

Report Item No: 1

APPLICATION No:	EPF/0085/13
SITE ADDRESS:	42 Ladywell Prospect Sawbridgeworth Hertfordshire CM21 9PT
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	Miss Madeleine Hall
DESCRIPTION OF PROPOSAL:	TPO/EPF/07/06 T1 - Birch - Fell
RECOMMENDED DECISION:	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=544872

REASON FOR REFUSAL

- 1 Although it is recognised that the tree is close to the house and produces pollen and other irritants, these issues are not sufficient to justify felling. The loss of such a visually important tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

This application is before this Committee because any application to fell preserved trees falls outside the scope of delegated powers

Description of Site:

The tree is 10m in height. It stands next to the front boundary around 8 metres from the modern semi-detached house. The paths to numbers 42 and 44 both run beneath its canopy. There are other trees across this modern residential estate but the birch is particularly prominent.

Description of Proposal:

T1. Birch - Fell to ground level

Relevant History:

TPO/07/06 was served in response to notice of an intention to fell as a result of a concern that it was too close to the house.

TRE/EPF/2083/12 was refused permission to fell the tree at planning subcommittee. For members' information this first report follows this current report.

The reason for refusal was:

Insufficient details have been provided to allow a proper examination of the likely impact of continued retention of the tree on the property. The loss of the tree's existing and potential visual amenity is contrary to policy LL9 of the Local Plan.

Relevant Policies:

LL9 Felling of preserved trees.

Summary Of Representations

6 neighbours were consulted but no responses have been received at the time of writing this report.

SHEERING PARISH COUNCIL propose to prune not to fell the Birch tree.

Issues and Considerations:

Introduction

As mentioned above, this is the second application to fell this tree to be brought before members. In this resubmission the applicant raises issues that were not fully provided in the first application. In particular, health issues, ecological factors and the possibility of more attractive replacement options. Structural damage issues are also given more detail here. Where points have been dealt with previously, reference to the first report will be made to avoid repetition. The reasons given for this new application are, as follows:

Issues previously considered

- i) The tree has outgrown its position; directly damaging the footpath and hitting the house with its branches. It is likely to damage foundations as it continues to grow.
- ii) This 12 metre tall, unmanaged large Silver birch is imposing and not particularly attractive in the street scene.

New issues

- iii) Silver birch produces irritant pollen which has possibly caused the onset of psoriasis in the applicant's partner and exacerbated his hay fever. It is also a concern that the pollen could increase the risk of asthma in children and is a risk to users of the nearby children's play area.
- iv) It drops sap on cars nearby.
- v) Silver birch is a common tree of low ecological importance, with a relatively short future lifespan of as little as 30 years.
- vi) A better replacement is offered from a suggested short list of; Crab apple, Greengage, London plane or Mulberry.
- vii) Without it, other more attractive trees on neighbouring land would gain an elevated aesthetic presence in the street.

Consideration of the reasons given

- i) The tree as a current and potential problem to the fabric of the building.

See Consideration i) of report 2083/12 below.

The applicant has now attached a web based post, ' "Safe Distance" Have you hugged a Tree today?' at Appendix 4. This general view sets out an illustration of safe distances between trees and housing, with headline advice of; ' if the tree is too close to your house then I would advise you get rid of the tree'.

In discussion with the applicant, it was mentioned that a building surveyor raised the initial concern about the tree's proximity to the house at the time of purchase but supplied no evidence of damage caused by it.

At a distance of 8 metres, it is arguable that the tree is too close to the house and not suitable for some appropriate and sensitive pruning management to relieve the problems of branch contact with the house or passers by.

The footpath might be repaired without the need to fell the tree and since the applicant's survey indicates no structural damage at present the allegation of potential harm carries little weight.

ii) Tree visual amenity

See Consideration ii) of report 2083/12 below

iii) Pollen problems

The applicant's partner; Mr. Gardner is long term hay fever sufferer. The skin condition he currently suffers from appeared shortly after moving in August 2012. He was prescribed steroid ointment, which had no effect. The condition has improved since December, which he claims to be due to the dormancy of the tree.

Concerns were raised in respect of the couple's possible wish to start a family and the increased risk of the development of asthma in babies, young children and pregnant women. This risk also potentially affects a local play area and the local population due to the wide dispersal range of the tree pollen.

Birch pollen affects 25% of hay fever sufferers in Britain. The period of pollen dispersal starts at the end of March, through April and into the middle of May. By August, however, when the applicant and her partner moved into the house, pollen would have dispersed. Whilst officers sympathise with the applicant's health problems and concerns, it is considered unreasonable to remove the tree for this reason alone.

It was noted that there are other birches and pollen dispersing trees, crops, shrubs and other plants in the locality. The New Zealand study recommends the removal of all birch and possibly alder, beech, cypress, acacia, olive, oak and beech in urban areas. There is no guarantee that removing this tree will remedy health problems, and to remove it for this reason could set a dangerous precedent.

iv) Sap

The difficulties of honeydew sap might be reduced by pruning but is not considered a serious problem.

v) Low ecological importance.

See Further Considerations i) and ii) of report 2083/12 below

Birch is a common pioneer species but this does not negate its ecological merit. In this case priority must be given to the tree's high landscape value. It is a visual asset and likely to remain so

for the foreseeable future, thanks to its position and size at this point of the road. Its removal would be significantly detrimental to both the street scene amenity and the local ecological conditions.

iv) A better replacement

All trees listed and discussed are attractive trees. However, fruit trees have problems associated with large and easily crushed fruit. London plane is a very large species and would outgrow its position, cause more serious pathway damage and is well known to cause respiratory irritation, making it an unsuitable replacement.

The applicant suggests that other small trees in front of the flats will mitigate for the loss of the birch. This will not be the case, despite their numbers, due to their controlled size and less prominent location.

Further considerations and observations

i) Pruning as an alternative to felling

Structurally, a number of lower branches have crossed to congest the lower crown. These might be carefully pruned and selected outer boughs might be trimmed back to lift the crown and maintain the maximum separation between the tree and the house front.

ii) Purchasing considerations

The applicants were asked whether they had been aware of the tree prior to committing to buy the property. The only attention drawn to the tree was that of the surveyor, which prompted advice from a tree contractor that a TPO might be lifted from the tree relatively easily. This reassured the applicants at the time.

Conclusion

Despite much evidence of the harmful effects of its pollen, in this case it remains unproven that T1 Birch has been the cause of psoriasis and even if proven this is unlikely to be sufficient grounds to warrant removal of the tree. The tree's strong visual presence is an important factor. The loss of amenity its removal will cause is so high that the proposal lacks justification. It is, therefore, recommended to refuse permission to this application on the grounds that the reasons given for the felling fail to justify the need for the tree's removal. The proposal is contrary to Local Plan Landscape Policy LL9.

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: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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

[Report to East Planning Sub-Committee EPF/2083/12 held on 19/12/12](#)

Description of Site:

This tree is a maturing, 10 metre tall, specimen, standing around 8 metres from the front elevation of this semidetached house. It has been planted at the front corner of the applicant's front garden space and the footpaths to both 42 and 44 run under its canopy. The house is located within a large, modern residential estate. There are numerous publicly owned trees throughout the development but this particular part of the road benefits from this tree as the most prominent and attractive landscape feature at the crest of a bend in the cul-de-sac. This important tree softens and brightens the built environment of house fronts and largely hard surfaced driveways and lay-bys at this point in the road.

Description of Proposal:

T1. Birch - Fell to ground level

Relevant History:

TPO/07/06 was served on this tree following an enquiry made to fell it. No reasons were given at that time for wanting it removed other than it was too close to the house. No pruning applications have been received or granted since the Order was made.

Relevant Policies:

LL9 Felling of preserved trees.

Summary Of Representations

6 neighbours were consulted but no responses have been received at the time of writing this report.

SHEERING PARISH COUNCIL had not made any comments at the time of writing this report but any subsequent remarks will be reported verbally at committee.

Issues and Considerations:

Issues

The reasons given for this application are made as follows:

- i) The house has recently been sold and the new owner had a survey conducted on the property, which has identified the tree as a potential problem to the fabric of the house.
- ii) The tree surgeon agent asserts that the tree has been planted too close to the house and is not suitable for a substantial reduction now it is mature.

Consideration of the reasons given

- i) The tree as a potential problem to the fabric of the building

The applicant's survey has not been supplied as supporting evidence and no factual details are available to consider. The potential for harm is present by its very presence but most likely to occur initially to the footpaths running under its canopy. No mention of this damage has been submitted. Birch is not known for causing structural damage and no information on fabric damage

has been made available. Without facts to support the allegation of potential harm little weight can be given to this statement.

ii) Visual importance and suitability of location

In the immediate locality it is an eye catching visual asset in landscape terms to many local residents, thanks to its position and size at this point of the road. Its removal would be significantly detrimental to the local street landscape.

The tree has been planted at approximately 8 metres from the house; the furthest point within its curtilage. It is contested that the tree is too close to the house and is not suitable for some appropriate and sensitive pruning management.

Further considerations and observations

i) Tree structure, condition and pruning options

The tree has a full crown, with normal levels of leaf and shoot vigour. Structurally, a number of lower branches have crossed over each other and give a congested appearance to the lower crown. These might be carefully pruned to solve this problem and selected outer boughs might be trimmed back to lift the crown and maintain the maximum separation between the tree and the house front.

ii) Future amenity contribution

This good specimen can be expected to thrive for at least the next 20 years, based on its current health and development.

Conclusion

T1 does dominate the corner of this property and commands a strong visual presence from a wide number of aspects in this residential vicinity. The loss of amenity its removal will cause is so high that the proposal lacks justification. It is, therefore, recommended to refuse permission to this application on the grounds that the reasons given for the felling fail to justify the need for the tree's removal. The proposal is contrary to Local Plan Landscape Policy LL9

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

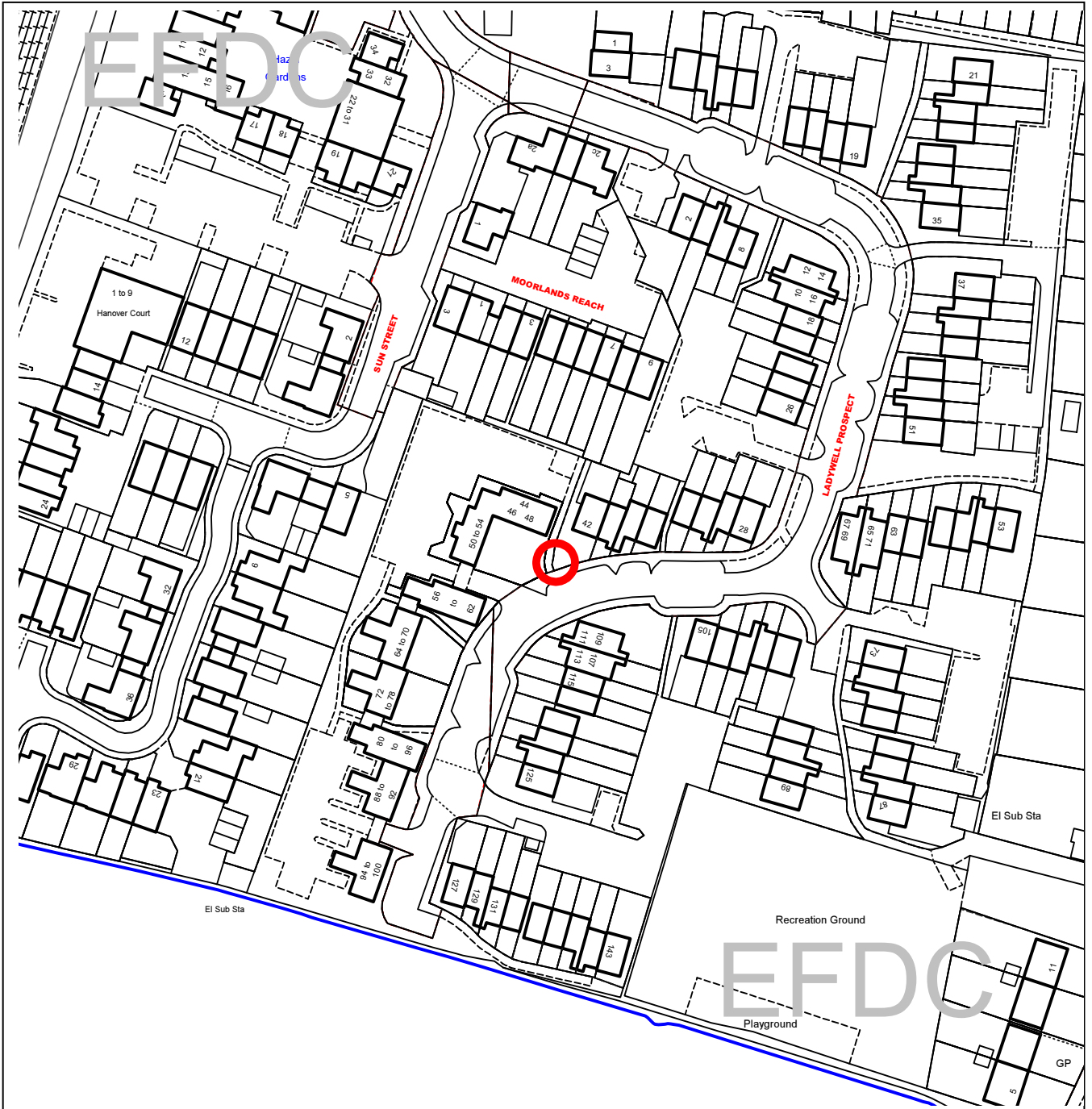
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or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0085/13
Site Name:	42 Ladywell Prospect, Sawbridgeworth CM21 9PT
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1558/09
SITE ADDRESS:	North Barn New Farm Drive Abridge Essex RM4 1BU
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr & Mrs K G & H E Hart
DESCRIPTION OF PROPOSAL:	Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings (Resubmitted application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=503931

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 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions of buildings generally permitted by virtue of Schedule 2, Part 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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]

- 5 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 in writing 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]
- 6 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 in writing 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]
- 7 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 8 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.

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

Description of Site:

The application site is an area of approximately 0.25 hectare, upon which there is a large hay barn. The hay barn is part two part single storey. The appearance of the hay barn is somewhat domestic, with a main entrance leading into an area with a staircase leading up to the first floor. There are several openings in the barn and there is an integral cart lodge. The floor level of the barn varies with the site and accordingly, the internal floor is staggered, although only by a couple of steps. At the time of the site visit, the barn was mainly empty. A few items of furniture were stored in the barn and there were a number of tools, which the owner advised were used for maintaining the boundary fencing.

Description of Proposal:

This application seeks planning permission for the conversion of an agricultural barn to a single four bedroom dwelling. Minor elevational alterations are also proposed comprising fenestration changes, the insertion of roof lights and the addition of a solar panel of approximately (2.7 x 3m) on the rear roof slope.

