholds  
H7A Levels of affordable housing  
H8A Affordable housing in perpetuity  
RST1 Recreational, sporting and tourist facilities  
RST21 Lighting for driving ranges  
CF12 Retention of community facilities  
DBE1 Design of new buildings  
DBE2 effect on neighbouring properties  
DBE4 design in the green Belt  
DBE5 Design and layout of new development  
DBE6 Car parking in new development  
DBE8 Private amenity space  
DBE9 Loss of amenity  
LL2 Inappropriate rural development  
LL3 Edge of settlement  
LL10 Adequacy of provision for landscape retention  
LL11 Landscaping Schemes  
ST1 Location of development  
ST2 Accessibility of development  
ST4 Road Safety  
ST5 Travel Plans  
ST6 Vehicle parking  
I1A Planning obligations  
I3 Replacement facilities

### **SUMMARY OF REPRESENTATIONS:**

The application was advertised in the local press, a site notice was erected and 42 neighbouring properties were written to.

The following responses were received.

PARISH COUNCIL – No objection in principle to this application However members would like this application to go before the Area Plans Sub Committee in order that a Section 106 Agreement could be negotiated with the applicant in relation to benefitting the local community for some Highway/Street Lighting/Road junction improvement works.

NORTH WEALD BASSETT RURAL PRESERVATION SOCIETY - Concerned. Whilst supporting the application to replace the club house we are concerned over the development of the recreation ground, the provision of extra powerful lighting, the removal of hedges, and safety issues involved in extra traffic in a small residential road. Parking would become quite an issue when the football



ground was open. Recognise the need for more housing but would be more sympathetic if it was promoted as affordable housing for local people.

42 UPLAND ROAD – Object. Already suffer noise and disturbance when the hall is hired out for private parties some Friday / Saturday Noise and sometimes fighting can occur at 1 and 2am I have contacted the police on a number of occasions.

The rugby club will not develop the housing plot themselves but sell it on and then more houses will be proposed. Two parking spaces for each dwelling is not enough. Already on-street parking problems in the road. This is untouched Green Belt land; the development will impact on the character of the area. Loss of view of rolling country. The rugby club could refurbish the existing clubhouse and deal with the parking problem by extending parking into the area intended for the all weather pitch. In Summary: Traffic, Parking, Building on Green Belt land, View of Countryside, Light Pollution, Extending hours of use, Noise Levels.

37 UPLAND ROAD – Comments. Housing- Concern over breaking up of hedgerow, increased flood risk, increased local traffic, light pollution, house design vulnerable to burglaries Car parking too close to houses, noise nuisance from car alarms and queuing traffic after games, no pedestrian walkway between parking areas. All weather pitch is too close to roadway. 4m fence would be eyesore, floodlighting source of pollution and distraction from road. Training pitch more light pollution, this is an existing problem in winter months. Existing properties may be overlooked by the clubhouse.

26 UPLAND ROAD – Concerns. 8 new houses is too many, should be maximum of 4 as the 8 would extend beyond the development on the opposite side of the road. Concerned that even with increase in parking people will still park on the pavement at peak times so residents are forced to walk on the road. If approved they should resurface, re line and install cats eyes along Upland Road. With the increased traffic, provision should be made to update and improve the junction of Upland Road and the High Road, install a traffic island, reduce the High Road speed limit, improve lighting, road markings etc. Generally should have right to redevelop their site but more consideration should be given to how it will impact on local residents.

24 UPLAND ROAD – Support the application. The proposal will benefit the local area and reduce congestion at a weekend along Upland Road, making it a safer area for all to use. Anything that will assist developing young children in sport can only be good.

PETITIONS The applicants have submitted a petition IN SUPPORT of the redevelopment and the enabling development signed by **315** people, the vast majority of whom are from within the District. The petition states” We the undersigned ask Council Members of Epping Forest District Council to support and vote in favour of the Upper Clapton Football Club planning Application for a new Club House, changing rooms, grounds improvements and enabling residential development. As a member of UCFC I fully support the application for a new Club House and sports facilities. Our existing Club House has reached the end of life and it is vital that approval is given by EFDC to build a new Club House with sports facilities and the enabling development for the long term future of rugby and sports within the EFDC area.”

They have also submitted a hard copy of an e petition, which can be viewed on the Council’s website, which has **161** entries IN SUPPORT of the development, a few of the entries appear to be duplicates and there are no addresses but some people have also provided comments explaining their reasons for supporting the development.

#### STATUTORY CONSULTEE

As the works include development on existing playing fields Sport England is a statutory consultee. They have assessed the proposals with regard to Sport England’s policy which aims to ensure no further reduction in the supply of conveniently located, quality playing fields to satisfy the current and likely future demand. They consider that the proposed works meet their policy.

The potential sports development benefits that the proposed all weather pitch would offer would clearly outweigh the detriment caused by the impact on the playing field.

Aside from their statutory response, Sport England have additionally commented that from their experience they consider that it is most unlikely that the club would be able to achieve funding sufficient to meet their costs without the enabling development proposed. They support the provision of floodlighting, to make best use of the facilities provided and suggest that conditions should not be imposed that are too restrictive on hours of use (10pm on weekday evenings is considered necessary), and reiterate that the RFU have been involved in the scheme to ensure that it meets current requirements.

### **Issues and Considerations:**

The site is within the Metropolitan Green Belt and the main issue is therefore whether the development is appropriate in the Green Belt and if not whether there are very special circumstances sufficient to outweigh this and any other harm from the development. In addition impact on the character and visual amenity of the area, residential amenity, traffic, access and parking issues, trees and landscaping, ecology and sustainability all need to be considered.

#### **Green Belt**

Facilities required for outdoor recreation are one of the few forms of development that are deemed "appropriate" within the Metropolitan Green Belt and whereas the Council's adopted policy GB2a follows earlier government advice and refers to "small scale" facilities, the Framework published earlier this year allows for "appropriate" facilities as long as it preserves the openness of the Green Belt. It is considered that the replacement club facilities that are proposed have been designed to meet the needs of the club in relation to the outdoor sporting activities it promotes and that its size is not excessive. The main increases in floor area over the existing facility are to provide adequate showers, toilets and changing facilities. The building has been designed to be compact and although there is some first floor accommodation (training and fitness room, meeting room and offices, the height of the building has been kept low to minimise visual impact and bulk within the Green Belt. It is considered that the building is therefore appropriate within the Green Belt. In addition the proposed replacement driving range facility and the proposed improved pitches, which are clearly for outdoor recreation, are also appropriate in Green Belt terms.

The proposed 8 semi detached houses on the other hand are clearly inappropriate development and by definition harmful to the Green Belt. They also have a physical impact on openness, so there need to be very special circumstances to justify such development.

The applicants have put together a very strong case. The club has operated from the site since 1933 and is an established and popular facility. The club fields 3 senior teams and 12 youth teams for children between the ages of 6 and 17, the youth teams play every Sunday providing sporting activities for 300 children, in addition the club works with the West Essex Schools Sports Partnership providing facilities and hosting tournaments encouraging school participation. They have developed a women's rugby squad, and have a programme for the development of its coaching staff.

However, the existing club house which dates from 1933 is clearly substandard and the club needs to bring their facilities into the 21<sup>st</sup> century, to be able to continue to offer their facilities to schools. A structural and fabric report on the building has been submitted with the application that highlights that the problems of the building are considerably more than cosmetic, internal timber supports have rotted and essentially the building could not be simply refurbished as it is beyond economic repair. The toilet and showering facilities do not meet current building regulations or the standards required by the RFU and Sport England. The existing facility provides only 28% of the changing space required to meet current standards.

The cost of the project to upgrade the facilities in the manner proposed has been calculated as £1.4 million. The club have applied for funding from Sport England totalling £500,000 and are expecting a further £100,000 in donations and gifts and have a target of £50,000 from local sponsors and fundraising. There is no guarantee of the Sport England grant coming forward but they have calculated that at best they would require £800,000 from an alternative source. They propose therefore selling part of their site. An independent valuation assessed that with planning permission the area identified could realise a figure of between £800,000 and £1 million. This would enable the club to continue with its redevelopment plan.

Generally “enabling” development of this kind is accepted as appropriate when it is proposed in order to maintain heritage assets such as listed buildings or ancient monuments, which would otherwise be at risk. This is clearly set out in national policy in Para 140 of The Framework, however no such exception to normal restrictions is made for other forms of development, including sporting and community facilities. The applicants are seeking for the same principle to be applied here.

Officers maintain concern that to apply this principal here when there is no policy basis to do so could set a very dangerous precedent for allowing inappropriate development in the Green Belt. Normally if any facility is to develop or expand they would be expected to meet their own costs without inappropriate “enabling” development. However in this instance there may be other factors which if taken together, members would consider are sufficient to outweigh the harm to the Green Belt. The applicants have set forward the following factors:

- The historical establishment of the Club (which was founded in 1879)
- Its contribution to sport in the community through extensive outreach programmes and links to the wider sporting community
- Its commitment to inclusivity including providing for youth and women’s sport and access for disabled people both to participate and spectate
- Its contribution to social cohesion and sense of wellbeing through community involvement
- The necessity to redevelop to ensure the club’s survival
- The essential and appropriate nature of the facilities provided and
- The financial necessity of raising significant funding to enable the development and hence the continuation of the club.

