

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2613/11
<b>SITE ADDRESS:</b>	Greenacres Farm Bournebridge Lane Stapleford Abbots Romford Essex RM4 1LT
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	G Keeling, P Keelling, C Tolfree and Gemma Keeling-Cove
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow, domestic outbuildings, B1 office building, B1/B8 workshop/storage buildings, and cessation of open storage use, and the erection of two, two storey detached houses.
<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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=533994](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533994)

**CONDITIONS**

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

written permission of the Local Planning Authority.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting and planting on the west boundary of the site), and implementation programme (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Details of the sustainable drainage system to be used on this site shall be submitted to and approved by the local planning authority before any works commence on site, and once approved these details shall be implemented in full on site.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local

Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 14 The area of the site annotated on plan number 2472-3A as 'restored to open Green Belt' shall remain in use as agricultural land and shall not be used for any other purpose, including use as domestic gardens.
- 15 The two dwellings hereby approved shall not be occupied before the buildings shown to be removed in this application are demolished and the land made good. Similarly all outside storage, including containers, shall be removed from the site and the land made good before the dwellings hereby approved are occupied.

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

### **Description of Site**

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

### **Description of Proposal**

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

### **Relevant History**

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

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

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

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

### **Policies Applied**

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

### **Summary of Representations**

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

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

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

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

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

### **Issues and Considerations:**

#### **Green Belt**

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

site. All of these factors, taken together, provide very special circumstances to justify that in this case inappropriate development, that is the erection of two new dwellings, can be allowed.

### Unilateral Undertakings

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

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

### Trees and Landscaping

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

### Design and Appearance

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

### Sustainability

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

### Employment

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

### Conclusion

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

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

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

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