The barn was erected with the benefit of planning permission granted in 1998. The Applicant advises that the barn was substantially completed by June 1999 and used (by the Applicant) for the storage of hay until 2002. The Applicant has provided an aerial photograph of the constructed barn, taken on 6th September 1999 and the barn is also visible within the Council's own aerial photographs taken in 2000.

Relevant History:

EPF/0789/98. Agricultural building. Approved 24/08/98.

In April 2006, planning permission for a barn on the site opposite (at Red Cottage) was refused on the basis that the application failed to supply sufficient information to justify that the barn was demonstrably necessary for the purposes of agriculture and that the building would be an incongruous addition to the area, having a harmful effect on the green belt.

EPF/2268/07. Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings. Refused December 2007 for the following reason:

Due to the limited agricultural use of the barn following its construction within the last ten years, there is insufficient evidence to satisfy the Council that the works within the last ten years were not completed with a view to securing a residential use of the building, contrary to policy GB8A of the Adopted Local Plan and Alterations.

Policies Applied:

Adopted Local Plan and Alterations

DBE1 – Design of new buildings
DBE2/9 Impact on neighbours
DBE4 – Development in the green belt
DBE8 – Private amenity space

GB2A – Development in the green belt
GB8A – Change of use or adaptation of buildings
GB9A – Residential conversions
ST4 – Road safety
ST6 – Vehicle parking

Summary of Representations:

Notification of this application was sent to Lambourne Parish Council and to 2 neighbouring residents. Due to the passage of time for which the planning application has been lodged, the views of the Parish Council were recently sought again. The comments received are listed below:

LAMBOURNE PARISH COUNCIL. Objection. *The Parish Council have discussed the above application and **Object** to this application.*

It was agreed at the meeting of Lambourne parish council that took place on 16th January 2013 that our comments of 21st September 2009 still stand as we do not consider that the green belt issues have in any way been overcome. As before, our recommendation is that you should refuse this application.

Our previous comments were as follows;

It is felt that this planning application has not addressed the concerns that were raised in the original planning application (EPF/2268/07) and therefore the comments from this planning application still stand as follows:

“The plans state that this barn is redundant and not needed, and therefore the owners wish to convert it to a house. However, we understand that a local person has been in contact with the owners, interested in purchasing this barn to use it for agricultural purposes and this offer was declined. Therefore this barn is not redundant as it appears to be needed for agricultural purposes in the vicinity. It also states that this barn was built in 1998 which is misleading as the building works did start in 1998 but it was not finished until approximately 2001.

Since this barn was built there has been no evidence that this building has ever been used for agricultural purposes. It is felt locally that in appearance this barn resembles a house, and the intention of the owner has always been to build a home on this piece of land and the original plans for a barn were a means to this end. It is also believed that a fireplace and staircase were built originally in the barn which is not the usual internal features for a barn and therefore reiterates the intention for the building from the start”

The conversion of this agricultural barn would also have an impact on the greenbelt as there will be a dwelling plotted on the greenbelt as opposed to an agricultural barn and there will have to be vehicles accessing the property on the greenbelt.

To our previous comments we wish to add that ‘North Barn’ has never been used as a barn for the agricultural purpose on which the original application to build it was based. Moreover, it is common knowledge that the agricultural land which the barn was meant to serve was sold off shortly after the barn was constructed. We would also remind the planning department that the parish council previously pointed out that in its very appearance this building resembled more a house than a barn, and local reports of a fireplace and stairs constructed internally reinforce this opinion. In our view, all of the above would appear to indicate that by initially building a barn and leaving it empty, the owners only ever intended to create for themselves a new dwelling within the green belt.

In our view, ‘North Barn’, cannot be referred to as a ‘redundant agricultural barn’ - as can old farm barns which after years of service on an agricultural holding are converted into dwellings when no longer suitable for modern farm use. We would ask what evidence the owners have in order to be

able to claim that this barn is redundant. If they do not need it themselves as they originally claimed they did, has it been advertised for use as an agricultural barn or offered for sale for this purpose? As we previously reported to the planning department, an offer to purchase the barn was made by a local farmer who wanted to use it for agricultural purposes, but this was rejected by the owners. We now understand that this same farmer is still keen to purchase the barn for agricultural use at an agricultural price.

In a situation where no agricultural use for a barn, built in the green belt on the grounds of agricultural need, can after all be found, the obvious course of action, in our opinion, is that it should be demolished. If this application for conversion to a residence is now granted, the expectation for anyone wishing to construct a new dwelling within the green belt would be that they only have to gain permission to build an agricultural barn, leave it unused for the purpose of agriculture and wait until such a time as the planners agree to its conversion to a house

We wish to add that we are surprised that a local person now writes wholeheartedly in support of the barn's conversion. We would draw to the attention of the planning department that they should have on file a letter previously written to them by this same person who then objected to the barn being converted.

In conclusion, we are at a loss to understand how the granting of this application conforms to National Planning Policy. By failing to protect the green belt which is our prime concern, in no way does this decision reflect the current policy of Localism, whereby local people should have a greater say in the development within their own community. There is little point in consulting the parish council for our views on local planning matters if the opinions and local information we provide, as responsible elected representatives of the community, are ignored.

CHALET KENNELS, NEW FARM DRIVE. Objection. We maintain our assertion that the construction of this barn was undertaken with a view to gaining its conversion to a residential property and the financial gains this will bring. At the time of the last planning application, when the applicants representative attempted to demonstrate that the works were not completed on this basis, the Council considered that this demonstration failed the policy test. We believe that position has not changed and therefore is still relevant. The barn has been put to no use since 2002 a fact agreed upon in 2007. Although the claim was made in 2007 that the land it served had been sold off and therefore the use of the barn was no longer required, there has been no attempt to gain an occupier - a period of marketing would be appropriate to demonstrate this position. Issues of traffic generation are not relevant to agricultural use, as this would not require planning consent. As owners of surrounding land we have concerns about how any future use may impact on our existing commercial operations – currently we farm the surrounding fields, keep pigs and run a successful kennels to the south of the barn. These uses will potentially impact upon the residential amenities of any future occupant of that barn and we wish to avoid a situation whereby our existing commercial uses become the subject of objection by a future occupiers and thus our business operations become compromised or unable to expand.

NORTH LODGE, NEW FARM DRIVE. No Objection. "I write to advise you that I have NO objection to the above application submitted by Mr. and Mrs Hart who own the barn at the top end of New Farm Drive . I did not object to the above application when consulted in 2009 nor since. I would appreciate that you pass these comments onto the Parish Council who are misinformed. There is little evidence to support the view that conversion of the Hart's barn to residential use would have any detrimental effect on the amenity we now "enjoy" in the lane outside my house. The addition of another property constructed in a manner consistent with and sympathetic to its location would, I feel be positive. I have lived in North Lodge since spring 2002 and there is little doubt that the lane has changed in character, largely as a result of the business activities of my next door neighbour. There is no longer a quiet ambiance to protect and, in any event, the addition of another house will have little impact on overall levels of traffic in the lane.

I understand that this application will be brought to the planning committee for decision, due to the Parish Council's repeated objection. This is surprising, as this decision appears to have been made in support of and for the benefit of another resident who has objected to the Hart's application.

It would appear that the Hart's have followed all proper planning procedures and my understanding is that the proposed redevelopment of the barn is consistent with current local and national guidelines and meet with approval from the Planning Department of the local council. Therefore, there is no logical basis for further objections or refusals."

Issues and Considerations:

The main issues in this case are:

1. Whether the buildings are capable of conversion without any major or complete reconstruction;
2. Whether the conversion is acceptable in terms of green belt policy;
3. Whether there would be any adverse impact on the amenities of the occupiers of neighbouring dwellings;
4. Whether the proposed physical alterations to the building would have an acceptable appearance;
5. Whether the proposed dwellings would have adequate amenity space; and
6. Highway and parking matters.

Consideration of the above matters is largely the same as when the 2007 planning application was considered, with the exception that it can now, far more clearly, be demonstrated that the building was constructed more than ten years ago, which does change the consideration of the proposed use in relation to Green Belt polices. The principle for the conversion of buildings within the Green Belt, set out in policy GB8A of the local plan, which is generally consistent with guidance contained within the NPPF, which states that the re-use of buildings of permanent and material considerations is given below. However, the local plan policy does include additional criterion, which are not repeated within the National Planning Policy Framework and accordingly only limited weight may be applied to those criteria when determining planning applications.

Furthermore since the previous planning application was refused, a further issue relating to the proximity of the site to a suspected landfill location has been identified. This matter has necessitated very careful and thorough consideration by both the Applicant and the Council's Contaminated Land Officer, working in association with planning officers. This issue is explained under 'point 7', below.

1. Capability of building for conversion

Policy GB8A of the local plan alterations requires that the building is of permanent and substantial construction and capable of conversion without major or substantial reconstruction. The building is of recent construction and appears to be easily capable of conversion for residential use without the need for major or complete reconstruction. To the contrary, the only changes proposed are the insertion of windows, many of which would replace existing openings within the barn and other elevational changes.

2. Green belt policy

In addition to the above, policy GB8A also requires that the use would not have a materially greater impact on the green belt than the present use and the associated traffic use would not be harmful to the countryside. It is considered that the traffic arising from a residential use

would be less than for an agricultural or commercial use and accordingly, there would be less of an impact.

Policy GB8A also requires that the Council is satisfied that works within the last ten years were not completed with a view to securing a use other than that for which they were ostensibly carried out. It is on the basis of this criterion that the previous planning application was revised and the refusal sustained at appeal. However, it is now the case that the barn has been erected for a period in excess of ten years and the requirements of these policies are satisfied.

Objections are raised against the proposed conversion on the basis that the barn could be used for agricultural purposes by another party. However, there is no requirement within the Local Plan that requires that agricultural uses are considered in preference to residential use, nor that the building is redundant. It is, not, therefore, considered that the existence of an interested party who could make agricultural use of the barn provides justification for withholding planning permission.

Policy GB8A does states that preference will be given to employment generating uses such as recreation, tourism, small workshops and storage. In this instance, due to the location of the barn at the end of a narrow lane which runs through the kennels site, it is considered that the vehicular movements arising from an employment generating use would be harmful. Finally, this policy states that where possible, conversions will employ sustainable design and construction techniques, as set out in policy CP4. As limited building works are proposed, there is a limit to the extent of sustainable design and construction which may be possible. However a solar panel is proposed on the rear roof slope. As this faces in a westerly direction the sun it receives will be limited, but should be sufficient to ensure that it is productive, in the absence of a south facing roof slope.

Furthermore, policy GB9A states that residential conversions of rural buildings worthy of retention will not be permitted unless either it has been demonstrated that business reuse is unsuitable, or the residential conversion is a subordinate part of a business scheme or the development is for the purposes of agriculture, horticulture or forestry. It is considered that due to the limited vehicular access to the site, re-use for business purposes would not be practical. Furthermore, this policy has only limited consistency with the NPPF, which although it offers support and encouragement for business enterprise within rural areas also encourages additional housing development.

3. Amenities of neighbouring properties

Due to the location of the building in relation to neighbouring property, it is not considered that there would be a material loss of residential amenity. The window proposed in the side of the master bedroom would be located approximately 20 metres form the site boundary and would not, therefore, result in any material overlooking of this neighbouring property.

4. Appearance

The external alterations proposed to the building involve the insertion of windows and a solar panel and the addition of a wall and doors/windows to the existing cart lodge. The proposed solar panels would be located to the rear of the building and would not, therefore, be visible from the lane. Whilst they would cover a large area of the roof, it is considered that their environmental benefits outweigh their appearance. The remaining alterations are minor in scale and it is not considered that they would harm the appearance of the building.

5. Amenity Space

DBE8 of the local plan requires that new dwellings have an adequate area of private amenity space. The site around the barn extends approximately 30 metres to the rear and is considered to be ample space.

6. Highway and parking matters

The barn would be accessed from the private narrow lane, which forms a continuation of New Farm Drive and is the access to the barn at present. It is considered that the proposed use would attract fewer vehicular movements than the agricultural use and accordingly, the retention of the existing access is considered to be acceptable. There is a gravel area to the front of the barn which would provide off street parking for several vehicles.

7. Land Contamination

As the application relates to a barn conversion, the structure of the barn must remain intact. The barn is located in an area that EFDC's records indicate was formerly a hazardous landfill. Ground investigation undertaken to date has indicated that waste materials are likely to extend beneath the building. A ground investigation by the developer has recorded concentrations of volatile organic compounds (VOCs) in monitoring standpipes.

Usually the investigation and remediation of contaminated land is a matter which is reserved for post-approval consideration, as a requirement of a planning condition. However, in this case because the barn is already built (and therefore options to remediate the land are restricted to those that can practicably be undertaken around the building in situ. This issue was further compounded by the location of the suspected contamination, directly below the building, which removes options which are otherwise usually available including the erection of a 'cut off' wall to prevent the spread of contaminated land.

The Council has sought the opinion of an external consultant to establish whether or not it is feasible to undertake necessary works to ensure suitable land quality in a worse case scenario. The issue of feasibility is important, as if necessary works were not feasible, or financially proportionate to the development proposed, then the imposition of a planning condition requiring the works to be undertaken would not comply with guidance issued by central Government.

The Council's consultant has confirmed that:

The investigation data indicates that there is a potential risk to future residents from soil vapour, in particular chlorinated solvents. On the basis that no active gas flows have been identified, it is considered that the vapours could enter the building via diffusion to the ground surface beneath the building and then migrate into the building via passive diffusion or flow driven by pressure differences (such as the stack effect which causes a pressure difference created by heating the building). The location and concentration of the chlorinated solvent source have not been identified.

It is possible that further site investigation and monitoring could be carried out to define the source and better define the risk (potentially demonstrating that the risks from vapours are acceptably low).

Alternatively the potential risk to future residents could be mitigated by installing a vapour barrier over the floor slab in combination with a passive venting layer (void former/ ventilation pipes). If such remediation measures are implemented, verification and validation to confirm that the membrane and void former have been properly installed should be carried out and reported to the Local Authority.

On this basis it would be possible to remediate the site appropriately to allow the risks from vapours to be controlled. The costs of this are likely to be commensurate with the scale of the development.

Planning Officers are, therefore able to recommend that this is a matter which may adequately be dealt with by planning condition, if approval is given.

8. Other Matters raised by Third Parties

Concern has been raised by the occupiers of adjacent land regarding the potential for conflict between their existing commercial and agricultural activities and the residential use of this site. However, the immediate visibility of the site is characterised by a mix of residential, agricultural, and equine uses along with the commercial kennels and it is considered that future residential occupiers of the barn would benefit from an acceptable degree of amenity.

Because of the scale of the dwelling within the Green Belt and the scope for considerable additions without the need for express planning permission, it is necessary to remove permitted development rights for future extensions/additions to the dwelling in order that prior consideration may be given to the impacts of such additions in the future.

Conclusion

The proposed conversion of this barn for residential use accords with Local Plan policies. The previous reason for refusal relating to the original intentions of those constructing the barn is no longer relevant, due to the passage of time which has now lapsed. A matter which arose regarding land contamination in the interim period has been considered by both officers of the Council and the Applicant at great length and is capable of being dealt with by the imposition of a planning condition. It is, therefore recommended that planning permission be granted.