Officers agree that these are all important issues which do carry weight, the question is whether they are of such weight as to outweigh the harm to the Green Belt from the development of 8 houses. This is a difficult thing to balance. The proposed houses as shown in the indicative plans have a total footprint of about 500 square metres therefore a total floorspace in excess of 1000 sq.m. including rooms within roofs. Collectively the development extends over 54m of road frontage, extending the built development of Upland Road considerably and having a significant physical impact on openness. Conversely the proposed dwellings are not situated on undeveloped land; they are located within an area that is currently car park. In addition whilst they do extend development on this side of Upland Road, it is a logical form of development that would not in principle appear out of keeping. Importantly there are semi detached properties also on the opposite side of the road facing this site, which reduces the sense of intrusion beyond existing development limits. Unfortunately however the westernmost pair of proposed dwellings would be located beyond the westernmost property opposite (number 50), as pointed out by one of the objectors to the scheme.

#### Character and Visual Amenity

The proposed replacement clubhouse, being set well back from the road, and with relatively low ridge height should not have a significant impact on the street scene or the character of the area, it will be visible from the entrance to the site, but will not be intrusive and is a suitable design. The proposal enables the removal of the existing rundown buildings and storage unit, and improves the visual amenity within the site. The indicative housing scheme would, as already explained, be

broadly in keeping with the pattern of development in the road and setting aside green belt concerns, it is accepted that semi detached properties of a suitable scale could be located within the site without harm to the street scene or the character of the area. The proposals include an increase in floodlighting including to the proposed all weather pitch located at the front of the site. There is existing floodlighting which can be seen for a considerable distance and is quite intrusive in the rural area. Some information has been provided indicating the level of illumination proposed, but more information and restrictions can be required by condition to ensure that light spillage beyond the pitch areas is kept to the minimum and it is expected that the visual intrusion from the proposed lighting will be less than the existing.

#### Design and layout of new dwellings

The indicative plans for the proposed 8 semi detached houses suggests that they would be 4 bedroomed houses. This results in 6 habitable rooms, which under the current adopted policies would mean that each dwelling should have 120 square metres of private amenity space. The layout shown indicates just 65 or 70 square metres of amenity space would be provided, well below the standard and the rear gardens proposed are conspicuously short in comparison to those of adjoining properties. In addition the suggested layout leaves less than 2 metres between properties, whereas there is generally greater spacing between other properties in the road and 2 metres would normally be required even in established residential areas. Although the submitted plans are only indicative, Officers consider that it is unlikely that 8, 4 bedroomed dwellings with adequate amenity space provision can be achieved within the plot provided with adequate amenity space to meet current standards. Whilst government advice is that there should be scope for flexibility on amenity space provision, the shortfall in this instance is likely to exceed that which would be acceptable. 8 smaller properties may be achievable or 6 4 bed properties with wider gardens, but it is unclear whether this would provide the income that the applicants need to enable the main part of the development to take place.

#### Residential Amenity

This is an existing well used sporting facility and it is not expected that the proposed development will result in any greater impact on the amenity of neighbours than the existing. Inevitably there will on occasion be noise and disturbance from the use and the number of vehicles and people accessing the site, but with the increased on site parking the impact on neighbours should if anything be reduced as fewer people will be returning to vehicles parked on street in front of neighbours houses.

The moving of the access towards the middle of the site will reduce disturbance to the residents of number 45 and the proposed new houses can be sited such that they will not have an overbearing impact on that property.

Although residents opposite the proposed housing will have a change in their outlook it is not considered that there would be any significant harm to residential amenity.

The issue of light pollution has to some extent been covered above, and conditions can be imposed that would minimise light intrusion that could otherwise be harmful to residential amenity.

#### Traffic, Access and Parking Issues

A large part of the proposed scheme is the increase in parking provision for the club. It is clear that the current car parking at the site is insufficient to meet the demand at the most busy times and this has resulted in significant overspill of parking onto the highway and pavements which has caused problems for residents and potential highway safety issues. The proposals include the provision of 193 parking spaces and 2 coach parking spaces, which is a total of 103 more spaces than currently available; this will clearly help resolve the current problems. Although the sports facilities at the site are being substantially improved, it is not anticipated that this will result in a significant increase in the maximum number of people utilising the site at any one time. The all

weather pitches will simply enable greater use of the facility throughout the year and widen the choice of sports available.

Essex County Council Highways have advised that the proposed alteration to the access and parking are acceptable and an improvement over the existing. Adequate sight lines of 2.4m x 70m in each direction can be achieved and conditioned and in addition the developer can be required to extend the footway on the southern side of the road as far as the new access to the site.

With regard to the proposed residential development the suggested 2 parking bays per unit meets the adopted standards and the proposed rear access road is considered acceptable.

The Parish Council and a local resident have suggested that other highway improvements should be negotiated, however, it is not considered that these can be required given that this is predominantly an existing use and that the houses proposed would not generate excessive traffic levels. In addition any additional financial contributions would eat into the money that the applicants need for the redevelopment of the site and may well make the development unviable.

#### Trees and Landscaping

A full tree survey, arboricultural report and method statement has been submitted which demonstrates that the proposal can be implemented without a detrimental impact on trees around the boundaries of the site. The hedgerow to the front of the site to the west of the proposed new access is shown to be retained and this will significantly screen the sporting development and maintain the rural character of this part of the site, similarly the trees and hedging around the sides and rear of the site are to be maintained.

#### Ecology

A phase 1 habitat survey was submitted with the application and this recommended further reptile surveys take place and a bat emergence survey, these can be required by condition, in order to ensure that adequate protection is provided in the event that such species are found. The report provided recommendations relating to protection of nesting birds, retention of boundary hedgerows and means of enhancing biodiversity at the site such as the provision of bird and bat boxes to achieve positive results in the long term and these can be the subject of a condition.

#### Sustainability

This site is not in a particularly sustainable location. It is likely that the vast majority of people utilising the site will arrive by car, but this is an existing facility not a new use and at least the location is relatively well linked to the main road network, (only about 250m from Thornwood High Road) and not in a more remote location. The proposed improvements to the sports facilities will enable the best use of the facility by a wide variety of people for a variety of outdoor sports and this can be seen as a more sustainable use of land. The clubhouse has been designed to maximise energy efficiency and reduce energy costs.

With regard to the proposed housing however, this introduces a new use to the site which is poorly located for access to shops and facilities and public transport. Given the number of houses proposed, it is considered that this element of the scheme would be considered unsustainable.

#### Highway Improvements

The Parish Council have suggested that other highway improvements should be negotiated, however, it is not considered that these can be required and inevitably they would eat into the money that the applicants need for the redevelopment of the site. The parish council's suggestions were forwarded to the applicants.

#### **Conclusion.**

The merits to this planning proposal are finely balanced. In policy terms the redevelopment of the sports facilities is clearly acceptable and there will be clear benefits to the community from the continued and improved availability of the facility into the future. Increased participation in sport is one of the wider aims of both Government and this Council and this aspect of the application is non contentious. There is however no policy basis for allowing “enabling“ development for sporting facilities. There is therefore a fear that to allow such enabling development here may lead to similar arguments being used on for instance golf courses or other sports venues which could lead to significant numbers of houses in inappropriate locations. In addition the “enabling” development proposed here is quite a significant level of development, not for instance a single house, or two houses, but 8, four bedroom properties with a floor area greater than the floor area of the proposed new clubhouse, and this does seem potentially disproportionate. In addition whilst there is some policy support for sporting and community facilities, there is also very strong policy support for protection of the Green Belt.

The case officer has concluded that although there are circumstances in this case which weigh in favour of the development it is not clear that these are sufficient to *clearly* outweigh the harm to the Green Belt that would accrue from the provision of 8 residential properties in this location. The application is therefore recommended for refusal.