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

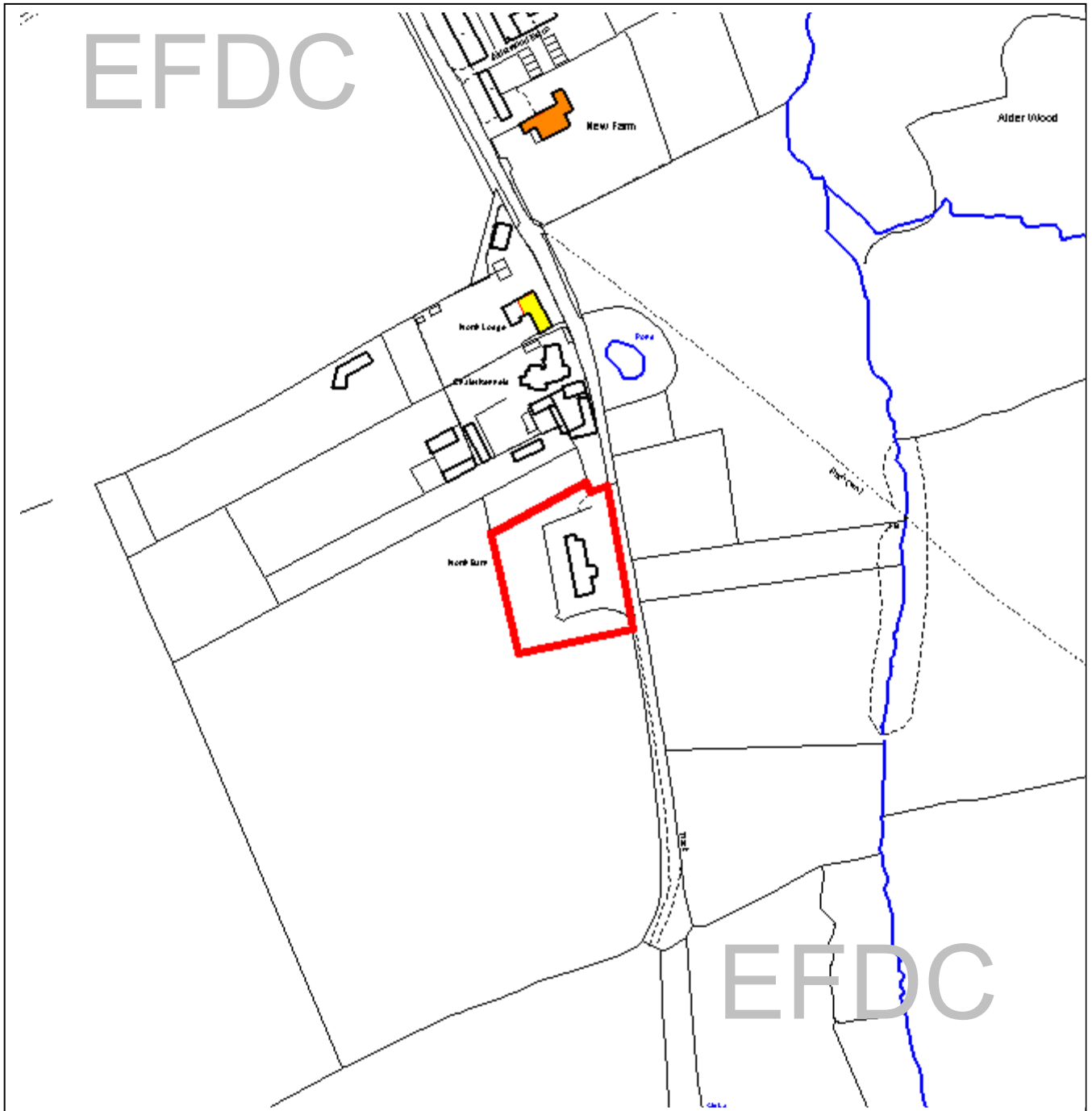
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/1558/09
Site Name:	North Barn, New Farm Drive Abridge, RM4 1BU
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2256/12
SITE ADDRESS:	The Railway Arms Station Approach Theydon Bois Epping Essex CM16 7HR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Paul Warner
DESCRIPTION OF PROPOSAL:	Demolition of the Railway Arms Public House to be replaced by 4 No. 1 bed flats and 6 No. 2 bed flats with associated parking.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543541

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: 745-PL-01D, 745-PL-02A and, in respect of tree removal only, drawing no DFC1375_TPP.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 There should be no obstruction above 600mm within a 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 5 Prior to first occupation of the development a 1.5m x 1.5m pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

- 6 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 7 Prior to first occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for the permanent closure of the existing redundant vehicular access incorporating the reinstatement to full height of the kerbing and footway. The approved details shall be implemented within 3 months of the proposed new access being brought into use.
- 8 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 9 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 11 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 12 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 14 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.

Subject to the completion, by 29 March 2013, of an agreement under S106 of the Town and Country Planning Act 1990 in respect of a contribution of £42,838.25 towards the provision of community facilities within the Parish of Theydon Bois and a contribution of £11,885 towards the provision of education within the District. Should the S106 agreement not be completed by the end of that day Officers are instructed to reassess the merits of the proposal and are given authority to refuse to grant planning permission under their delegated powers.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

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

This application was deferred from the meeting of the Area Plans East Sub-Committee on 20 February 2012 in order to seek further information regarding the basis for the financial contribution to education provision sought by Essex County Council. This is set out in the Essex County Council Developers’ Guide to Infrastructure Contributions 2010. An extract from that document explaining the general background and detail relating to education contributions generated by smaller developments such as this is set out below together with the County Council’s advice to the District and the original report on this application.

Notwithstanding the original position taken by Officers in relation to this matter, and the developers previously stated refusal to pay the requested contribution to education provision without a corresponding reduction in the community facilities contribution, the developer now offers the full contribution of £11,885 for education and the full contribution of £42,838.25 for community facilities. There is no difficulty in accepting both contributions since they are relevant and proportionate to the scale of the development. At the time of writing it is expected that the developer will have completed a Unilateral Undertaking by the date of this meeting.

Extract from Essex County Council Developers’ Guide to Infrastructure Contributions 2010
– general advice and advice in respect of smaller developments

Background

Under section 14 of the 1996 Education Act, local authorities must secure sufficient appropriate school places to serve their area. The available schools must be sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Section 2 of the 2006 Education and Inspections Act further places Essex County Council, as the appropriate local authority, under a duty to secure diversity in the provision of schools and increase opportunities for parental choice.

The Schools Service has sought financial contributions to mitigate the impact on schools of new housing since 1999. Prior to this time only land for new schools was sought. Essex wide Supplementary Planning Guidance setting out a consistent robust methodology for seeking contributions was produced in conjunction with the Essex Planning Officers' Association and adopted by ECC in September 2004. More detailed information on the developer contributions that may be sought towards schools is available in an Education supplement to this document and these detailed requirements should always be checked at the earliest opportunity when assessing the viability of a scheme.

When will contributions be sought?

All developments of ten or more residential dwellings will be considered. Applications for smaller developments will be exempt unless their co-location to other sites necessitates a holistic look at their cumulative impact.

The Schools Service will only require developer contributions where there is a current or forecast lack of permanent places at the local school or in the immediate area to the proposed development. It should be noted, however, that the Audit Commission has recommended a figure of 5% surplus places within an area to facilitate parental preference and admissions outside the normal round. Evidence of local need is published yearly in the Essex School Organisation Plan (SOP). In determining the local supply of places only permanent accommodation will be counted and forecast demand will include other housing projects proposed for the area. The groups of schools shown in the SOP will generally be considered, especially in urban areas, but schools that serve a particular faith community or select pupils on the basis of ability may be excluded from assessments.

Forecasting pupils from new housing

When estimating the number of pupils that a new housing development will generate (pupil yield) the Schools Service takes account of the number of houses and flats that are suitable to accommodate children. One bed units and other categories of home such as student and elderly accommodation are excluded from any calculation. The expected pupil yield from houses is thirty children per one hundred homes (0.3 per dwelling) for primary school age and twenty pupils per one hundred homes (0.2 per dwelling) for secondary school age. Flats are treated as producing half the normal pupil yield (0.15 primary and 0.1 secondary per flat).

Contribution requirements

In the case of smaller developments, contributions will be sought to help extend existing schools on the basis of multiplying the pupil yield by the appropriate Department for Education (DfE) cost per place figures (regionally adjusted for Essex). For April 2009 these are £11,361 for primary and £17,217 for secondary school places.

The Department for Education's cost per place figures are adjusted annually and all contributions will thus be quoted and require indexation from the April at the start of the appropriate financial year during which the amount was calculated. The index used to uplift Schools contributions to current costs and hence future proof contributions against build cost inflation is the 'PUBSEC Index' published by the Department of Business, Innovation and Skills.

Post-Sixteen provision

The majority of Essex secondary schools have a sixth form and in some cases expanding the number of secondary places will naturally lead to an increase in the number of sixth form places demanded. One hundred houses can be forecast to generate the need for four additional sixth form places and the applicable April 2009 cost per place figure was £18,436.

School transport

Where it is not possible to provide additional school places within a reasonable walking distance of the new development or via a safe route, an additional contribution towards school transport will be required. This contribution will be in addition to any pupil places contribution and will usually pertain to the cost of providing the transport for the number of additional pupils for a minimum of five years.

County Councils' advice to the District Council

Thank you for sending me details of the above full planning application for 10 flats. I understand that 6 flats will have 2 or more bedrooms.

According to our forecasts, there should be sufficient early years and childcare provision to meet the needs of the development.

This development falls in the priority admissions area of Theydon Bois Primary School which has permanent capacity to take 315 pupils. According to the latest forecasts that are published in the document 'Commissioning School Places in Essex 2012-2017', 316 places will be required by 2017. It is therefore clear that additional provision will be needed at primary level and that this development will add to that need.

According to our forecasts there should be sufficient places at St John's CE (V/C) School to meet the needs of the development. However, the School is over 3 miles from the proposed development and therefore Essex County Council is obliged to provide transport to the school. The current bus arrangement is not sufficient to accommodate the secondary children likely to be generated by the proposed development and therefore there will be an additional cost to Essex County Council estimated to be £3.60 per pupil per day for 195 days per year, a standard academic year. It is the practice of Essex County Council to seek costs for a 5 year period.

In view of the above I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution

Guidelines Supplement, published in July 2010. I also request that the s106 agreement include a contribution towards secondary school transport costs as outlined above. For information purposes only, should the final development result in the units stated above the primary school contribution sum would be £9,779 and the secondary school transport sum would be £2,106. Both amounts would be index linked to April 2012 costs.

If your council were minded to turn down the application, I would be grateful if the lack of education and transport provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

May I take this opportunity to thank you for your kind assistance in this matter.

ORIGINAL REPORT TO COMMITTEE

For clarity, the application for the redevelopment of the Darlingtons site which is referred to in this report did not trigger a need for an education contribution because the number of dwellings proposed was less than 10.

Description of Site:

The application site comprises a redundant public house and associated car park situated on the south side of Station Approach opposite its junction with Slade End. The eastern site boundary is enclosed by a lleylandii hedge and immediately beyond the southern site boundary within a garage court is a pair of poor sycamores. Existing pub buildings enclose the western site boundary.

The site is at the eastern edge of the Theydon Bois local centre, as defined in the Local Plan Alterations, less than 100m from the entrance to Theydon Bois Underground Station and a similar distance from the open space at Theydon Green, which is designated as part of Epping Forest in the Local Plan proposals map.

Immediately to the east of the site is a three-storey block of 8 flats, Octave House, beyond which is a block of 18 flats, Willingale Court. A private drive leading to a group of garages immediately south of the site bounds its western boundary. South of the garages Abridge Road is elevated above the site level. Beyond the drive bounding the western site boundary is a modern two-storey terrace of 4 houses and beyond them is the Bull public house. Local shops are concentrated on Station Approach, Forest Drive and Coppice Row, all within approximately 100m of the site. A further pub, The Queen Victoria, is situated off Coppice Row within 200m of the application site.

Description of Proposal:

It is proposed to redevelop the application site to provide 10 flats within a building of varying heights that would be built around the site boundaries. The mix of dwellings would be 4 one bedroom and 6 two bedroom flats. Ten parking spaces, cycle parking and bin storage would be provided within the enclosed courtyard area/undercroft.

The building would be 2 ½ storeys high where it fronts Station Approach and at the southern end of the site and 2 storeys on the western site boundary. The building would be of traditional design with generally steeply pitched roofs, predominantly gabled in design. The 2 storey element would have very low eaves on its western flank abutting the private drive such that first floor windows would be rooflights in a relatively shallow pitched roof. There would be no west facing ground floor windows in that part of the building, which would provide undercroft parking.

The access to the courtyard would be via a short driveway through the centre of the northern part of the building. Ground floor flats either side of the driveway would be accessed via front doors facing the street. A narrow landscaped area would separate the front elevation from the street.

The applicant offers to pay a sum of £42,838.25 towards the provision of community facilities within the Parish of Theydon Bois and at the time of preparing this report is preparing a Unilateral Undertaking which would secure the payment.

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
CF12	Retention of Community Facilities
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 19
Site notice posted: Yes
Responses received: 3 from neighbours.

6 OCTAVE HOUSE, STATION APPROACH, THEYDON BOIS

I am the owner of 6 Octave House, but live at 23 Hill Road, Theydon Bois. I am concerned that sufficient parking is allocated to this development, more than one space per owner, as traffic congestion can be severe and dangerous at certain times of the day. Also, that the line of enormous conifers bordering Octave House be removed.

20 CHURCH LANE, LOUGHTON

1. The conifers adjoining Octave House, next to the Railway Arms should be removed.
2. Adequate parking should be provided for residents of all the flats proposed

THEYDON BOIS PARISH COUNCIL: No objection

Main Issues and Considerations:

This application follows pre-application consultation by the applicants with Officers, Theydon Bois Parish Council and local residents. The proposed development would be an appropriate reuse of previously developed land within an urban area. Although within part of the designated local centre the proposal would not result in any loss of a retail unit. Since the site is bounded by existing housing and flats, the residential use of the site would complement the existing pattern of uses in the locality.

Having regard to its location, within 100m of an Underground Station and local shops with easy access by foot to amenities the application site is found to be in a highly sustainable location. The level of parking provision at 1 space per flat is therefore found to be appropriate. The Highway Authority concurs and comments "The proposed development will not generate any additional vehicle movements over what the lawful use of the site could, if anything there will be a reduction

in movements. The parking provision is considered appropriate given the accessible location of the proposal.”

The proposal does not include the amount of private amenity space that would normally be required for flats within a residential area, but is not uncommon for a town centre location such as this. In this case the shortfall is adequately mitigated by the very close proximity of the site to publicly accessible green open space at Theydon Green.

The loss to the leylandii hedge on the eastern site boundary and two poor sycamores south of the proposed building is found to be acceptable by the Council’s Tree and Landscape Team.

In terms of general design, the proposal would relate well to the street while its height and massing would be an appropriate transition between the blocks of flats to the east and terrace of houses to the west. The design would keep vehicles hidden from the street and incorporate appropriate refuse storage facilities. The detailed design of the proposal is traditional with an appropriate mix of external materials including, black weatherboard, red facing brickwork and red tiles. As a whole the proposal would make a positive contribution to the street scene and enhance the character and appearance of the locality. Nonetheless, it is necessary to require subsequent approval of actual materials by way of a condition.

The proposal was revised following pre-application consultation to safeguard the amenities of the nearest adjacent house, 16 Station Approach, by reducing the bulk of that part of the building on the western site boundary projecting beyond its rear elevation. In particular, the eaves level was dropped significantly to reduce the visual bulk of that element. As a consequence the proposal is found to safeguard the living conditions of all neighbouring dwellings. In order to safeguard the amenities of neighbours during construction, a limitation on demolition and construction hours in accordance with an approved construction method statement is necessary.

Given the proximity of other public houses to the site and information from representatives of the former owner of the site, Enterprise Inns, there is no doubt the public house is not viable as a business. However, the loss of the public house, even though it has been vacant for some time, amounts to the loss of a community facility and adopted Local Plan policy seeks either the provision of alternative community facilities for which there is an identified need at the site or an appropriate commuted sum to achieve off-site provision. There is no identified community facility required in the locality that could appropriately be located at the application site, however, informal advice from the Parish Council is that existing leisure facilities within Theydon Bois require enhancement. The financial contribution offered by the developer to assist such provision within the Parish is appropriate to mitigate the loss of the public house in these circumstances.

Essex County Council has in addition identified a need for a financial contribution towards education provision in the locality arising from the development. It advises the development will add to the existing forecast need to provide for additional primary school places at Theydon Bois Primary School. It advises the school has capacity for 315 pupils and on present forecasts one additional place will be required by 2017. In relation to secondary school provision, advice is that there should be sufficient places at St Johns CE School to meet the needs of the development, but since the school is over 3 miles from the application site the County Council is obliged to provide transport to the school. The County requests its additional costs in providing education arising from the development for a 5 year period be met by the developer through a S106 agreement. The total cost is calculated to be £11,885.

The applicant was requested to agree to make the contribution to education provision requested by County. While the applicant agrees to do so, he finds the viability of the development would be affected and in order to avoid that he would have to reduce the level of contribution towards the provision of community facilities by the level of education contribution. Furthermore, the applicant

points out the need to make the education contribution was not identified by Officers in pre-application discussions.

Some consideration has been given to the applicant's position. Although no viability assessment is submitted with the application Officers are aware the matter of an appropriate level of contribution for community facilities was the matter of considerable negotiation between the developer and Theydon Bois Parish Council prior to the submission of the application. It appears the Parish has secured the maximum level of contribution the developer is willing to give. Moreover, the application is accompanied by robust evidence from the applicant concerning the need for a contribution for community facilities and it is a fact that the weight that can be given to Local Plan and Alteration policy is determined by the extent to which it is consistent with the National Planning Policy Framework. On that basis Officers agree the only reasonable way to secure the education contribution is by reducing the level of contribution for community facilities by a corresponding amount.

The matter of reasonableness has also been considered in the context of the relatively recent decisions to give planning permission for a development of a similar number of flats at Darlington, Coppice Row. That development, which was for predominantly two bedroom flats, was given on 24 November 2011 and was subject to a S106 agreement. That agreement was only in respect of a contribution for community facilities. That decision is a material consideration when assessing this application and weighs in favour of not pursuing the request for an education contribution.

In the circumstances, Officers have no difficulty with a planning consent given with a requirement to only secure the level of contribution to community facilities offered by the applicant following negotiation with Theydon Bois Parish Council. Should Members also find it necessary for the development to include a contribution towards education provision that would also be a reasonable position to take. If Members wish to pursue the education contribution, the developer is agreeable provided the contribution to community facilities is reduced by a corresponding amount. Having regard to the negotiation regarding the level of community contribution prior to the submission of this application, that is found to be acceptable.

Conclusion:

The proposed development would make good use of previously developed land in a sustainable location. It is well designed and would make a positive contribution to the character and appearance of the locality while safeguarding the living conditions of neighbours.

The offer of a contribution of £42,838.25 towards off-site provision of community facilities within Theydon Bois is in accordance with adopted planning policy and would offset the loss of the site for a public house. It is therefore recommended that conditional planning permission for the development subject to a S106 agreement be granted.

The request by the County Council for a contribution towards education provision is, of itself, reasonable. However, the relatively recent grant of planning permission to redevelop Darlington for a similar number of flats did not depend on securing such a contribution. That consent only secured a contribution for community facilities and is a material consideration that weighs against securing an education contribution in this case. Nonetheless, should Members wish to secure the requested contribution for the County Council, the applicant is agreeable subject to the contribution to community facilities is reduced by a corresponding amount. That would necessitate a decision to give planning permission subject to a S106 agreement securing an education contribution of £11,885 and a contribution to community facilities of £30,953.25.

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

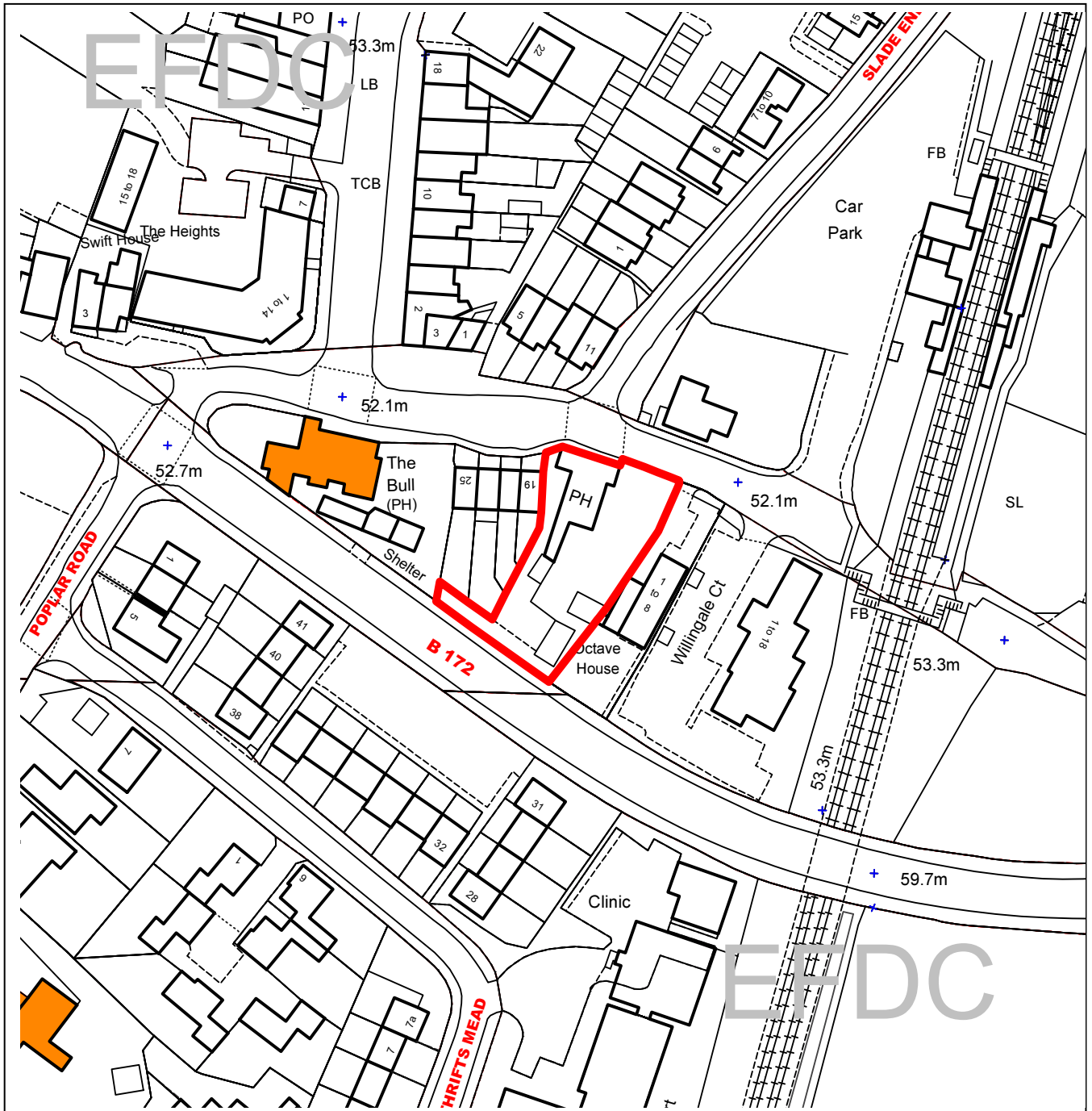
Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/2256/12
Site Name:	The Railway Arms, Station Approach Theydon Bois, CM16 7HR
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2350/12
SITE ADDRESS:	St Johns C of E Secondary School Bury Lane Epping Essex CM16 5EN
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Essex County Council and Diocese of Chelmsford
DESCRIPTION OF PROPOSAL:	Variation of conditions 24 and 25 of planning permission EPF/2295/11 (reserved matters application for demolition of school and erection of new school and residential development of 149 dwellings, including 38 affordable dwellings) to reduce the number of cycle parking spaces to be provided for the new school from a minimum of 322 to a minimum of 80 and to increase the number of permanent car parking spaces from a maximum of 44 spaces to a maximum of 76 spaces.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543989

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

School site: DPA/201 Rev. 05, DPA/202 Rev. 05, DPA/203 Rev. 05, DPA/204 Rev. 02, DPA/301 Rev. 02, DPA/302 Rev. 01, DPA/303 Rev. 02, DPA/401 Rev. 03, DPA/402 Rev. 03, DPA/501 Rev. 01, MCA0508/02b, MCAA0508/03C, 04C, 05C, 06C

Residential Site: 1331-P001, 1331-P004, 1331-P005, 1331-P006, 1331-P007A, 1331-P009, 1331-P010, 1331-P014, 1331-P015, 1331-P016, 1331-P017C, 1331-P019, 1331-P020, 1331-P024, 1331-P025, 1331-P026, 1331-P027, 1331-P028, 1331-P029, 1331-P031, 1331-P032, 1331-P033, 1331-P034, 1331-P035, 1331-P036, 1331P101-C
- 2 The materials for the school development hereby approved shall be those set out in the schedule of materials drawing DPA/701 Rev. 1. Details of the types and colours of the external finishes for the approved housing development shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development of the housing, and the development shall be implemented in accordance with such approved details.

3 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.

4 Wheel washing facilities detailed in the submitted site logistics plan and method statement shall be used during the school construction to clean all vehicles leaving the site.

Wheel washing or other cleaning facilities for vehicles leaving the site during construction works on the housing development shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

5 The radii of the new road off Tower Road shall be the maximum possible, within the land ownership of the applicant and the details of this shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of development of the residential element of the development.

6 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months from the occupation of such dwelling.

7 Any new planting by the vehicular access to plots 40 and 41 shall be set back outside of a sight splay of 2m x 31m.

8 Where existing trees in close proximity to the roadway are retained, details of protective measures to ensure the roadways/footpaths are constructed to an adequate standard shall be submitted to, and agreed in writing by, the Local Planning Authority. The works shall then be completed in accordance with these agreed measures.

9 Any trees proposed within the highway shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and sited clear of all underground services and visibility sight splays.

10 The development of the residential area and the public open space (green wedge), must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a

timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 11 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 12 The approved landscaping scheme for the school site shall be implemented in accordance with the agreed details and the approved Management Plan by MCA Architects Ltd dated 26/11/2012. 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.
- 13 A Landscape Management Plan for each phase of development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each phase of the development for its permitted use. The landscape management plan shall be carried out as approved.
- 14 The landscape scheme shall include full details of the proposed drainage for the playing fields and an associated swale pond including levels, layout and planting proposals for the pond.
- 15 No development within each phase of development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.

- 16 Prior to any works, including works of demolition or site clearance, on any phase of development, a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) for that phase shall be 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.
- 17 The public foot/cycle paths to link the school and residential development on the site and shown on the approved plans shall be implemented and retained in accordance with the approved scheme.
- 18 The garaging and parking spaces shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained thereafter for the parking of residents and visitors vehicles.
- 19 The school hereby approved shall not be occupied until an access and car park management strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved strategy shall thereafter be implemented unless otherwise agreed in writing with the Local Planning Authority.
- 20 The school hereby approved shall not be occupied until space has been provided within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site clear of the highway, including provision for school buses. Such space shall be adequate to allow all vehicles to enter and leave the site in forward gear. It shall be retained thereafter free of any impediment to its designated use.
- 21 The scheme for improving the quality of the playing fields (including ground levelling and drainage and maintenance) submitted under EPF1444/11, or any subsequent scheme agreed in writing by the Local Planning Authority in consultation with Sport England, shall be implemented in accordance with the submitted details prior to occupation of the site.
- 22 The school hereby permitted shall not be occupied until a scheme for the community use of the school's sports facilities (including the sports hall, hard courts, and playing fields) has been submitted to and approved by the Local Planning Authority in consultation with Sport England. The scheme as approved shall be implemented unless otherwise approved in writing by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval in writing by, the Local Planning Authority.
- 23 The school hereby permitted shall not be occupied until a scheme for the community use of the school buildings has been submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented unless otherwise agreed by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval by, the Local Planning Authority.
- 24 The school hereby permitted shall not be occupied until provision has been made for a minimum of 80 secure covered cycle spaces in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

- 25 No more than 76 permanent car parking spaces shall be provided for staff and visitors within the new school site hereby permitted. Any proposals for the dual use of hard surfaced areas to provide additional parking out of school hours or for special events shall not be implemented without the prior written approval of the Local Planning Authority.
- 26 Prior to the occupation of the new school hereby permitted, a school travel plan, including arrangements for its monitoring and updating, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The approved travel plan shall be implemented in accordance with an approved programme.
- 27 The existing school buildings shall not be demolished until the replacement school has been substantially completed.
- 28 No external lighting shall be installed within the grounds of the proposed school unless a scheme for its provision has first been submitted to and approved in writing by the Local Planning Authority.
- 29 Highway works in connection with this development shall be carried out in accordance with the details set out in the Legal Agreement under section 278, dated 18 July 2011 or any subsequent variation.
- 30 No part of the residential or school developments shall commence until details of on site drainage works to serve that part of the development have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.
- 31 The existing pond and associated planting shall be protected during the course of the construction works from damage arising from the works. The landscaping scheme shall include plans and specifications for the protection measures (which shall include measures intended to retain existing water levels in the pond during and after the works) and a programme of implementation and monitoring of the pond protection measures.
- 32 All rear facing first and second floor windows in Apartment blocks A7 Plot numbers 2-6, 21-25 and 26-30 shall be obscured glazed and fixed shut to a height of 1.7 metres above internal floor height and thereafter retained as such.