***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:***

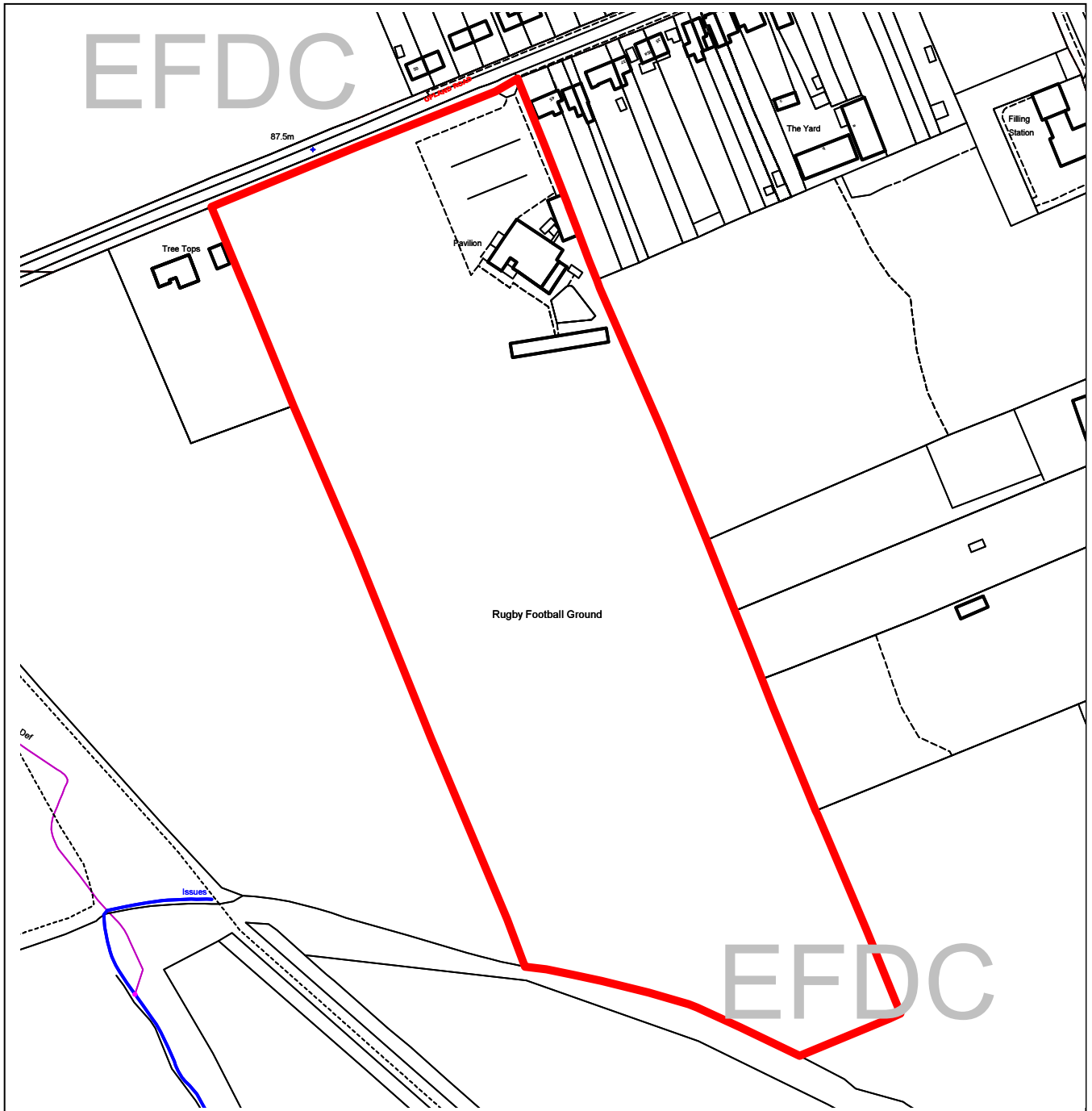
***Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564016***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

|                            |   |
|----------------------------|---|
| <b>Agenda Item Number:</b> | 2   |
| Application Number:        | EPF/0817/12   |
| Site Name:                 | Upper Clapton Football Club, Upland Road, Thornwood, CM16 6NL |
| Scale of Plot:             | 1/2500  |

**Report Item No: 3**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1232/12   |
| <b>SITE ADDRESS:</b>            | Mushroom<br>Pedlars End<br>Moreton<br>Ongar<br>Essex<br>CM5 0LW   |
| <b>PARISH:</b>                  | Moreton, Bobbingworth and the Lavers  |
| <b>WARD:</b>                    | Moreton and Fyfield   |
| <b>APPLICANT:</b>               | Mr & Mrs Brennan  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Change of use and conversion of a former agricultural building, from curtilage living accommodation to separate dwelling with separate curtilage. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=538734](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538734)

**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: 2888, 2888/1.
- 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 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 E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until details of the proposed surface materials for the accessway 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.



- 6 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.
- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be provided prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 8 The proposed boundary fence as identified on drawing 2888/1 separating the new dwelling from "The Mushrooms" shall be erected prior to the proposed building being used as a separate dwellinghouse and permanently retained as such.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation

scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 The parking and turning area shown on the approved plan shall be provided prior to the first use of the site as a separate dwelling and thereafter retained free of obstruction for the parking and turning of residents' and visitors' vehicles.

*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 on a backland plot situated in the established curtilage of the property known as “The Mushroom” in Pedlars End. The character of the area is an enclave of residential dwellings on either side of the road close to the village of Moreton. Two existing access points exist for entry onto the public highway. The existing dwelling on the site is a chalet style bungalow with a detached garage to the east. There is some level of screening along the boundaries of the site. The proposal building, which was originally constructed for agricultural purposes, is single storey and currently in ancillary residential use. The entire site is within the boundaries of the Metropolitan Green Belt.

### **Description of Proposal:**

Consent is being sought to convert an ancillary building to a separate residential dwelling with curtilage. Changes to the exterior of the building would be largely cosmetic. Access would be achieved along the western boundary of The Mushrooms and three parking spaces and a turning circle would be created within the new residential curtilage.

### **Relevant History:**

ONG/0047/48 – Forcing Shed. Grant Permission – 10/12/48.  
EPF/0988/05 - Rear conservatory. Grant Permission - 11/07/2005.

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment.  
CP3 – New Development  
GB2A – Development in Green Belt  
GB7A – Conspicuous Development  
GB8A – Change of Use or Adaptation of Buildings  
GB9A – Residential Conversions  
DBE1 – New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE8 – Private Amenity Space  
DBE9 – Neighbour Amenity  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H4A – Dwelling Mix  
LL11 – Landscaping Schemes

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**

PARISH COUNCIL: Objection. The Parish Council was unaware that this building has been converted to supplementary living accommodation as described in the plans. The original building was used to grow mushrooms and therefore is an agricultural building. It is the Council's understanding that if the applicant can demonstrate that it had been converted to supplementary living accommodation more than 10 years ago then an application for a Certificate of Lawfulness should be made prior to a planning application. Once this has been done the Parish Council will assess the plans again. In principle the Parish Council wishes to encourage affordable housing.

4 neighbours were consulted and 2 replies received.

NELTHORPE: Objection. To have vehicles coming and going past my mother's house is going to be intrusive and distressing, not to mention the impact this could have on the value of her property. We were of the opinion that the land along the western boundary of The Mushroom was a public right of way. The applicant has removed a hedge and replaced it with a fence which we believe encroaches across our boundary.

GLENWOOD: Objection. Concern that the proposal will result in another dwelling needing access to the highway on a dangerous bend. We were not permitted a dwelling for my daughter for this reason. A developer was similarly advised that no additional egresses would be permitted onto the highway at this location. I believe that a public right of way runs along the boundary between The Mushrooms and Nelthorpe. A fence has now been erected from the boundary to the flank wall of the dwelling. Has the right of way been abandoned? Or should the right of way be reinstated? If the latter is the case surely the new dwelling would infringe on this.

## **Issues and Considerations:**

The main issues to consider are whether the proposal is appropriate within the Green Belt and issues relating to neighbour amenity, design, and the comments of consultees.

### *Parish Council Comments*

The Parish Council have outlined how the building was originally approved for agricultural purposes and that an application for a Certificate of Lawfulness should be made for the change of use to residential. It is evident that the building was originally approved as an agricultural building many years ago. However it seems that the existing building has been incorporated into the curtilage of The Mushrooms some time ago. A planning application from 2005 clearly shows the proposal building incorporated into the curtilage of the dwelling. Aerial Photographs on the Council's records also show the building incorporated into the curtilage of The Mushrooms. A planning application for the detached garage in 1983 identifies the building as an "outbuilding" and shows it within the red line of the site. It is therefore considered that the change of use of the building from agriculture to residential happened some time ago. In any case the merits of the conversion of this building, agriculture or otherwise, to a separate residential dwelling can be judged on its own merits as the change of use of a building in the Green Belt and assessed against local and national policy.

### *Public Right of Way*

Both objectors have stated that a public right of way exists along the western boundary of the site, adjacent to Nelthorpe. The definitive Public Rights of Way map does not show any part of the site as a designated public right of way. A public right of way is however shown on the opposite side of the road through "Glenwood".

Concern has also been expressed that a boundary change has been made with regards to the erection of a fence to replace a hedge between The Mushroom and Nelthorpe. This cannot be confirmed by the Local Planning Authority and such work would not require planning permission.

### *Green Belt Considerations*

Local Plan policies provide guidance with regards to the reuse of existing buildings in Green Belt locations. This particular form of development is also covered within the recently adopted National Planning Policy Framework (NPPF). Both recognise that such uses can be appropriate forms of development subject to conformity with a number of stipulations.

Policy GB8A of the Local Plan sets out guidelines for the change of use or adaptation of buildings within the Metropolitan Green Belt. Preference is given to uses which generate employment, including small workshops. These uses must be discounted before a residential conversion is considered. The applicant has made the case that given the location of the building within the curtilage of a dwellinghouse, in an enclave of similar dwellings and the relatively isolated location of the site, perhaps commercial use is not suitable. The point is also made that there are a number of similar buildings within the district available for rent with no particular interest being shown. This is generally the current scenario and it is also accepted that commercial use, and the amenity issues it could potentially arise, would not be particularly suited to this specific location. Therefore the principle of a residential dwelling is accepted in line with policy GB9A – Residential Conversions, and as the proposal is in general compliance with the aims and objectives of the NPPF's rural and Green Belt objectives.

The residential use can be judged against Policy GB8A which addresses the change of use or adaptation of buildings in the Green Belt. . This firstly requires that the building should be capable

of conversion. The existing structure, which has been adapted to ancillary residential use, would be capable of conversion to a residential dwelling without major reconstruction. No structural changes are necessary with the adaptation and the majority of the work would be to improve the aesthetic appearance of the building.