And subject to the completion within 1 month of the date of any resolution to grant permission, of a deed of variation to the existing Unilateral and legal agreements under section 106 in relation to EPF/1603/11 and EPF/2295/11 to ensure that they apply to the new consent.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i)) and since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c))

Description of Site:

The application site is the St Johns Secondary School Site which has consent for redevelopment for housing and a replacement school. The part of the site that is relevant to the application is the new school which is nearing completion, with access off Bury Lane.

Description of Proposal:

The proposal is to amend two conditions on the existing reserved matters planning permission for the school and housing development, EPF/2295/11.

Condition 24 states "The school hereby permitted shall not be occupied until provision has been made for a minimum of 22 staff and 300 pupil secure covered parking spaces in accordance with a scheme previously submitted to and approved by the Local Planning Authority."

The proposal is to amend this condition to reduce the number of cycle parking spaces to be provided to a minimum of 80.

Condition 25 states: "No more than 44 permanent car parking spaces shall be provided for staff and visitors within the new school site hereby permitted. Any proposals for the dual use of hard surfaced areas to provide additional parking out of school hours or for special events shall not be implemented without the prior written approval of the Local Planning Authority."

The proposal is to vary this condition to enable an increase in the number of permanent parking spaces to increase from 44 to 76.

Indicative plans have been submitted that show how the proposed 76 car parking spaces can be achieved within the site and as such condition 1 which sets out the approved plans will also need to be amended to enable the change.

Relevant History:

Outline Planning Permission for the School and for enabling housing development was given by the Secretary of State following a public inquiry in 2006. Details of reserved matters were approved and have been amended on a number of occasions most recently under EPF/1225/11, but each time the original conditions relating to car and cycle parking, imposed on the outline consent by the Secretary of State have been carried over in their original form.

Summary Of Representations

202 neighbours were consulted and a site notice was erected
The following responses were received;

26 LOWER BURY LANE – This is an eminently sensible and practical proposal which we wholeheartedly support.

TOWN COUNCIL – No objection

Policies Applied:

ST2 Accessibility of Development
ST4 Road safety
ST5 Travel Plans
ST6 Vehicle Parking

Issues and Considerations:

The school which is nearing completion and hopes to open to pupils this September is designed to cater for up to 900 pupils, it replaces the existing school building which is accessed via Tower Road and currently has about 800 pupils and over 100 staff.

The conditions imposed by the Secretary of State were intended to increase the sustainability of the development by discouraging car usage and encouraging cycle usage. The main concern in determining this application is whether the proposed changes in the number of cycle and parking spaces to be provided for the school will encourage staff and visitors who otherwise would have used more sustainable means of transport to access the site, to travel by car. In addition the impact and suitability of the proposed increased parking provision on the visual amenity of the school site has to be considered.

The original conditions imposed by the Secretary of State when granting outline approval for the school and housing development restricted the number of car parking spaces to be provided to just 44. The parking is intended only for staff and visitors and was in accord with the parking standards of the time which were for 1 space for every 2 members of staff. The appeal inspectors report states "...this would require a reduction in car use by current staff which would depend on the successful implementation of a travel plan as conditioned. If not there is a risk that staff would seek to park on local residential streets such as Bury Road and Tower Road or within the proposed housing development"

The applicants at that time envisaged significant car sharing and use of public transport and cycling to access the site and it was considered that this could be achieved by implementation of a travel plan. However 6 years on from that original decision it is clear that the number of spaces proposed will not be sufficient to meet the needs of the school staff. The school currently has 58 teaching staff plus a further 58 support staff and the number of on site cars is regularly 85, despite encouragement to use alternative means. A recent survey carried out by the school indicated that 82% of the staff travel to work by car, 4% car share, 13% walk, 3% travel by train and 1 person cycles. Most of the staff are not local and travel some distance to work. Whilst the school encourages staff to use alternative means of transport the distance and/or inconvenience of cycling and public transport means that realistically the majority of staff will continue to be reliant on the car to get to work..

The proposed increase in parking provision at the replacement school, from 44 to 76 is therefore considered reasonable to minimise the danger of staff parking in surrounding residential streets. It is not considered that the increase in spaces will result in more staff using cars, the number proposed is still smaller than the number that currently park on site so there will be no incentive for more to drive there. It is not therefore considered that the proposal raises any highway capacity issues.

The current Essex County Council parking standards remain "maximum" standards for everything but residential development, and for a 900 pupil school they state a maximum of 60 spaces should be provided, however given the evidence of existing need and the likely result of the restriction on adjacent on-street parking the Highway Authority have raised no objection to the proposal.

The proposed layout of the parking is similar to that already approved, but with more spaces, and is logical and appropriate and there is no harm to the visual amenity of the area as a result. Disabled bays and space for powered two wheelers is also provided.

With regard to the condition relating to provision of secure cycle spaces, common sense and knowledge of parental concerns and the nature of the surrounding road system is enough to tell us that the 322 spaces required by the original condition is significantly excessive. A survey of pupils

and parents at the present school indicated that at present only about 2% of pupils cycle to school. Even with encouragement and good cycle parking facilities it is unlikely that this figure could be raised to 9%. The minimum provision of 80 covered secure places now proposed is therefore considered acceptable and although not in compliance with the adopted standards, advice from the Highway Authority is that so long as there is still space available to provide more secure cycle parking should demand arise, they have no objection to the proposed variation.

Conclusion

Although strictly contrary to the adopted car parking standards, based on the evidence provided by the school it is considered that the addition of a further 32 spaces within the school site is appropriate to avoid increased on-street parking and congestion around the site, but not enough to encourage staff to swap from more sustainable means of transport, as such it is considered acceptable. The reduction in the number of secure cycle parking spaces to be provided will not have an adverse impact on cycle usage and is also considered entirely reasonable.

Although this application is only for the variation of the conditions mentioned, approval does result in a whole new planning consent for the housing and school development, therefore all the original conditions, (with amendments to wording where details have already been submitted and agreed) need to be reattached and permission cannot be given until a deed of variation has been completed which links the original legal agreements related to the development to the new application. The application is therefore recommended for approval subject to the prior completion of such a deed of variation.

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

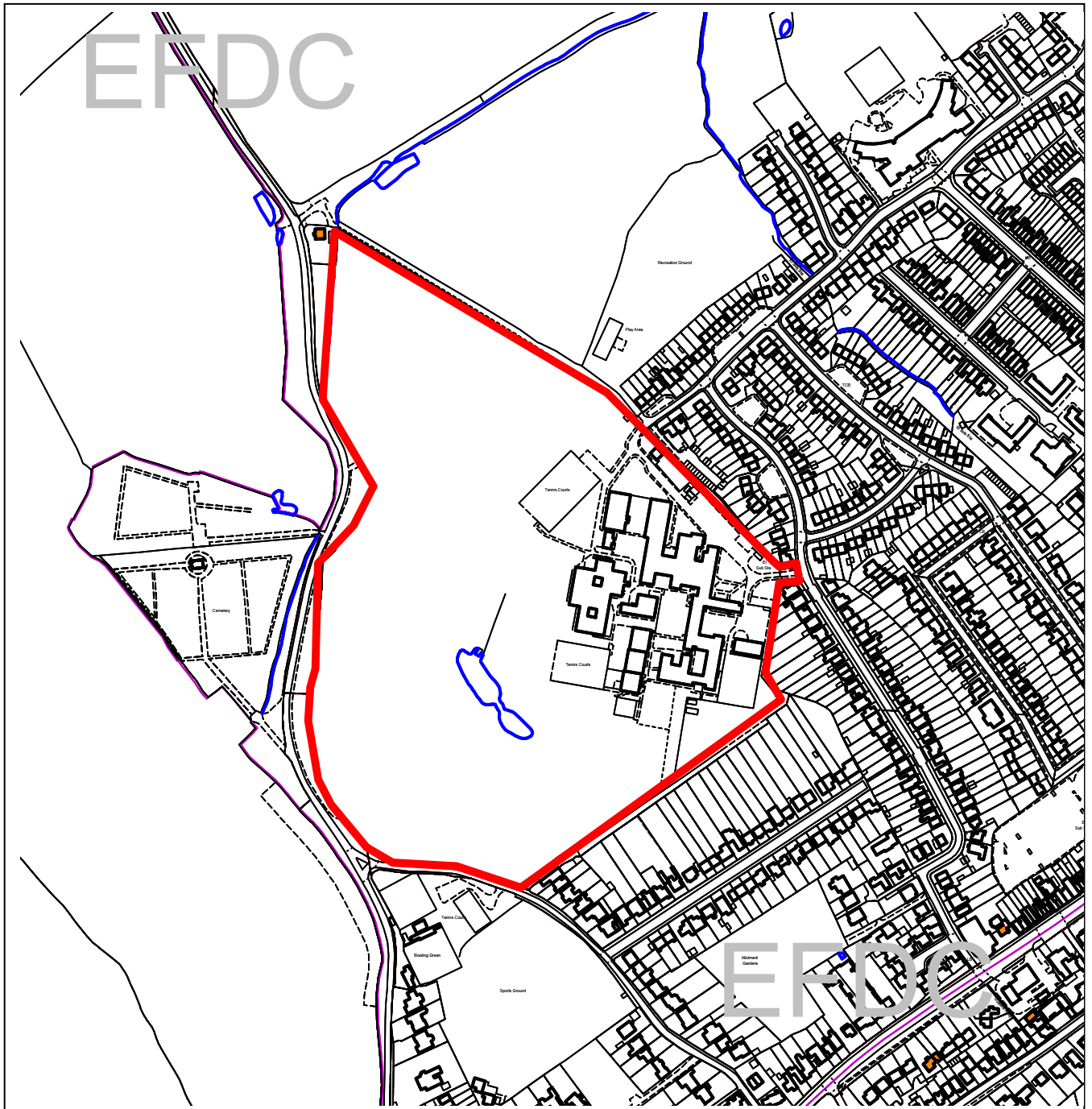
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number 01992 564106***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/2350/12
Site Name:	St John's C of E Secondary School Bury Lane, Epping, CM16 5EN
Scale of Plot:	1/5000

Report Item No: 5

APPLICATION No:	EPF/2370/12
SITE ADDRESS:	National House 121 High Street Epping Essex CM16 4BD
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mrs L Wolfinger
DESCRIPTION OF PROPOSAL:	Roof alterations and change of use from B1 to C3 for the rear portion of the building to provide 6 flats with the front portion of the building remaining in B1 use.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544042

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: 1207/01 Rev: PL1, 1207/02 Rev: PL1, 1207/03 Rev: PL1, 1207/04 Rev: PL3, 1207/05 Rev: PL3, 1207/05 Rev: PL3, 1207/08 Rev: PL1 (Existing Floor Plans), 1207/08 Rev: PL1 (Existing Site Plan), 1207/09 Rev: PL1
- 3 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building, or as otherwise stated within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents, staff 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 was originally a pair of semi-detached 19th Century villas that have been extended and are used as B1 offices. The site is located on the north western side of the High Street beyond the lay-by/parking area and public green. To the rear of the site are two semi-detached dwellings and beyond these the Council Yard. To the northeast of the site is a block of shops/restaurants and offices and to the southwest is the locally listed church. The site benefits from a parking area to the rear served by the access road to the north (which also serves the Council depot and dwellings to the rear) and a side strip of hardstanding that is also used for parking. The application site is located within the Epping Conservation Area and Epping Town Centre.

Description of Proposal:

Consent is being sought to convert the rear section of the existing offices into six flats consisting of 4 no. two bed and 2 no. one bed units. The front of the site would be retained for B1 office use. The proposed conversion would involve the insertion of five partially inverted dormer windows within the rear flank roof slopes, and a slate clad lift shaft that would project some 1.2m from the roof slope but not above the ridge of the building. The proposed development would be served by ten parking spaces to the rear of the site, plus a single visitor space and designated cycle parking along the side. Bin storage would also be provided within the existing rear car park.

Relevant History:

EPF/1502/75 - Proposed two storey extension for space and light industrial use – approved/conditions 12/04/76

EPF/0698/76 - Proposed change of use of existing residential buildings for use as light industry – approved/conditions 12/07/76

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP7 – Urban form and quality
DBE9 – Loss of amenity
E4A – Protection of employment sites
HC6 – Character and appearance and setting of conservation areas
HC7 – Development within conservation areas
TC1 – Town centre hierarchy
TC3 – Town centre function
ST1 – Location of development
ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

21 Neighbouring properties were consulted and a Site Notice was displayed on 11/01/13.

TOWN COUNCIL – Committee object to this application. Committee considers the proposal to be over intensive development for the site and believes the retention of employment premises within the town centre should remain a priority over housing.

LANDLORD OF NEARBY PROPERTY – No objection however queries the effectiveness of the proposed parking allocation.

Issues and Considerations:

The main issues to be addressed in this case are the principle of the development in this location, whether the change of use and external alterations would be detrimental to the conservation area and street scene, and whether there would be any harmful impact on the amenities of surrounding or future occupiers.

Principle of development:

Local Plan policy TC3 states that, in town centres, the Council will “*permit residential accommodation in appropriate locations*”, and the NPPF states that LPA’s should “*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites*”.

The application site is located within Epping town centre with good access to shops, services and public transport links, and is therefore considered to be a sustainable location for residential development. The current use of the entire site is for offices. The front part of the site fronting onto the High Street would be retained for office use, with only the rear section being converted to residential. This would ensure that the site would retain a commercial element within this designated town centre and would maintain some employment use.

Notwithstanding the retention of part of the site for office use, the site has been stated as being marketed for a period of at least two years beginning in September 2009, and is still being marketed at the present time. A contract from Land Commercial Surveyors limited dated September 2009, along with the marketing details of the site, have been submitted with regards to this. A board is still located on the site advertising the offices to let. Given that office use will be retained on the site, and marketing has taken place for a period exceeding 12 months without significant interest, it is considered that the proposed change of use would be in accordance with the relevant Local Plan policies.

Further to the above, it should be noted that Central Government recently revealed that from Spring 2013, for a temporary three year period, planning permission will not be required for a change of use from B1(a) office to C3 residential purposes. This is claimed to be “*as part of a package of measures to support economic growth*”. Although the proposed development as submitted does not appear to fall into the designation of this permitted change, as any change of use involving external extensions and/or alterations would still require consent, the principle of a change of use from offices to residential in areas such as this is quite clearly considered acceptable by Central Government. As such, should planning permission be refused for the proposed development, it is likely that later this year a change of use could nonetheless be carried out without planning permission (albeit without any of the proposed external alterations). This does form a material planning consideration that should be given significant weight.

Conservation/design issues:

The proposed development would result in some additional built form within the rear roof area consisting of part submerged dormer windows and a lift shaft. Given the location and relatively modest size of the proposed roof additions, it is not considered that these would be detrimental to the character and appearance of the existing building or the conservation area.

Amenity concerns:

To the northeast of the site are ground floor commercial properties with residential/offices above. These properties are served by a rear service yard/parking area that extends beyond the application site. To the southwest of the site is a church. To the immediate rear of the site are two residential properties with the Council depot beyond. These two houses have private rear gardens to the rear of the church. As the proposed new side dormers would only overlook the flank elevations of the church and the neighbouring commercial/office/residential building, these would not result in any loss of privacy or overlooking.