Part (ii) of Policy GB8A requires that the use would not have a materially greater impact on the Green Belt and Part (iii) states that the associated traffic generation would not have a significantly detrimental impact on the character or amenities of the countryside. The creation of a separate curtilage, resulting in two domestic curtilages as opposed to one at the site, could have some impact on the openness of the Green Belt. A general increase in domestic paraphernalia would result and the necessary boundary treatment and hardstanding for parking would impact on openness to some degree. Traffic generation would inevitably increase to some extent with the intensification in use of the site. However the site is within an enclave of dwellings and is in close proximity to Moreton village, albeit a village with very limited services, and is not in an isolated location in the Green Belt. The site is accepted as being in residential use and the use would not result in the creation of a totally new residential curtilage on previously undeveloped land. Such considerations make this a balanced case. However the reuse of buildings in the Green Belt is encouraged and supported by local policies and this has recently been bolstered by the NPPF which also supports the reuse of existing buildings. It is therefore considered that although some impact on the open character of the Metropolitan Green Belt is recognised it would be minimal and the proposed change of use is acceptable. In Green Belt terms the proposed design is considered acceptable and suitable materials can be agreed by condition.

From a sustainability perspective local policy indicates that new development should reduce dependence on the private car (CP1) and that the development is accessible by existing, committed or planned sustainable means of transport (CP3). It is recognised that this is not necessarily the case with this development. However local policy also promotes the reuse of existing resources (GB8A) and the provision of a dwelling mix to meeting local housing needs, including smaller dwellings (H4A), and it is considered that the latter aims take precedence in this instance.

#### Highway Issues/Neighbours Comments

A neighbour of the development, resident at Glenwood, has raised concerns about highway safety if this development was to gain approval, with regards to access and egress from the site. The objector cites previous reasons to refuse permission for residential properties in the immediate vicinity of the application site, including at Glenwood. The planning history of the site identifies attempts to gain planning consent for new residential development which would not have policy support and as such was inappropriate in a Green Belt location. The reasons for refusal did include reservations that adequate visibility splays could not be achieved with regards to the proposed new access point to the highway.

This proposal however would utilise an existing established access point onto the public highway. Although there would likely be an intensification in the use of this access Essex County Council Highways Section raises no objection to the marginal intensification in the use of an existing access point. There is sufficient parking with regards to this development.

The original use of the site for mushroom production would also have generated traffic movements.

#### Neighbour Amenity

The proposed development would result in the sub-division of the existing curtilage into two separate plots. Both plots would have sufficient amenity space for future occupants. A gap of 25.0m would exist from rear facing windows on The Mushrooms to the private amenity space. This

is a sufficient distance to ensure adequate privacy and a vegetation screen would provide further privacy. Although a backland development, the building is low set and would generally have no impact on the amenities of neighbouring residents.

Concern has been raised about the impact of car movements along the side boundary with Nelthorpe, but these would only be domestic traffic to a single dwelling utilising an existing access, which it is considered would have less impact than any alternative agricultural or business use and would not cause excessive harm to amenity.

#### Contaminated Land

Owing to the previous agricultural uses of the site and the fact that the proposal will result in domestic use of the building and land, the standard contaminated land conditions are deemed necessary in this instance.

#### **Conclusion:**

The proposed development is considered to be in general conformity with both national and local planning policy. The reuse of the existing building to provide an additional residential property is justifiable in this instance. Therefore subject to conditions 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:***

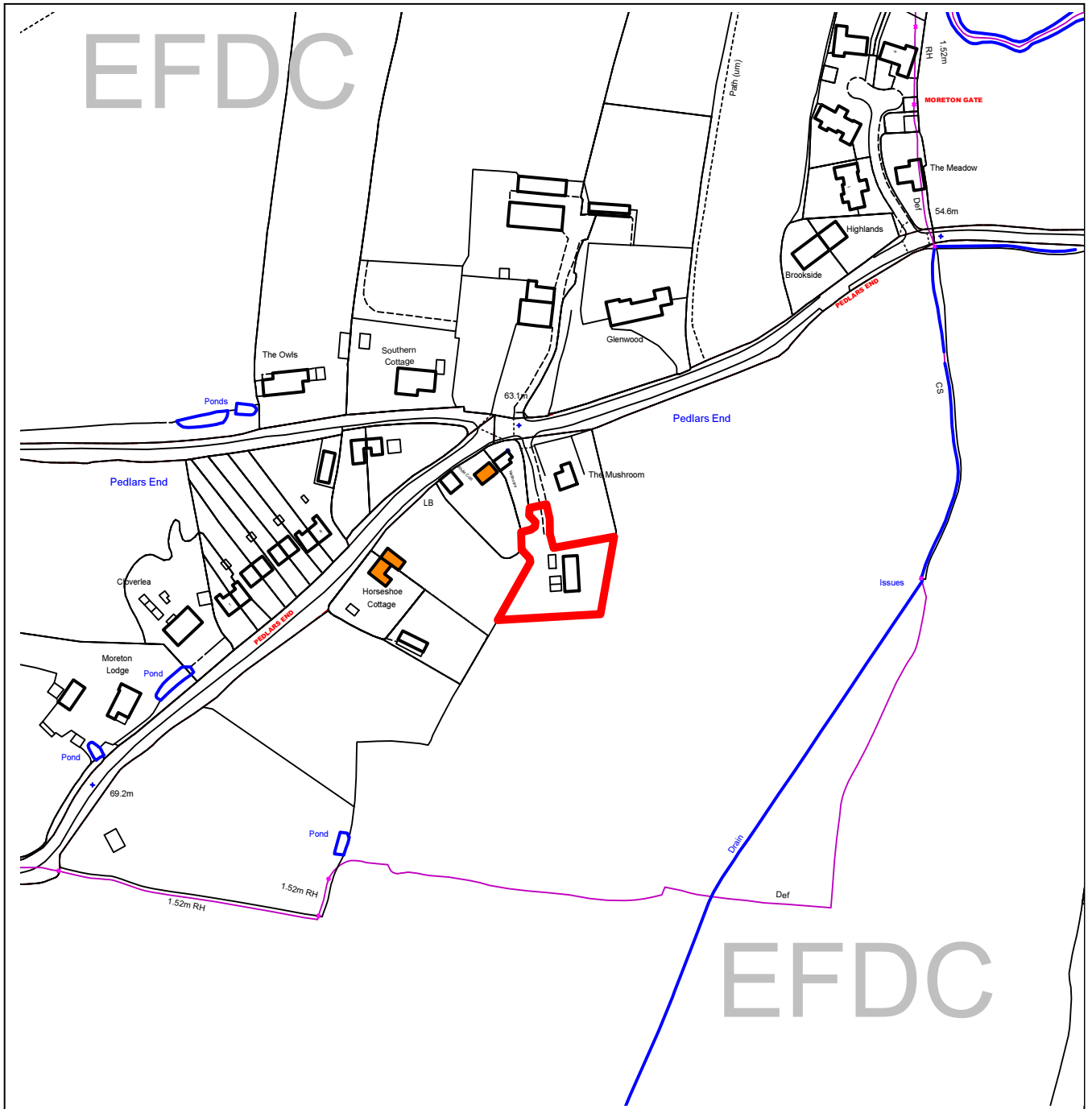
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

|                            |   |
|----------------------------|---|
| <b>Agenda Item Number:</b> | <b>3</b>                                  |
| Application Number:        | EPF/1232/12                               |
| Site Name:                 | Mushroom, Pedlars End<br>Moreton, CM5 0LW |
| Scale of Plot:             | 1/2500                                    |

**Report Item No: 4**

|                                 |   |
|---------------------------------|---|
| <b>APPLICATION No:</b>          | EPF/1391/12   |
| <b>SITE ADDRESS:</b>            | 30 Bower Hill<br>Epping<br>Essex<br>CM16 7AD  |
| <b>PARISH:</b>                  | Epping  |
| <b>WARD:</b>                    | Epping Hemnall  |
| <b>APPLICANT:</b>               | Mr Sukhi Takhar   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Change of use of part of a farm suppliers yard into a manual car/vehicle valet wash facility. (Revised application) |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)  |

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=539500](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=539500)

**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: 12043\_002 Rev C received amended on 09/10/12.
- 3 The building adjacent to the northern site boundary shall only be used for purposes ancillary to the use of the site as a car wash and not for any other purpose.
- 4 No signage shall be erected at the site without the prior written approval of the Local Planning Authority.
- 5 The use hereby approved shall operate only between the hours of 08.00 and 19.00 Monday to Saturday and between 10.00 and 16.00 Sundays and Public/Bank Holidays.
- 6 Prior to the proposed development coming into use, the access off of the industrial estate shall be provided with a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway.
- 7 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 8 The use hereby permitted shall not be open to customers/members outside the hours of 08:00 to 19:00 on Monday to Saturday and 10:00 to 16:00 on Sundays and Bank/Public Holidays.



- 9 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 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 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 Entry and exit to the site shall only be from the gate adjacent to the access road for the industrial estate and there shall be no entry or exit from the gate onto the public highway, adjacent to Bower Hill.
- 16 The proposed fence as identified on the approved plan for the purposes of sectioning off the car wash from the remainder of the site shall be erected prior to the first use of the development hereby approved and permanently retained whilst the car wash is in operation.

*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 wider site (both the red line and blue line on the submitted site plan) is located on Bower Hill and is situated on the corner with the access road to a number of industrial units and was last used as a farm supplier. The site rises steadily from front to rear and contains a number of disused commercial buildings. The site is surfaced with hardstanding and there are two entry points, one from Bower Hill and one from the access road. The property is surrounded by a palisade fence. A number of residential units are located on the eastern boundary.

### **Description of Proposal:**

The application is a revised proposal following the refusal of an application to change the use of the entire site to a car wash/valet service area (EPF/0631/12). The applicant now seeks consent to change the use of part of the yard to a car wash/valet area (outline red on the submitted site plan). Vehicles would enter and exit by the “top gate” off the access road and the car wash would be located in the south western corner of the former supplier’s yard.

### **Relevant History:**

EPF/0339/96 - Change of use from storage to retail. Grant Permission – 15/05/96.

EPF/0631/12 - Change of use of a farm supplier's yard into a manual car/vehicle valet wash facility. Refuse Permission - 08/06/2012.

**Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development objectives  
CP7 – Urban form and quality  
DBE2 – Effect on neighbouring properties  
DBE9 – Loss of amenity  
RP5A – Adverse environmental impacts  
ST4 – Road safety  
E1 – Employment areas

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:**

17 neighbouring residents were consulted – 4 replies received.

2 BOWER TERRACE: Objection. Concern about the risk of road accidents as this is a busy junction which is used by heavy goods vehicles. Concern about an increased flooding risk with regards to the amount of water that this use will generate.

3 BOWER TERRACE: Objection. Concern about traffic movements to and from the site and the fact that cars will queue on the roadway. There are numerous lorries driving along the side road to and from the industrial estate. These lorries can already only go in single file near the point of entry to the proposed site. The owners of cars using the garages behind Bower Terrace will have problems driving towards the main road. We will be forced to pull out from the garage drive straight into a queue of cars and when returning home will have to wait in the queue, unless the good will of the waiting car drivers lets us go past and then across, between them, to the left. Noise and pollution concern caused by waiting cars and concern about the safety of pedestrians.

21 BOWER HILL: Objection. The proposed development would be out of character with the area. Concern that waiting cars will impact excessively on the amenity of neighbours. Concern about the amount of unsightly advertising that will be needed around the site. Concern that some of the buildings will be used to accommodate workers from the proposed use. I believe such a use will be detrimental to the character of Bower Hill. Could this land not be redesignated for housing it has remained empty for three years and become unkempt?

23 BOWER HILL: Objection. The use could generate a significant increase in noise levels and general disturbance. A car wash in a largely residential area would be inappropriate. The proposed opening hours could result in disturbance throughout the day.

EPPING TOWN COUNCIL: Objection. Committee are concerned that the proposed change of use this application if granted will permit activity to the detriment to neighbouring residences. Although the revision describes a single entry/exit for vehicles to the site it is still bound to increase traffic volume on what is an already busy road. Committee identified that current permitted activity would replace indoors, undercover and is limited to normal working hours whereas the application describes outdoor working from early each morning and at the weekends which would cause considerable disturbance.

## **Issues and Considerations:**

The main issues to consider relate to potential impact on amenity, road safety, land drainage and the comments of consultees. The planning history of the site and the recent refusal of planning permission is another material consideration.

### **Neighbour Amenity**

The previous application was refused for the following reasons;

1. The proposed development, by reason of noise and disturbance created by its use, would be detrimental to the amenities of neighbouring residents, contrary to policies DBE9 and RP5A of the adopted Local Plan and Alterations.
2. The proposed development would result in the under utilisation of a prime commercial site. This would be contrary to sustainable development objectives as contained in the Local Planning Authorities core policies. Specifically the proposal would fail to maximise the use of spare capacity in terms of buildings and land contrary to Policy CP6 (ii) and would not ensure the most efficient use of land within a built up area contrary to the aims of Policy CP7. It would result in several commercial buildings unused and unusable with no parking, delivery or circulation space.

Previous concern had been expressed that the proposed development would be located in close proximity to a number of residential properties, with the car wash area some 15.0m from the nearest rear garden area. The polish area would have been adjacent to the fence of No28 Bower Hill. This proposal involved cars entering the site from the access road and exiting onto Bower Hill. This application has amended that proposal by locating the car wash in the south west corner of the site and using the same gate for entry and exit. The car wash/valet area would now be located some 25 - 30m from the nearest residential houses. Although there would be general noise from machinery and the fact that people are working outside, the distance retained would be enough to ensure that this was not to an excessive level. No7 Bower Terrace would now be the closest residential property to the development and this dwelling is well screened by an existing fence. It is therefore considered this use would now have an acceptable level of impact on the amenity of neighbouring residents.

### **Highways**

A number of neighbours have expressed concern that the proposal would impact on road safety and Essex County Council Highways Section has been consulted on both applications. As with the previous submission they raise no objection to this proposal. Their comments make the point that the proposal will not generate additional traffic beyond what the lawful use of the site could have, and large vehicles associated with the previous use will cease. A number of conditions are suggested, relating to the width of the entrance to the site and details to prevent excessive surface water. However there is no objection to the use of this site for this intended purpose. Therefore the concerns from some of the neighbours close to the site with regards to road safety issues with this proposal are not supported by technical advisers in this instance. Indeed as the access to the site is from the industrial estate accessway this would avoid the need to queue on the highway adjacent to the front of the site.

### **Employment Land**

The wider site, both red and blue outlined land on the submitted plan, is designated for employment land and has clearly lain vacant for some time. The principle of another employment use is therefore acceptable on the wider site. Advertising boards promote the site for employment and the fact that it has lain vacant for some time suggests it is proving difficult to let. Previous

concerns had been expressed that the car wash represented an under-utilisation of an employment site located within an urban area where commercial uses should be encouraged. A number of buildings would seemingly have remained vacant and unused. It was therefore considered that the proposal was contrary to the aims of sustainable development.

The applicant has revised the proposal so that the car wash does not use the entire property. As such most of the built form at these premises are outside the developed site and would remain available for other uses should interest in the site be shown. The Local Planning Authority would accept the use of the building immediately adjacent to the car wash for ancillary storage/tea room etc. Therefore the bulk of the site would remain free from development and suitable for other uses. A "perfect" use for this site would be its reuse for B1 or B8 purposes. This does not appear to be an option at present. This use, as stated, would result in the bulk of the site remaining open and it is surmised that if a suitable tenant became available for the entire site the car wash use may discontinue. However, presently, this use would not compromise the future development of the site, and may even lead to a suitable sub-division of the site. The proposal would also result in an employment generating use, in a sustainable location, in line with national policy objectives to promote economic sustainable development. The proposal would result in the reuse of a site for employment generating purposes. .

### Neighbours Comments

The concerns from some of the neighbours have been recorded and some of the issues addressed within the report. Further concern is expressed that the proposed use will appear out of character in a residential area. However the site is designated as employment land and this is the character of the industrial area from which this use would operate. Concern has been expressed that the use could have adverse impacts on pedestrian safety. It is not considered that pedestrians would use the accessway where the use would be located to any great degree.

Comments have been received detailing a concern with regards to advertising at the site, and the impact this may have on amenity, and that the other buildings could be used for residential use. Either forms of development would require planning consent and as such would fall under the control of the Local Planning Authority where they could be judged accordingly against the Local Plan and any other material planning considerations. However conditions controlling such uses are deemed reasonable and necessary and for the sake of clarity.

### Opening Hours

The proposed opening hours are from 08.00 – 19:00 Monday to Saturday and from 08:00 - 17:00 on Sundays and Bank Holidays. The proposed hours are generally acceptable but as there are residential properties nearby 10:00 opening is deemed more reasonable on Sundays and Bank Holidays with a 16:00 closing time.

### Drainage

Concern has also been expressed by some neighbours with regards to drainage from the site. The Land Drainage section of the Council have no concern with this proposal subject to appropriate conditions providing information about the disposal of foul and surface water. Works are proposed within 8.0m of a watercourse therefore Land Drainage Consent is also required.

### Contaminated Land

Owing to previous uses of the site the standard contaminated land conditions are deemed necessary to ascertain potential impacts.