The proposal does not provide any private or communal amenity space for future occupants of the flats, however this is often not required in town centre locations such as this. The existing car park area and side 'access road' would provide ten parking spaces and one visitor space to serve the six flats and remaining offices, and would still retain ample room for bin and cycle storage. This is considered sufficient given the urban town centre location of the site.

Conclusion:

The existing offices have been marketed for a period of at least 12 months without any stated interest, and are still currently being marketed. Nonetheless, employment use is proposed to be retained within the front part of the building. Furthermore, the new permitted development rights to be introduced in Spring this year would allow for the change of use from offices to residential without requiring planning permission. As such, the principle of a change of use from offices to residential is considered acceptable.

The proposed roof additions would not be detrimental to the character and appearance of the area, nor would they harm the amenities of neighbouring residents. Sufficient off-street parking provision along with bin and cycle storage is provided and whilst there is no private amenity space proposed it is considered that, due to the location and limitations of the site, the lack of this would be considered acceptable in this instance. As such, the proposal complies with the relevant Local Plan policies and the application is recommended for approval.

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

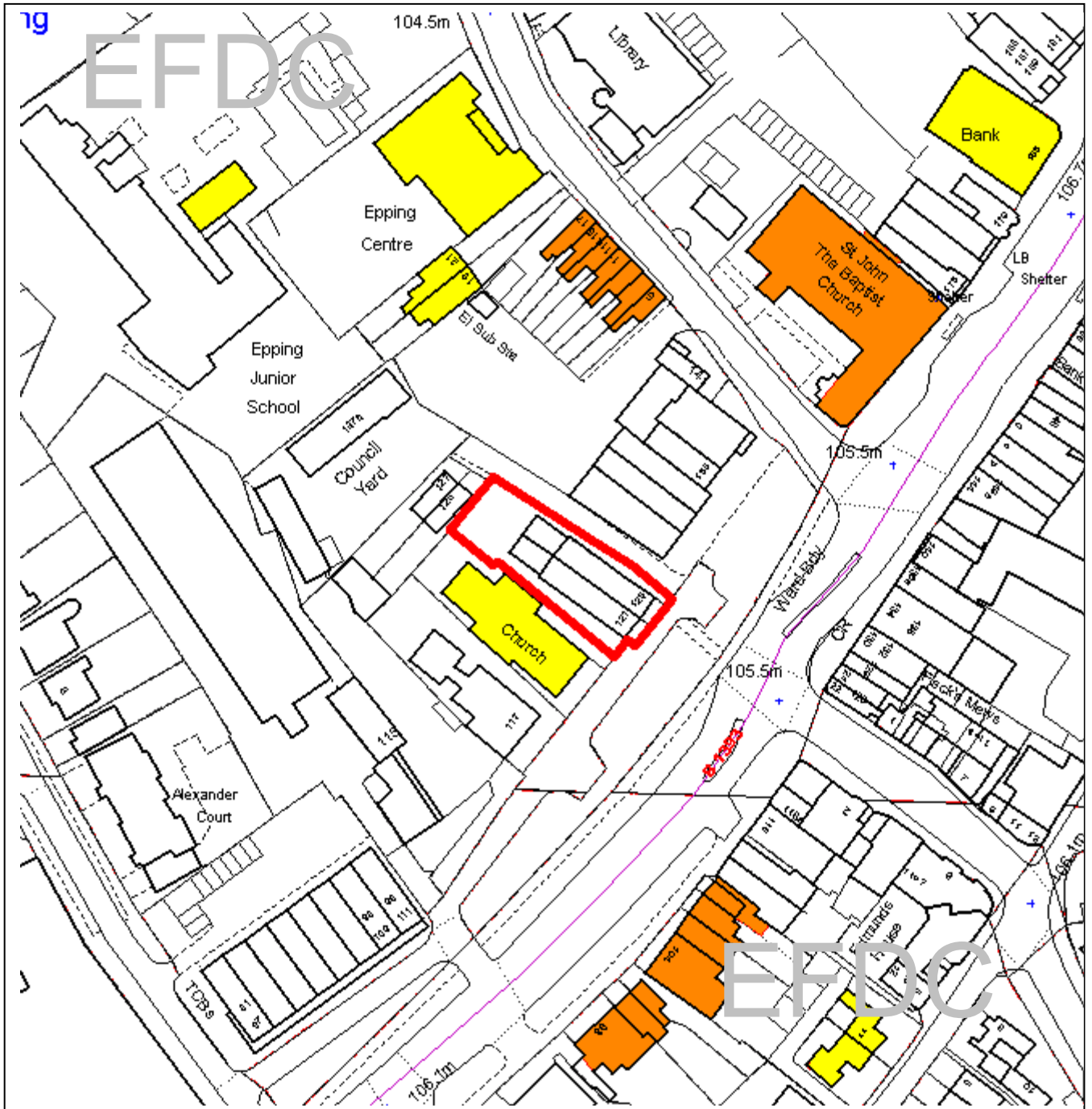
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/2370/12
Site Name:	National House, 121 High Street Epping, CM16 4BD
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2404/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Change of use of units 2a, 3a and 7C1 to Class B2 use and alterations to previously approved lean to extensions (EPF/0359/08) to facilitate change of use
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544170

CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 08.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage or working outside shall take place at any time in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- 3 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 4 The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1B and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2405/12, including "building 5" currently in use for ancillary agricultural storage.
- 5 The premises referred to on the approved plan No 1198/1B as Units 2A, 3A and 7C1 shall be for the following stated B2 purposes, 2A Pitfield Brewery, 3A Joinery Workshop, 7C1 Vehicle Restoration, and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order).

- 6 Within four months of the date of this decision, details of equipment to suppress and disperse fumes and odours emitting from unit 3A shall be submitted to the Local Planning Authority for approval. The equipment shall be installed within three months as agreed. The equipment shall be effectively operated and maintained for as long as the use continues.
- 7 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 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

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

Description of Proposal:

The applicant seeks consent retrospectively for the change of use of a number of buildings at Newhouse Farm to a use with Class B2 of the Use Classes Order 1987, as amended. Plan Number 1198/1 has been submitted which outlines the buildings to be considered for this use type under this application. These include;

Building 2A – Occupied by Pitfield Brewery. This building is an older style utilitarian agricultural building.

Building 3A – Occupied by Cube Joinery, this building is also an older style agricultural building.

Building 7C1 – Occupied by a car restoration use. This building was originally approved as a lean to off the grain store at the site and for the purposes of housing cattle and farm machinery (EPF/0359/08).

Relevant History:

There is an extensive history to the site including another application for a change of use of buildings to B8 and a grain store (EPF/2405, 2406/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).
EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).
EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).
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it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

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Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

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The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: No Objection. However we would request that if the application is approved an alteration to the extraction equipment on unit 3A is agreed by condition and is as detailed in the Design and Access Statement at paragraph 3.8.

Issues and Considerations:

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

Green Belt Considerations

This series of applications follows a recent application to change the use of a number of buildings at the site to various uses (EPF/0864/12). This followed the original application for a grain store (EPF/2517/11). During the process of determining the application for the grain store it became apparent that unauthorised development had taken place at Newhouse Farm. The previous applications were deferred at committee for a members site visit. Such a site visit was subsequently undertaken and the two applications were withdrawn by the applicant. The current applications are a general repackaging of the proposals. An application for a Certificate of Lawfulness for the use of part of the site by Aspects Joinery (B2) will be assessed on this strictly legal matter and as such the planning merits of the development have no part to play in the determinations. This application relates to other B2 uses currently in operation at the site. The twin application (EPF/2405/12), which will be assessed under separate cover, and relates to B8 practices at the farm. The application for a grain store (EPF/2406/12) makes up the final application.

The recent history at the site is relatively complex but it is readily apparent that the overall character of Newhouse Farm has changed in recent times. The changes have been largely twofold. Firstly a diversification in farm practices brought about by the decision to switch production from organic farming to conventional farming. The farm now produces various non organic cereals but organic farming had also required the need for livestock. This change has resulted in buildings constructed for the housing of the livestock being no longer needed and as conventional farming produces a much greater yield than organic, there is a need for further grain storage facilities at the site. It is contended that the units constructed for cattle are not suitable for grain storage.

The second major change is that the "redundant" farm buildings i.e. the former cattle buildings have been put to various other uses, along with other buildings at the site. As stated, the history is quite complex and may involve some repetition between reports in order to ensure a complete picture, but certainly involves the consideration of all the reports. However the first issue to determine is whether the current use of the buildings specific to this application are in compliance with local and national policies. It is useful to consider the overall principle before addressing each individual use at the site.

Green Belt Principle

The report on the proposal presented before committee in August 2012 generally concluded that the reuse of the buildings for other purposes was in compliance with local and national policies for the reuse of redundant farm buildings. Some of the issues raised at this time will be repeated below, although bolstered by the volume of reports that have subsequently been produced, to aid a reasoned determination of development at this site.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, "Supporting a Prosperous Rural Economy", promotes the "sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing

buildings. Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

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

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. The buildings have all been constructed in a manner which makes them easily converted to B2 uses. Although some of these buildings have been constructed in recent years the Local Planning Authority must take the view that they were constructed with a view to progressing the agricultural business at that time at the site and owing to changes in work practices are now no longer suitable. The agent representing the neighbours is sceptical of the view that what has occurred has been dictated by decisions relating to the best way for the farm enterprise to progress. He cites concerns that in previous applications organic farming has not been mentioned, that the lean to's were never constructed as such and were occupied by other uses soon after, were therefore built with a view to securing another use and that enclosing the sides and shutter doors was operational development under Section 55(2) of the Town and Country Planning Act 1990.

Aerial photographs suggest that the buildings were at least originally built to house cattle, albeit this would only have been for a short time. The applicants agent contests the view that the infilling and shutter doors is operational development citing *Burroughs Day v Bristol City Council 1996*, one authority on the issue. Officers formed the view that the infill is operational development having regard to the 1990 Act and the development description has been altered accordingly to include these works. The fact that organic farming was not mentioned in the previous applications is not considered material in this instance and the officers dealing with the previous applications would have considered all matters material. Officers would still form the view that this building is now redundant for the type of farming being carried out at the holding, a view supported by the Agricultural Consultant, and having regard to other policies and local plan objectives its reuse in principle is acceptable. In any case there is no requirement for the applicant to prove that the buildings are redundant before an alternative use can be considered. Neighbours are best positioned to offer a view on the issue of organic farming, but there has been no challenging the fact that livestock was present at the site. A degree of scepticism is however understandable and Members may form a contrary view than the view expressed here.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. The existing site is a working farm which experiences a reasonable level of traffic volume on a daily basis. This use has not ceased with the conversion of these buildings. The issue is whether the change of use would significantly increase the amount of traffic visiting the site. Traffic studies and general movements to the site have been addressed in reports by both the applicant and the neighbours (EAS and G.H Bullard and Associates respectively). These reach vastly differing conclusions in terms of movements to the site. Essex County Council Highways Section has considered both reports in detail. The conclusion is that the proposals are not contrary to policy or detrimental to highway safety, capacity, or efficiency at this location. The comments received are as follows;

"Firstly the alarming TRICS figures produced in the EAS report are misleading in the extreme and do not reflect accurately the level of traffic that the existing uses are generating. Indeed as stated in the G H Bullard report the sites used in the TRICS database are not remotely comparable on any level to New House Farm. Furthermore the EAS report clumps all the B2 and B8 units together as a total Gross floor Area (GFA) but the reality is that these are small individual units

used by low key operations as can be quite clearly seen by the results of the traffic surveys. The lawful use of the farm can generate significant traffic movements of all vehicle sizes and types associated with the agricultural use at any time of the year. By comparison the existing B2 & B8 uses generate minimal traffic on the highway network. The traffic counts indicate that the farm generated approx. 40 vehicle movements over a 12hr period which equates to less than 4 vehicles per hour; an insignificant number in capacity terms and as shown in the vehicle survey the B2 & B8 uses generate only approx. 20 movements a day with very sporadic deliveries either weekly or fortnightly. It should also be recognised that these small low key uses, by their very nature, do not generate increased HGV movements, this is quite clearly backed up by the figures within the report. Accident data for the last 3 years has been investigated and there have been no recorded accidents on the local network in the vicinity of the site or the surrounding highway network. It is therefore concluded that the B2 & B8 uses generate a negligible increase in traffic on the highway network at this location and will not have any capacity or safety issues as a result. The Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the adopted Local Plan"

There is some sympathy for local residents with regards to traffic movements along quiet country lanes and damage to verges. However this must be balanced against what benefits such changes of use bring and the Local Planning Authority as detailed above have been provided with detailed advice on this point. Members will be aware of other similar committee cases where a resolution to grant consent has been the outcome. In such circumstances the view has been taken that the benefits of such developments outweigh any material harm. The joinery workshops are both employing people from the locality and in this regard are making a positive contribution to sustainable economic growth in a small rural area in accordance with NPPF policy. Movements to and from the site for this reason as detailed above would not be excessive. The micro brewery makes a similar contribution.

Therefore having regard to all relevant considerations in both local and national policy, on balance, these uses are deemed an appropriate reuse of agricultural buildings. It is now useful to consider the individual characteristics of each use applied for against such issues as neighbour amenity.

Pitfield Brewery

The brewery is located to the front of the site adjacent to Little Laver Road and is contained in an "old style" farm building. There is no serious dispute that this building is not readily suitable for grain storage and indeed neighbour/agent representations are generally supportive of the continuation of this business at the site, subject to suitable conditions. The Local Planning Authority has employed the services of an Agricultural Consultant and the advice with regards to the use of this building for grain storage is that it is generally not suitable. The principle of its reuse is therefore accepted in line with the preceding analysis.

The applicant makes the case that the brewery could be an ancillary development to the overall use of the site for farming, as barley is grown on the holding. No detail is provided to augment this claim. The court case quoted, Millington v Secretary of State for the Environment, Transport and the Regions 1999, refers to wine production at a holding growing grapes as being an ancillary activity. This development has at least the potential to be ancillary to agriculture if a fleshed out argument was made. However this is not the issue before Members and restrictions on the proposed use must therefore be considered. Subject to conditions controlling hours of operation, outside storage and noise ratings this use is deemed acceptable.

Cube Joinery

The supporting statement outlines how Cube Joinery has been resident at the site in Building 3A since 2006. Again this building is not suitable for grain storage but could be used for some form of

storage ancillary to agriculture. The use is located some 20.0m from the boundary of Moreton House, a large dwellinghouse with an extensive residential curtilage. The building is some 45.0m from the main house. Concern has been expressed that the uses at the site, particularly the current extraction equipment on unit 3A, has been causing a nuisance to the occupants of Moreton House. It has been stated in the previous report to committee that noise from a working farm is to be expected. It is accepted that the other uses may have increased this level of noise, however a condition controlling the level of noise emitting from the individual uses would control matters to an acceptable level.