**Conclusion:**

The proposed development adequately addresses previous reasons to withhold consent for a car wash at the site and as the proposal is now in general accordance with local and national policy it is recommended that planning permission is granted subject to appropriate 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:***

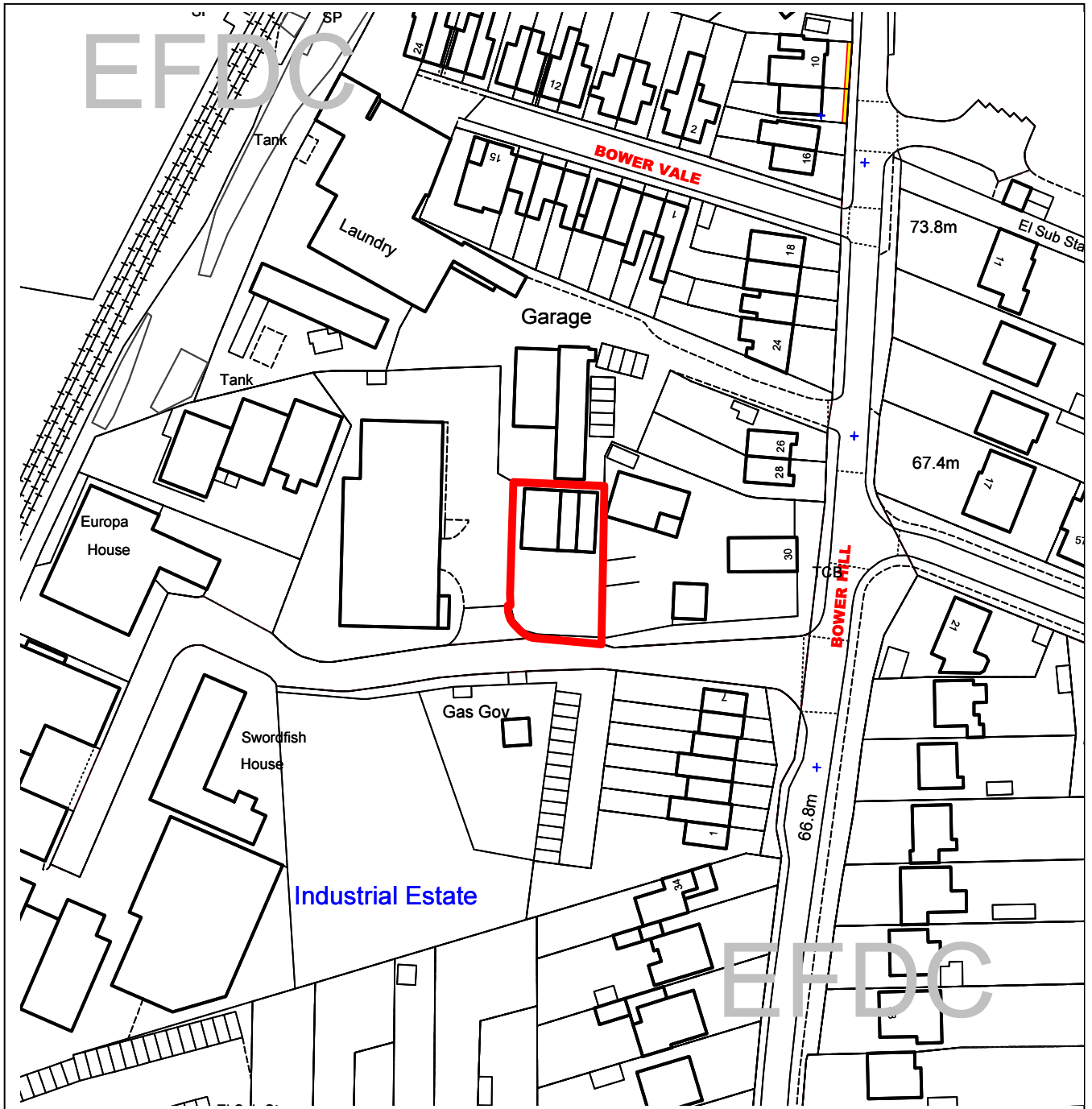
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

|                            |                                  |
|----------------------------|----------------------------------|
| <b>Agenda Item Number:</b> | <b>4</b>                         |
| Application Number:        | EPF/1391/12                      |
| Site Name:                 | 30 Bower Hill, Eppin<br>CM16 7AD |
| Scale of Plot:             | 1/1250                           |

**Report Item No: 5**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/1569/12  |
| <b>SITE ADDRESS:</b>            | 83A Theydon Park Road<br>Theydon Bois<br>Epping<br>Essex<br>CM16 7LS                                       |
| <b>PARISH:</b>                  | Theydon Bois   |
| <b>WARD:</b>                    | Theydon Bois   |
| <b>APPLICANT:</b>               | Mrs L Cohen-Klein  |
| <b>DESCRIPTION OF PROPOSAL:</b> | Proposed front and rear extensions to existing bungalow combined with raising of roof and loft conversion. |
| <b>RECOMMENDED DECISION:</b>    | Grant Permission (With Conditions)   |

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=540163](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540163)

**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 Within 2 months of the substantial completion of the development hereby approved, the proposed first floor window openings in the north-east and south-west side elevations and the proposed ground floor window opening in the south-west side elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

**Description of Site:**

The application site is a chalet bungalow set between 2 two-storey houses on the east side of Theydon Park Road. The ridge height of both neighbours is higher than that of the application house.



Land falls steeply from south to north leaving 83, the neighbour to the north, considerably higher than the application site. A retaining wall supporting the higher level of 83 marks the boundary between the two houses. A timber fence has been erected on the retaining wall. Rear of the retaining wall the boundary between 83 and the application site is marked by a timber panel fence and substantial leylandii hedge.

No. 85 Theydon Park Road is at a slightly lower level than the application site but the change in level between the two properties is much less marked than that between 83 and the application site.

Both neighbouring houses have windows in their flank elevation facing the application site, most of which are obscure glazed. Similarly, the application house also has flank windows looking to its neighbours, including a window serving a bedroom at first floor level.

### **Description of Proposal:**

It is proposed to square off the front elevation at ground floor by infilling a recess adjacent to 85 Theydon Park Road. It is also proposed to increase the ridge height of the house by 1m from 5.9m to 6.9m and extend the main roof over the squared off forward part of the house. A proposed rear extension would project 4m from the existing rear wall and tie in with the proposed altered roof form to the existing house.

### **Relevant History:**

None

### **Policies Applied:**

|       |  |
|-------|--|
| CP2   | Quality of Rural and Built Environment |
| DBE9  | Loss of Amenity                        |
| DBE10 | Residential Extensions                 |

NPPF

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

Number of neighbours consulted. 5  
Site notice posted. No, not required  
Responses received:

83 THEYDON PARK ROAD raise the following objections:

“Plans show a two storey rear extension with windows from the new first floor looking over to the rear and a bathroom and bedroom window looking over towards our rear garden. This certainly would affect the privacy of our property and we would like to point this out.

The rear extension may affect our rights of light with the rear extension being within the 45 degree light angle considered by the Council.

From the street elevation included in the application, I do not consider the ground level change is as indicated with the adjacent building being set so low.

Although not clear from the drawings, I think the ridge height of No 83A will be raised by at least 1.300m or possibly more.

The height of the new rear extension is highly likely to restrict our view of the countryside and the view down the road when viewed from our angled window set within the gable wall. We had this window designed specifically so that we could enjoy these views.

The side north east elevation facing our home is fairly large compared to the existing bungalow, with a double pitched valleyed roof facing our property on the new proposals.”

THEYDON BOIS PARISH COUNCIL: Objection, summarised as follows:

1. As a Parish Council we have consistently objected to the conversion of bungalows into two storey dwellings over many years and the resulting adverse impact on our housing mix in the Village. This position is the consistent policy of the Parish Council which has been endorsed by residents in responses to our consultation in connection with the completion of the Theydon Bois Village Design Statement Document.

2. Specifically, we consider the proposal would have an unacceptably adverse impact on the neighbouring properties given the size and mass of the development. Also bearing in mind the fact that both neighbouring properties have side flank windows facing this site.

### **Main Issues and Considerations:**

The main issues are the consequences for the housing mix of Theydon Bois, design and impact on living conditions of neighbours.

#### Consequences for Housing Mix:

The existing house is a chalet bungalow. It has accommodation on ground and first floor, the first floor accommodation being contained within the roof space and lit by dormer windows. It is a 4 bedroom house.

The proposed extensions and roof enlargement would leave the house as a chalet bungalow with accommodation on ground and first floor, the first floor accommodation being contained within the roof space and lit by dormer windows. In those general terms the proposal retains the core elements of the existing house. It would of course be larger and result in the enlargement of 3 existing bedrooms in the roofspace, replacement of a ground floor bedroom with a sitting room and off-setting that loss with an additional bedroom in the roof space. Additional bathroom facilities would also be provided by the proposal together with a more spacious living/dining/kitchen area.

As is clear from the facts of the proposal, the development would result in a more spacious house that would have an identical number of bedrooms and maintain the existing pattern of accommodation on two floors. In the circumstances it is clear the proposal would have no consequence for the mix of housing in Theydon Bois. Consequently, the objectives of the Parish Council for the mix of housing in Theydon Bois are not undermined by this proposal and it is not necessary to consider the evidential basis for those objectives.

#### Design:

The proposal would give the house a simple and more symmetrical form to its front elevation that would amount to an enhancement of its appearance.

In relation to the neighbouring two houses, the raised ridge height would still be lower than that of 83 and 85 Theydon Park Road. It would be 600mm below that of 85 and 3m below the ridge of 83 Theydon Park Road. Indeed, the increased ridge height of 83a would remain lower than the eaves height of 83. As a consequence, the subservient relationship to the neighbouring houses would be

maintained but the degree of difference in scale of the houses would be reduced such that the appearance of the street scene would be enhanced by the proposals.

Impact on Living Conditions:

Existing flank windows at ground and first floor of the house would be retained. Three additional ground floor flank windows would be formed, two facing 83 Theydon Park Road and one facing 85. That facing 85 would be an obscure glazed secondary window some 600mm wide. The proposed rear extension would include a ground floor window facing 83. None of the proposed ground floor windows would give rise to overlooking of neighbours since those facing 83 would be below the ground level of that house and that facing 85 would be obscure glazed, which can be secured by condition.

At first floor, three new side facing windows would be provided. Two narrow windows serving bathrooms would be obscure glazed. The third flank window would be a secondary window to a bedroom and is not proposed to be obscure glazed. It is necessary to require that window to be obscure glazed to prevent overlooking between the bedroom and the flank windows of a rear extension to 83 which presently look to the roof of the existing house. A condition requiring that would be reasonable and safeguard the amenities of the occupants of both houses.

A rear facing first floor bedroom window would allow some overlooking of the rear part of the back garden of 85 Theydon Park Road, but no more than exists of the rear garden of the application site from the first floor windows of neighbouring houses. Indeed, the area of garden overlooked would be less than presently overlooked from an existing rear facing bedroom window since the existing window has a wider field of view.

Views from a proposed rear facing dormer window adjacent to the boundary with 83 Theydon Park Road would take in parts of the rear garden of 83 but such views would be interrupted by the roof of the rear extension to 83 and the leylandii hedge on the common boundary. The area overlooked would be less than normally overlooked by first floor rear windows in residential areas.

In relation to the potential for overlooking arising from the proposals, having regard to the above analysis and notwithstanding the concerns of the occupants of 83 Theydon Park Road, it is found the proposal would not cause any excessive overlooking of neighbouring properties.

The occupant of 83 Theydon Park Road expresses concern about the consequence of the depth the proposed rear extension would project. The rear wall of an existing single-storey rear extension to 83 is in approximate alignment with the rear wall of the existing house at 83a. The proposed addition would project 4m but would be set between 3m and 4m from the common boundary. The nearest edge of the closest window in the rear of the existing rear extension to 83 is set some 2m from the common boundary. It is therefore clear that the rear wall of the proposed extension would be set within an imaginary 45 degree line taken from the nearest edge of the rear facing window in the extension to 83.

Moreover, having regard to the difference in levels between 83 Theydon Park Road and the application site (approximately 1.8m) and the means of enclosure on the common boundary rear of the houses (a timber fence some 1.8m above the ground level of 83 and a higher leylandii hedge) the distance the extended house would project rear of the original rear wall of 83 would not intrude into the outlook from 83. At worst, the outlook would take in the ridge of the proposed extension and would certainly not be harmful to amenity. The addition would certainly not appear overbearing when seen from any part of 83.

In relation to 85 Theydon Park Road, its rear elevation projects some 2.8m rear of the existing rear wall of 83a therefore the extension would only project some 1.2m rear of the rear of 85. The extension would be set well within an imaginary 45 degree line taken from the nearest edge of rear

elevation windows in 85. Furthermore, the change in levels between 83a and 85 Theydon Park Road is some 600mm, not sufficient to result in the proposed projection rear of 85 to appear overbearing or to harmfully intrude into outlook.

Concern has been raised about the impact of the raised ridge height on outlook from an angled landing window in the flank of 83 Theydon Park Road. The loss of outlook across the application site from a landing window does not amount to excessive harm to the living conditions of 83 Theydon Park Road. There would be no excessive loss of light to that window as a consequence of the proposal.

Overall, the proposal would safeguard the living conditions of neighbours subject to the imposition of conditions on any planning permission given to require proposed first floor flank windows to be obscure glazed.

**Conclusion:**

The proposal would not affect the housing mix within Theydon Bois, would enhance the appearance of the house and the street scene and would safeguard the living conditions of neighbours. It therefore complies with adopted planning policy and 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:***

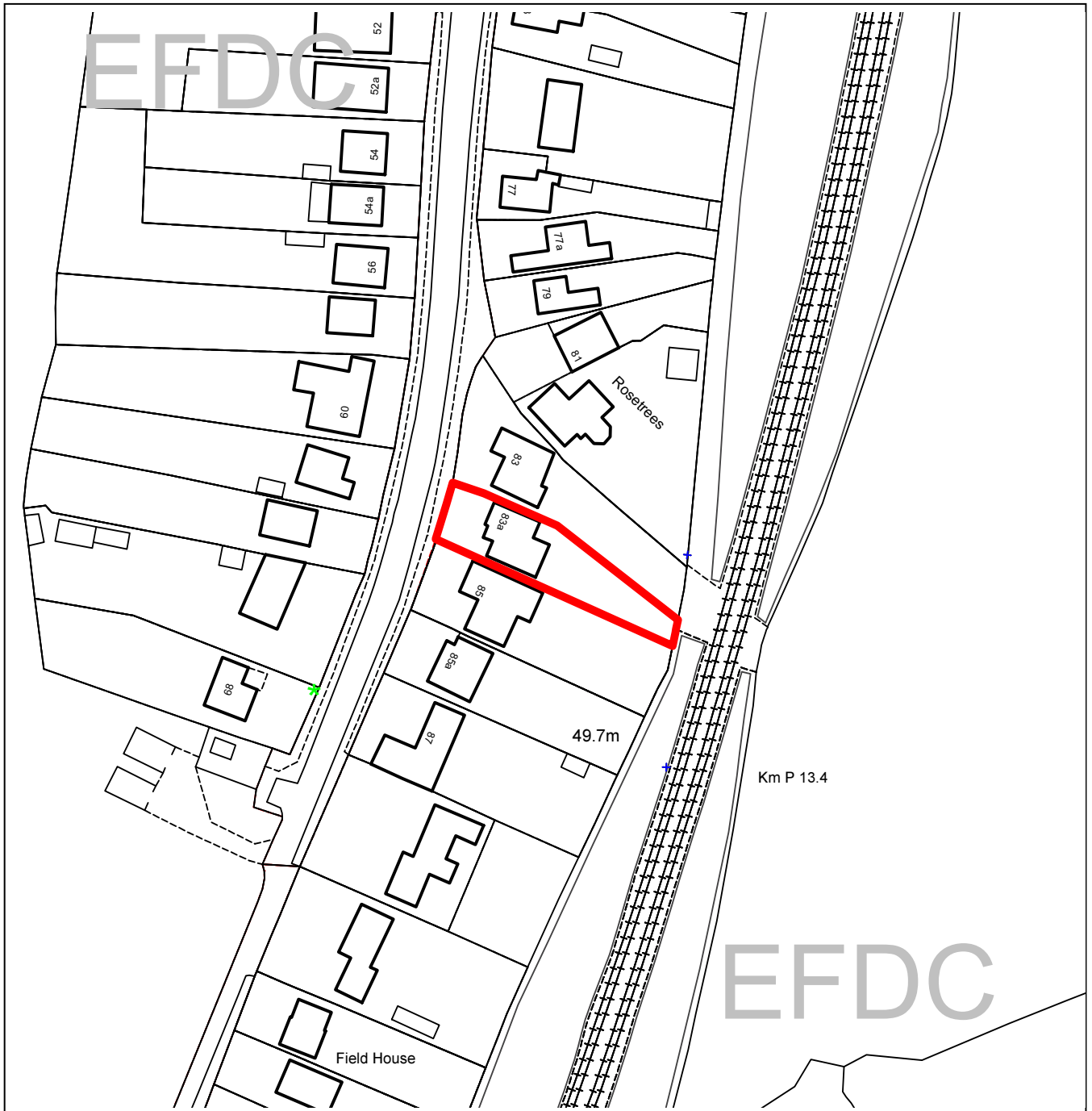
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

|                            |  |
|----------------------------|--|
| <b>Agenda Item Number:</b> | <b>5</b>   |
| Application Number:        | EPF/1569/12                                      |
| Site Name:                 | 83A Theydon Park Road,<br>Theydon Bois, CM16 7LS |
| Scale of Plot:             | 1/1250   |

**Report Item No: 6**

|                                 |  |
|---------------------------------|--|
| <b>APPLICATION No:</b>          | EPF/1632/12  |
| <b>SITE ADDRESS:</b>            | Homecroft<br>Norwood End<br>Fyfield<br>Ongar<br>Essex<br>CM5 0RW |
| <b>PARISH:</b>                  | Fyfield  |
| <b>WARD:</b>                    | Moreton and Fyfield  |
| <b>APPLICANT:</b>               | Mr Brian Doyle   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Three bay garage with log store and store room above.            |
| <b>RECOMMENDED DECISION:</b>    | Refuse Permission (Householder)                                  |

**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=540564](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=540564)

**REASON FOR REFUSAL**

- 1 The overall size, height and bulk of the proposal is out of scale with the size of the dwelling it is to serve and the untraditional design is not considered to complement or enhance the application site or surrounding area and is therefore considered detrimental to the character and appearance of the locality contrary to policies DBE1, DBE4 and DBE10 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 2 The proposal would result in an unacceptably large building due to its overall height and bulk which would be harmful to the character and openness of the Green Belt in this location. Furthermore there are no special circumstances put forward to outweigh this harm. As such the development is inappropriate development in the Green Belt and is contrary to GB2A, GB7A and DBE4 of the Adopted Local Plan and Alterations and National Planning Policy Framework.

*This application is before this Committee since it has been 'called in' by Councillor Tony Boyce (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))*

**Description of Site**

Homecroft is a relatively newly built replacement one and a half storey dwelling located in a very rural position, surrounded by open fields. It is located within a large garden plot and about 40m back from the road. There are trees and hedgerows around the boundary of the site. The property has clearly been recently completed and it appears landscaping/clearing works are still taking place. The property is within the Metropolitan Green Belt, but not within a conservation area.