It is conceivable the fumes from unit 3A would be drifting towards the garden area of Moreton House. There are no records with the Environmental Health Section of the Council of this having previously caused a serious nuisance prior to this enforcement investigation. It is recognised that the use of the site would result in some loss of amenity from fumes. However the property is served by an extensive curtilage and the dwelling is a reasonable distance from the use. The Agent for the applicant has indicated that there is a willingness to install a new extraction system. It is considered that the opportunity to improve on the extraction equipment should not be passed and a condition agreeing such an upgrade is deemed reasonable and necessary. This condition, along with other "nuisance controlling" conditions render this element of the proposal acceptable.

Unit 7C1

Unit 7C1 forms part of the larger Unit 7. The building is occupied by a use carrying out car restorations. This building is in an isolated location in terms of any neighbours and subject to suitable conditions it is deemed an acceptable reuse for the building.

Listed Building

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

Conclusion:

The proposed use of these buildings when considered against local and national policy is deemed appropriate. The proposal for more built form at the site will be considered under a separate application. The views of neighbours and their concerns with regards to traffic movements, damage to the road network and general impact on amenity are noted. It is considered that to some degree these concerns can be controlled by conditions. This decision must be taken having regard to all matters material including national policy which promotes rural economic development. Having regard to all matters it is recommended that this application is approved with conditions.

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

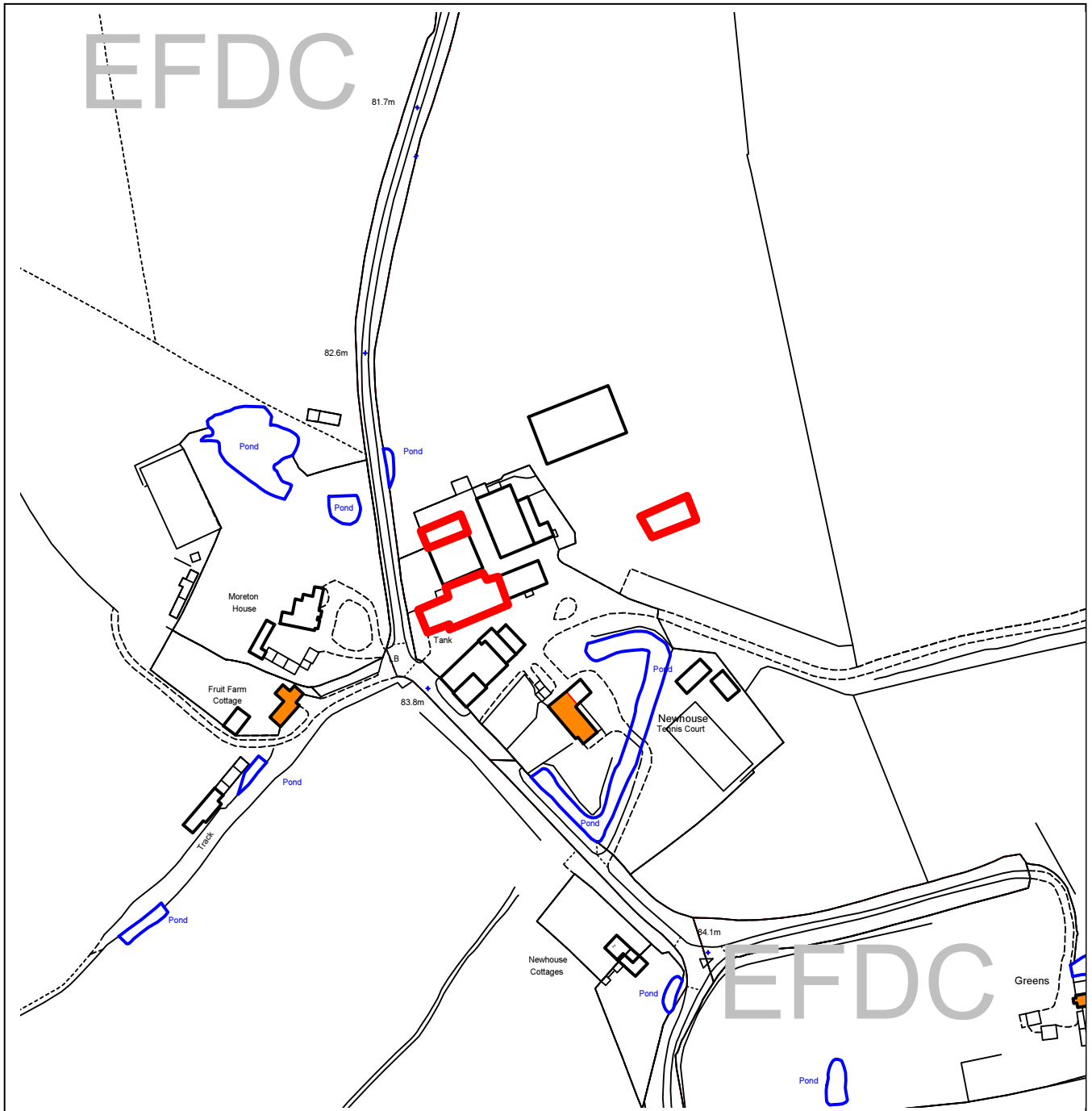
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/2404/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/2405/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Change of use of units 3B, 3C, 7A and 7C2 to a purpose within class B8 and alterations to lean to extensions (EPF/0359/08) and cattle yard building (EPF/0024/05) to facilitate the change of use.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544171

CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 08.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage or working outside shall take place at any time in connection with the uses hereby approved.
- 3 The uses hereby approved shall be contained within the buildings outlined on the submitted plan No 1198/1A and there shall be no further conversions of buildings at the site to non agricultural commercial activities, other than those approved by this application or application EPF/2404/12, including reuses of "building 5" currently in use for ancillary agricultural storage.
- 4 The premises referred to on the approved plan No 1198/1A as Units 3B, 3C 6, 7A and 7C2 shall only be used for B8 purposes and for no other purpose other than a use ancillary to the farming business operating from the site without the prior written approval of the Local Planning Authority.
- 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 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

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

Description of Proposal:

The applicant seeks consent retrospectively for the change of use of a number of buildings at Newhouse Farm to a use with Class B8 (Storage and Distribution) of the Use Classes Order 1987, as amended. Plan Number 1198/1 has been submitted which outlines the buildings to be considered for this use type under this application. These include;

Building 3B & C – Privately let buildings being used for storage. These are older style agricultural buildings.

Building 7A – Being used by Hogg Limited for office furniture storage. This building was approved as a lean to in 2008 for the housing of cattle.

Building 7C2 – Built as a lean to extension in 2008 and currently being used for B8 storage purposes.

Building 6 – Being used by Tabbers (Printers) for paper and material storage. This building was approved as a cattle yard in 2002 (EPF/1765/02) and was originally an open sided structure.

Relevant History:

There is an extensive history to the site including another application for a change of use of buildings to B2 and for the erection of a grain store (EPF/2404, 2406/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).

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PARISH COUNCIL: No Objection. However we would request that if the application is approved Essex County Council are contacted to assess if appropriate positions are available to allow vehicles to safely pass and to allow the free flow of larger vehicles associated with a B8 use.

Issues and Considerations:

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

Green Belt Considerations

As stated in the application to convert a number of buildings at the site to B2 uses the reuse of redundant agricultural buildings need not be inappropriate development if in compliance with local and national policy.

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

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

Units 3B and 3C are currently being used for low level storage and there is general acquiescence from all parties that this is a suitable reuse for these buildings. A level of control over the use of these buildings and any future development can be controlled by suitable conditions.

Building 7C2 and 7A were constructed as lean to extensions to house cattle in connection with the organic farming previously operated at the site. It has been accepted that the use of these buildings for grain storage are not particularly suitable. This is on the advice of the Agricultural Consultant engaged by the Local Planning Authority. Therefore the reuse of these buildings in principle is acceptable. The uses of these buildings are general low key storage. It is not envisaged that they would attract large scale movements to and from the site. The position of Officers, as detailed in the report for application EPF/2404/12, is that these lean to's were not constructed with a view to securing another use. The lean to's were capable of conversion without major or complete reconstruction. The applicant's case is that the buildings from his farming perspective are generally obsolete and therefore their reuse in line with other plan policies is acceptable. In this regard storage is highlighted in Policy GB8A as one of the more appropriate uses of redundant agricultural buildings and there is an increased demand to store such things as legal documents. The use can be clearly contained within the agricultural buildings and would not therefore result in open storage. Thus the use would not have a materially greater impact on the open character of the Green Belt. Again it is considered that subject to appropriate conditions the reuse of these buildings is acceptable.

Building 6 was constructed in recent years as a cattle storage facility. If the current building on site is judged for reuse as a B8 premises it generally meets the tests as outlined for buildings 7A and 7C2, notwithstanding whether it could be used for grain storage. The agent representing the local neighbours has raised concerns about this building and the points made are worth considering in detail.

The submission firstly states that the building was not built in accordance with the plans approved under EPF/0024/05, in that the building which was approved had an eaves of 6.0m and the building on site has an eaves of 5.0m. The building was also built in the wrong position. This is the case but if the inference is that this building was built smaller so as not to be suitable for grain storage in the future, this seems unlikely. Even with an eaves height of 6.0m a good case could be

made that the building was unsuitable for grain storage. Particularly if floor drying facilities were also deemed necessary and installed. The point however may be being made that the applicant has a laissez-faire attitude to the planning system and this is another example. The building was constructed approximately 10.0m further forward towards High Laver Road than agreed but in a large scale farmyard setting this change would likely have been deemed acceptable had an application been made.

The agent also makes the point that when the organic farming business demised the applicant should have converted the existing building or demolished it and applied for a grain store as opposed to cladding it and leasing it out. This point is not without substance and will be covered in greater detail in the application for a new grain store. It can't be ignored that the building on site was adapted in order to make it suitable for other uses. It is also a fair comment that the applicant, the former owner of Ashlyn's Farm, would have been aware that the alterations to this building and its change in use would have required a planning application. The opinion that this building was constructed with the view to securing another use is open to debate. However Officers are of the view that the current building on site is suitable for reuse for the said purposes, (albeit that this appears to have been progressed in a clandestine fashion), and that changes to farm practices render it obsolete for this holding.

The issues with regards to highway matters have been covered under applications EPF/2404/12 and the advice provided by Essex County Council Highways Division holds true with regards to this application.

Amenity

None of the proposed uses would have any serious impact on the amenities of neighbours and future development can be controlled by conditions.

Listed Building

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

Conclusion:

The proposed use of these buildings when considered against local and national policy which makes provision for the reuse of agricultural buildings in the Green Belt is deemed appropriate. The proposal for more built form at the site will be considered under a separate application. The views of neighbours and their concerns with regards to traffic movements, damage to the road network and general impact on amenity are noted. It is considered that to some degree these concerns can be controlled by conditions. Concerns with regards to how these buildings became suitable for B8 uses are also noted. This decision must be taken having regard to all matters material including national policy which promotes rural economic development. Having regard to all matters it is recommended that this application is approved with conditions.

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

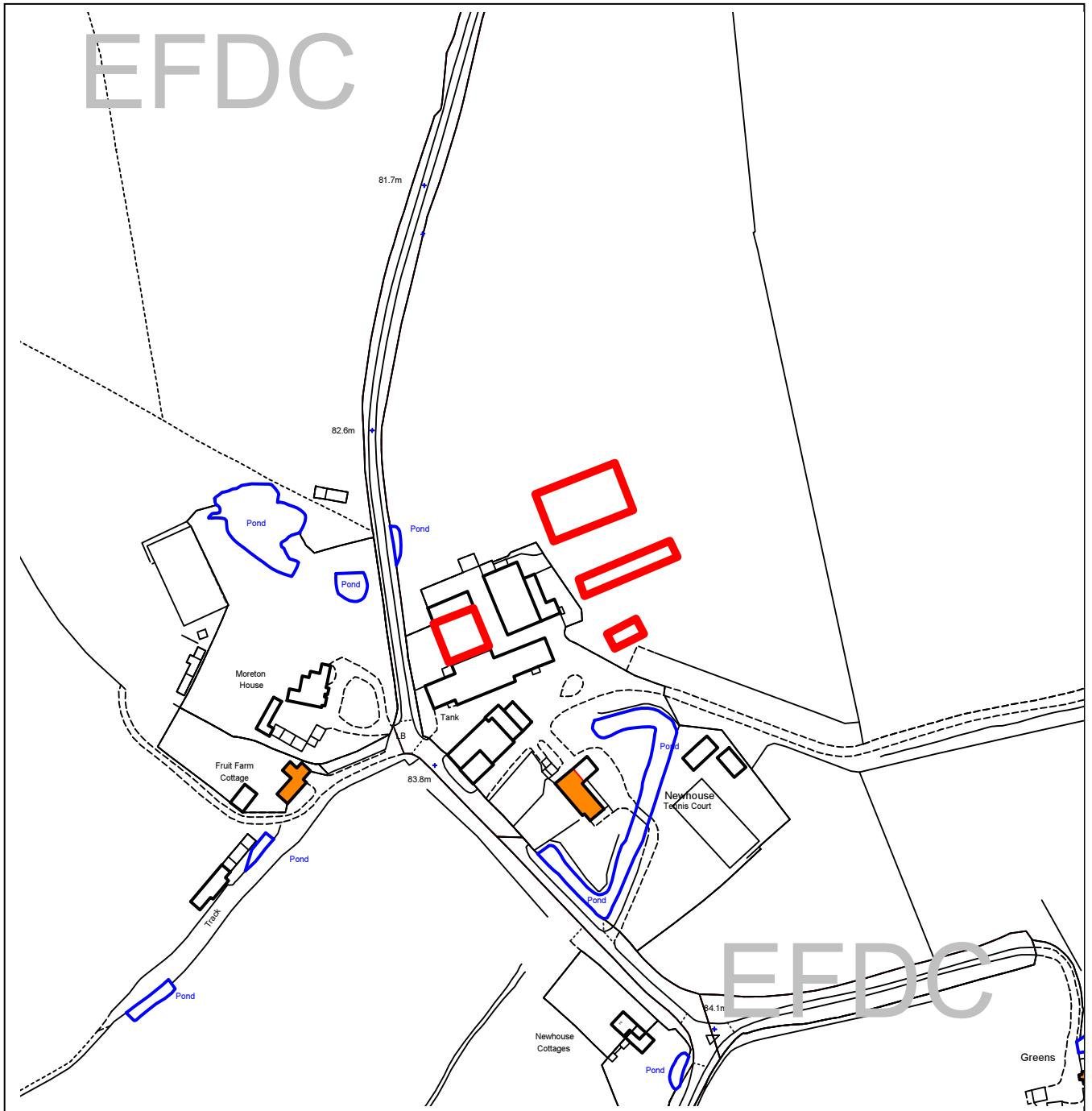
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/2405/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 8

APPLICATION No:	EPF/2406/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Proposed grain storage building.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544172

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall be as detailed on the submitted plan 11116/1, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including site clearance, shall take place until a scheme of landscaping necessary to screen the development, and a statement of the methods, including a timetable, for its Implementation have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 4 A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing 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.