## **Description of Proposal**

The application seeks consent for a three bay garage, with lean to log store with store room above accessed by an external staircase. The building is 10.9m long by 6.3m deep, with half hipped pitched roof to a height of 5.8m and an eaves height of 3.3metre. This is a revised scheme to that refused under delegated powers; the revision is the lowering of the ridge height by 0.9m. The garage is to be located forward of the dwelling but will still be about 20m back from the highway.

## **Relevant History**

The original building on the site was a 1920's style 2 bed bungalow about 8m x 8m  
W/EPO/166/64 Extension and garage. Approved 1964  
EPF/0879/81 Conservatory approved 1981  
EPF/0408/03 Replacement Dwelling Refused 2003 (Contrary to Green Belt as materially larger than existing)  
EPF/1625/03 Revised application for replacement dwelling Refused 2003 (Contrary to Green Belt as materially larger than existing)  
EPF/1521/06 – Replacement dwelling with basement – Approved, subject to removal of PD rights and removal of existing garage and outbuildings.  
EPF/0033/09 - Replacement of existing porch (on new dwelling) with 2 storey front projection – Approved by Committee  
EPF/0462/12 – 3 bay garage with logstore and store room above. Refused

## **Policies Applied**

The Epping Forest District Local Plan and Local Plan Alterations

CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development within the Green Belt  
GB7A – Conspicuous Development within or outside the Green Belt.  
DBE4 – Design in the Green Belt  
DBE9 – Loss of Amenity  
DBE10 – Residential Extensions  
DBE1 Design of new buildings

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.

Consideration has been given to the Policies within the National Planning Policy Framework.

## **Representations Received**

Fyfield Parish Council: No response received  
Site Notice: No responses received

## **Issues and Considerations**

The main issues for consideration with this case are whether the proposal is acceptable in the Green Belt, is a suitable design, and whether there is any impact on amenity.

### **Green Belt and Design**

The recently built dwelling at the application site was granted planning permission on the basis that permitted development rights for extensions but also for any additional outbuildings within the extensive garden area were removed as the dwelling approved was significantly larger than the

1920's bungalow that it replaced, which itself had already nearly doubled in size. An informative was also put on the approval for the replacement dwelling stating:

*Please note that any further extension of this dwelling is unlikely to be considered acceptable. In applying Green Belt policy the size of the original dwelling that has been replaced will be taken into account.*

Notwithstanding the above, a further extension was approved in 2009 contrary to officer recommendation.

There is nothing in National or Local Green Belt Policy that specifically allows outbuildings in the Green Belt, however, it is recognised that these days a garage and some storage space in connection with a dwelling is not unreasonable and the scale of the proposal in relation to the size and scale of the dwelling and the plot, and its overall impact on the openness of the Green Belt needs to be assessed.

Permitted development rights were removed in order to give the Council control and is not an indication that no outbuildings or extensions would be allowed.

During pre-application discussions the applicant was advised that a two bay garage with log store, but single storey only, would be likely to be considered reasonable.

The building now proposed however would have required planning permission, even if permitted development rights had not been removed, due to its considerable height. The two storey building, is excessive in height and bulk and has a floorspace in excess of that of the original bungalow that occupied the site. It is similar in width to the current dwelling and although the ridge height has been reduced from that previously refused it is still considered excessive for an outbuilding in this location. The relatively slack pitch and the half hip design, combined with the high eaves height, result in a non-traditional building form which is not appropriate to the rural area and contrary to Policy DBE4 of the Local Plan. As it is located to the front of the property it is considered the proposal would result in an unnecessarily prominent addition to the application site and due to the gable feature to the front and the first floor window detailing it appears as habitable space rather than as an outbuilding.

Furthermore, no very special circumstances have been put forward to justify either the principle of the building or the size, to outweigh the harm it may cause to the Green Belt. Although it is considered reasonable for residential dwellings to have an outbuilding of some sort, the scale of this is considered unreasonable particularly as there is an existing mower shed on the application site.

Following the publication of the NPPF policies from the Local Plan are to be afforded due weight where they are consistent with the Framework. Within the 12 core planning principles set out at paragraph 17 of the Framework, it is stated that planning should 'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them' and 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.' Policies GB2A and GB7A aim to protect the Green Belt and DBE10 and DBE4 seek to achieve development which will complement, and where appropriate enhance, the appearance of the street scene, the existing building and the Green Belt. Consequently, considerable weight should be apportioned to these Local Plan policies as they are consistent with the NPPF.

#### Amenity

The application site is fairly isolated with the nearest neighbour some 70m away to the north and therefore it is not considered there are any amenity issues with this application.



## **Conclusion**

The proposal is not considered acceptable on this Green Belt site due to the large size and bulk and the amount of development that has already taken place. No very special circumstances are apparent that would outweigh the harm to the Green Belt. Additionally the proposal results in a large outbuilding, which is not traditional in scale compared to the main dwelling and is considered detrimental to the appearance of the application site. Refusal is therefore recommended.

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

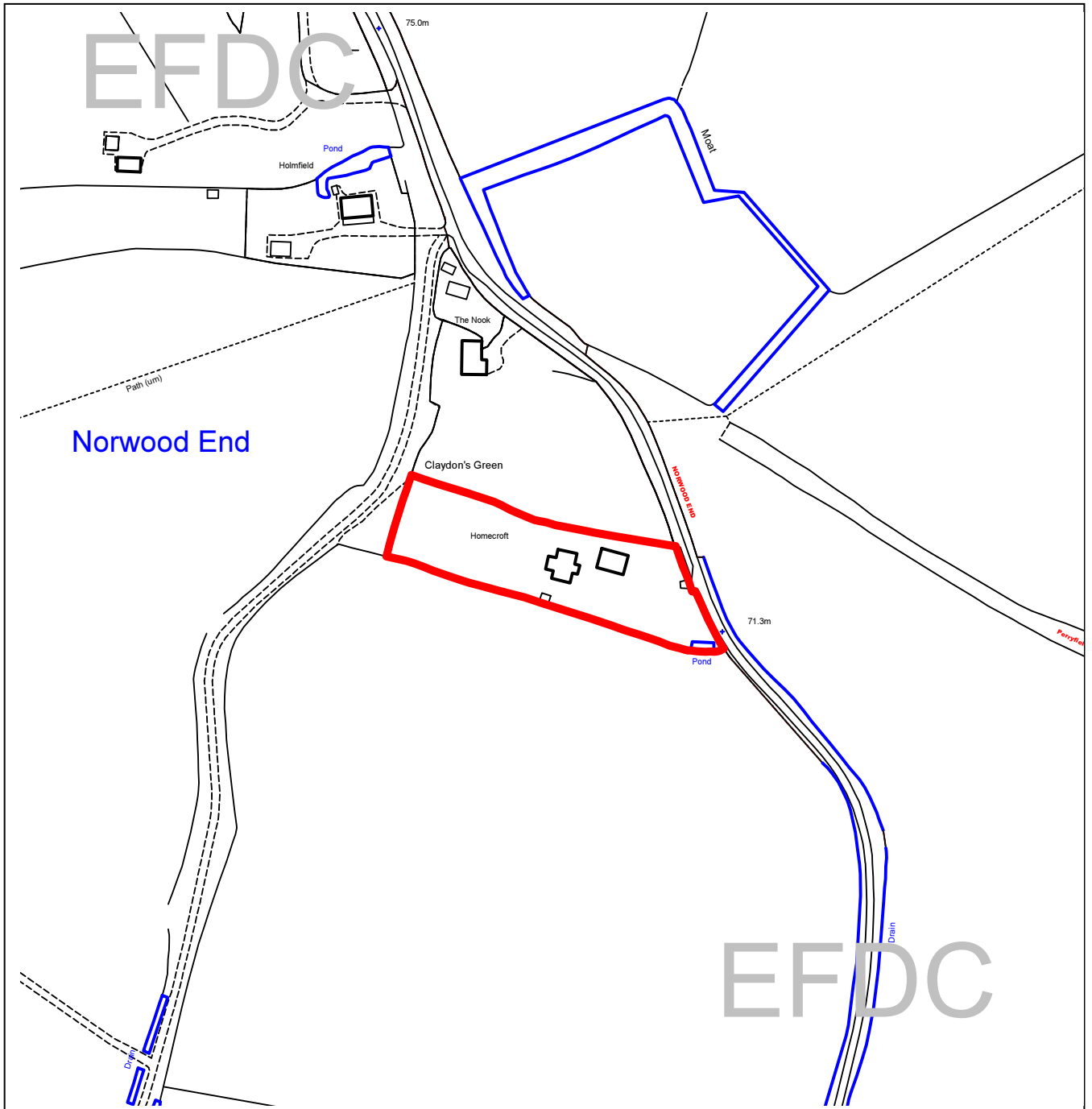
***Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564016***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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

EFDC licence No.100018534

|                            |  |
|----------------------------|--|
| <b>Agenda Item Number:</b> | <b>6</b>                                   |
| Application Number:        | EPF/1632/12                                |
| Site Name:                 | Homecroft, Norwood End<br>Fyfield, CM5 0RW |
| Scale of Plot:             | 1/2500                                     |