- 5 The proposed building shall only be used for agricultural grain storage or a use ancillary to agriculture unless otherwise agreed by the Local Planning Authority. If the building is no longer needed for such purposes, within three years of the cessation of this use the structure shall be dismantled and removed from site and the land returned to its current state.

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

Description of Site:

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

Description of Proposal:

The applicant seeks consent for the construction of a grain store in connection with his agricultural business. The building would have a footprint of 36.5m x 20.0m. The eaves height would be 7.5m with a ridge height of 10.2m. The structure would have pre cast concrete walling to a height of 3.2m on each long side. The roller shutter doors would be to a height of 6.0m.

Relevant History:

There is an extensive history to the site including another 2 applications for a change of use of buildings to B2 and B8 activities (EPF/2404, 2405/12) and a Certificate of Lawfulness (CLD) for the use of a separate building as a B2 use (Aspects Joinery) EPF/2407/12. The most relevant and recent history other than these applications includes;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002 (Not built).

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02 (Building 6).

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08 (buildings 7A, 7C1, 7C2).

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

EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Withdrawn by the applicant – 28/08/12.

EPF/0863/12 - Retrospective application for change of use of agricultural buildings for the stabling of horses and construction of a manege. Grant Permission (with conditions) – 28/06/12 (Building 4A).

EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities. Withdrawn by the applicant – 28/08/12.

Enforcement

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

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB11 – Agricultural Buildings
DBE9 – Loss of Amenity
HC12 – Development Affecting the Setting of a Listed Building

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

SUMMARY OF REPRESENTATIONS:

10 neighbours consulted and a site notice displayed – 4 replies received.

An objection letter has been received from Stephen Hayhurst, Planning Consultant, representing a number of neighbours in the near vicinity of the site. The contents of the letter will be addressed in the main body of this report.

FRUIT FARM COTTAGE: Objection. The recent developments at Newhouse Farm have led to a great increase in traffic from farm vehicles which are expected and of course is acceptable. However, over the last several years, more and more commercial activity has developed in the farm yard. There are cars, transit vans and heavy goods vehicles coming and going which are very disturbing and upsetting to we who live opposite. There is a carpenter's workshop which, although it has never had planning permission, causes no trouble, nor does the brewery which from time to time has large vehicles attending. The commercial activity not only affects me and my neighbours at Moreton House, but all those who live in Little Laver Road.

The considerable increase in traffic and in particular the heavy goods vehicles have destroyed the road, which cannot accommodate them. The verges have been wrecked and deep ditches formed. It is not possible to pass another car or van without moving in to the side. When faced with one of these enormous vehicles there is nowhere to go without reversing in the hope of finding somewhere safe to move in to. This road is in an appalling state and becoming worse. There are no proper passing places, it is never repaired or gritted and has become increasingly dangerous for cars, cyclists and pedestrians whatever the weather. These vehicles should not be allowed on such a road. A new grain store would mean even further development on Green Belt land and no doubt more commercial activity using existing grain stores. So many recently erected buildings, altered and said to be needed for farming are now claimed to be redundant. It seems to me to be disgraceful that none of these could be used to change to a modern grain store. How many more buildings can be erected for farming, claimed to be redundant and then receive retrospective planning permission for commercial activities? I do not object to small scale commercial businesses which provide work for local people but I oppose the development which has affected me considerably and would become worse if these applications were approved.

HILL FARM: Objection. We are writing in particular to make an objection to the commercial use of the barns at New House Farm. We have noted numerous forty feet container lorries going to and

from New House Farm along Little Laver Road which is a very narrow country lane where they are causing severe damage to drains, verges & creating deep ruts on the side of road. The corner on the junction of Little Laver Road & Church Road has been severely damaged in particular on the corner of the Hill Farm property. In the past our property has been flooded due to damaged drains and we certainly do not want that to happen again.

MORETON HOUSE: Objection. Change of use of recently constructed agricultural buildings to commercial use has resulted in increased traffic movements down an unsuitable road and an inappropriate change of character of the farm causing disturbance to the residents of Little Laver Rd and blight to the road and its verges.

Building 3A still carries out spraying and continues to emit paint fumes directly into my garden and we are disturbed by the noise of the fan. The use of the brewery (2A) and joinery (1C) do not cause any significant problems as they occupy what can be considered truly redundant farm buildings ie over 30 years old and do not appear to have any use for agriculture. As long as conditions such as no working or storage to be done outside, and a there is a limitation on the number of hours worked ie Monday to Friday 9am - 5pm and Saturday 9am - 1pm and no working on a Sunday we have no issue with these uses.

SCOTTS FARM: Objection. We object to the application on the grounds that storage already exists for grain but is currently used for other purposes other than farming. We also object as additional heavy vehicle traffic in Little Laver Road is already increasing with damage to the verges and the tracks of the vehicles are no longer confined to the metalled surface. The fire hydrant cover on the corner of Little Laver Road and Church Road has been damaged by lorries as has the country signpost.

The road is now unsafe for residents to travel on as there are no passing places to facilitate large lorries and is frightening for me when I have to collect my grandchildren from school only to have to back up a long way down a narrow road to get out of the way of a lorry facing me.

PARISH COUNCIL: The Parish Council supports this application.

Issues and Considerations:

The main issues to consider relate to potential impact on the open character of the Green Belt and the planning history of the site.

Green Belt

This current raft of planning applications at this site followed an original proposal to construct a grain store at Newhouse Farm (EPF/2517/11). Epping Forest is a largely rural district where such applications are common place and generally receive approval without much contention, and the Local Planning Authority is happy to support and promote local farming enterprises. The original proposed development however uncovered unauthorised activity at the farm and as such this application is more complex than originally envisaged. Officers have recommended that the retrospective application to reuse a number of buildings at the site should, on balance, be granted consent. The concerns and reservations of local neighbours are understandable and not without solid foundation. However this is the recommendation having regard to all material considerations.

The case for further grain storage space put forward by the applicant is that a change in farming practices (organic to conventional) would provide a much greater yield. The services of an Agricultural Consultant, employed by the Council, have been very useful in addressing the case made by the applicant. His submission confirms that this change would result in the farm producing a much greater yield. The fact that greater storage at the farm is needed is therefore accepted. The core issue therefore has been; were the buildings which have been put to other uses suitable to meet this need? Could they be adapted to meet the need? This is an issue which has been considered by a number of consultants, both planning and agricultural.

The objector's agent has made some observations with regards to the issue of the grain store. The agent firstly casts aspersions on the failure of the organic business and why in the midst of this failure further buildings were constructed. He states that independent evidence should be sought. It is not considered that the issues with organic farming would necessarily prevent a farmer from constructing more agricultural buildings. These are not small enterprises. It is fair to assume that the demise of one farming enterprise can be replaced by another, as in this instance. Independent evidence does suggest a much greater yield and the construction of further buildings at the site, notwithstanding their current use, do not clearly point to foul play. Aerial photographs do suggest the buildings were used for cattle housing and the Council's Agricultural Consultant confirms that organic farming requires the need for cattle. Officers do not accept that the construction of further buildings clearly points to an ulterior motive.

The issue of adapting buildings 5, 6 or 7 has rightly been raised. Again the view of the retained Agricultural Consultant is of real value.

Building 7's lean to additions were built to house cattle. Even to the untrained eye and particularly with the aid of comments received it is clear that these additions were not suitable for grain storage. It appears these buildings would have been more suitable for ancillary storage for such things as farm machinery, but the application for the machinery store (Building 5) followed soon after the approval of the lean to's. On any site visits by Officers or Members this building has appeared to be in use for farming purposes. The conditions suggested to be attached to applications EPF/2404/12 and EPF/2405/12 will guard against alternative uses of this building without prior approval. It is noted that building 5 has been constructed in the wrong position than that shown on the approved plans. The building is now potentially time immune from enforcement action and if not, it would not be in the public interest to take enforcement action as it was appropriate agricultural development. The use of these two buildings for grain storage has been fully assessed and they have been found unsuitable for grain storage and as such can generally be discounted.

Building 6 has proved to be the structure of most contention and the one that, on the face of it, appears suitable for grain storage. This building was constructed as a facility for cattle. Although it can't be corroborated as this building, the submission from the agent includes a photograph of an open sided cattle shed. The neighbour's agent, whilst highlighting the issue of cost, rightly asks the question; could this building be adapted for grain storage and thus negate the need for further encroachment into the Green Belt?

The Agricultural Consultant has addressed this point and notes that this building appears the more suitable for adaption. The comments received with regards to building 6 are recorded below but Members are advised to read the report available on the website in full.

"Adaption of the building (excluding a grain drying floor) would involve removal of the side cladding on all four sides in order to install grain walling up to say 2.5 or 3m in height. Although the stanchions to the building are substantial (approx.. 325mm x 120mm) the insertion of additional steel uprights might well be found necessary. With new intermediate steel stanchions the installation of pre- stressed concrete panels, the most effective grain walling currently available, or the less effective profiled steel walling could be achieved but would not be entirely straight forward. It is possible there could be some loss of storage space as the new panels would have to pass on the inside of the existing steel stanchions. Conversion would also require the installation of roller shutter doors to the gable end and work to ensure the side cladding was properly sealed against the new thrust walling.

On completion the building would need to be bird and rodent proof and meet the requirements of the Home Grown Cereals Authority for the production of assured combinable crops. Assuming

conversion was carried out along these lines and without the addition of a drying floor then a storage capacity of some 1,000 tonnes may be achievable.

I understand this building was already second - hand when it was purchased and erected at Newhouse Farm. Nevertheless, in some circumstances this could be a cost effective option particularly for short term storage without the installation of drying floor and fans.

However, it has to be borne in mind that the building has limitations in respect of its eaves height, which will restrict the flexibility and use of tipping trailers and would therefore involve additional handling of grain in order to effectively utilise the full capacity of the store. If a drying facility was required to allow for longer term storage then its installation on top of the existing concrete floor, assuming this is adequate to take the loading, would involve the loss of a further 300mm or thereabouts of eaves height. The eaves height is only 4.62m and the ridge height 7.32m (not 6m to eaves and 8.68m to ridge as shown on the planning consent drawings ref: EPF/024/2005), which is significantly less than the 7.5m eaves height and 10.2m ridge height proposed for the new grain store.

The use of the tipping trailer to its full height of approximately 7m - 7.5m is likely to be quite restricted and should a central air duct be installed to facilitate on floor drying, as with the existing grain store, then the use of tipping trailers would be further reduced. These are potentially serious limitations, given the investment required and the alternative of a new purpose designed building”.

It should be noted that the Council's Consultant looked at all the applicant's landholding and buildings and found the use of buildings at High Laver Hall as impractical. Our consultant concludes that the conversion of this building, although not without its complications and significant cost, is possible, but that a new purpose built building is clearly the best and most practical solution for the applicant in terms of providing storage for grain at the site and notwithstanding other considerations. The reuse of this existing building would have clear benefits with regards to the open character of the Green Belt. Members may feel that there are clear grounds to refuse further built form at the site, or that what has occurred has been a genuine response to changing circumstances at the holding and as such a new grain store is warranted. The Parish Council has no objection to this proposal and indeed supports the case for a new grain store.

The applicant's agent draws attention to an appeal decision in this district which raised similar characteristics to this site. In this case an Inspector was of the view that an existing building at the site was not readily reusable for grain storage and the cost of bringing it up to modern grain handling requirements was a compelling factor against such a course of action. The eaves height was considered impractical for facilitating modern grain handling equipment. There is therefore a decision precedent in the district of the reuse of buildings requiring adaptation being undesirable. It is of course a well established principle of planning that each decision is decided on its own merits and it is the view of officers that a refusal of this application could be substantiated. The expert advice is that Building 6 could be altered to suit grain storage requirements, although not without difficulties. Members must therefore decide: is the best course of action to refuse this application, therefore requiring the applicant to pursue the reuse of Building 6 as an option for storage. This would have clear benefits with regards to preserving the Green Belt. Or is the grain store justifiable and its impact controllable to some extent by conditions. It is the view of officers that, notwithstanding other material issues, a new building within the central core of this farm is justifiable. This is a finely balanced decision and a case for refusal can also be clearly made.

A further issue is whether this is the best place to position any new building. An area to the north of the Cube Joinery building (3A) is open with the plans indicating it is used for the storage of plant and machinery, and that there are overhead power lines. The applicant has received permission for a large facility to store agricultural plant and machinery and it is not considered the overhead power lines would restrict a building here. It appeared on the site visit that this piece of land was

being used for other forms of storage unconnected to farming and the siting of the building here is an option. One concern is that the building being so close to Little Laver Road, and the residential properties on the other side of the road, is that the noise from the industrial drying equipment and the movement of machinery would further infringe on amenity. The current building would involve further encroachment into the Green Belt, however this must be balanced against the amenity issue. Suitable screening conditions would reduce the impact and the building would be judged as one of a cluster of large farm structures. The proposed development would have no impact on highway safety and would not affect any sites of importance thus complying with Policy GB11. The view is that its position at this location can be supported.

The site is within an Epping Forest Floodzone and the advice from the Land Drainage section is that a Flood Risk Assessment is necessary.

Suggested Conditions/Class 6 Permitted Development Rights

The submitted figures suggest that even with this building there may be a shortfall of storage at Newhouse Farm for grain. There may therefore be pressure for further buildings. A consideration of this proposal suggests it may qualify as agricultural permitted development allowed pursuant to applications under Part 6 of the GDPO. It may also be the case that further development at the site qualifies as development permitted under Class 6. The issue of whether it is reasonable and necessary to remove such permitted development rights is an issue which most therefore be addressed. The plan enclosed in the agents Design and Access Statement gives some idea of the land that the applicant owns. It is disproportionate to remove permitted development rights for this size of a holding. There is the further point that a farm holding of this size keeps swathes of the Green Belt open, one of the core reasons of maintaining a Green Belt. Any removal of permitted development must be relative to issues with regards to unauthorised development at Newhouse Farm. Members may feel that there is some benefit in restricting future development at the site; in which case a plan showing a designated area would have to be agreed with Officers prior to a decision being issued. Such a restriction would not prevent future development at Newhouse Farm but it would give the Local Planning Authority some level of control and input, and appropriate conditions could be put in place. Such an approach would be reasonable. The applicant has buildings at the site which could be potentially converted for grain storage and therefore to permit further development should be with this restriction in place.

Conclusion:

This proposal for a grain store is considered a balanced case. The concerns of neighbours are noted and deemed reasonable issues to raise. It is recognised that some of the built form on the site is capable of conversion for grain storage. However this would not be a straightforward process and limitations have been highlighted in the submission from the Agricultural Consultant. The case for a new grain store is therefore accepted subject to a number of restrictions. This includes that the building is only used for agriculture and that if this use ceases the building is demolished and the land made good. The issue of the removal of Part 6 permitted development rights is also deemed reasonable for a given area around the farmyard, to be agreed with the applicant. It is therefore recommended that the application is approved with conditions.

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

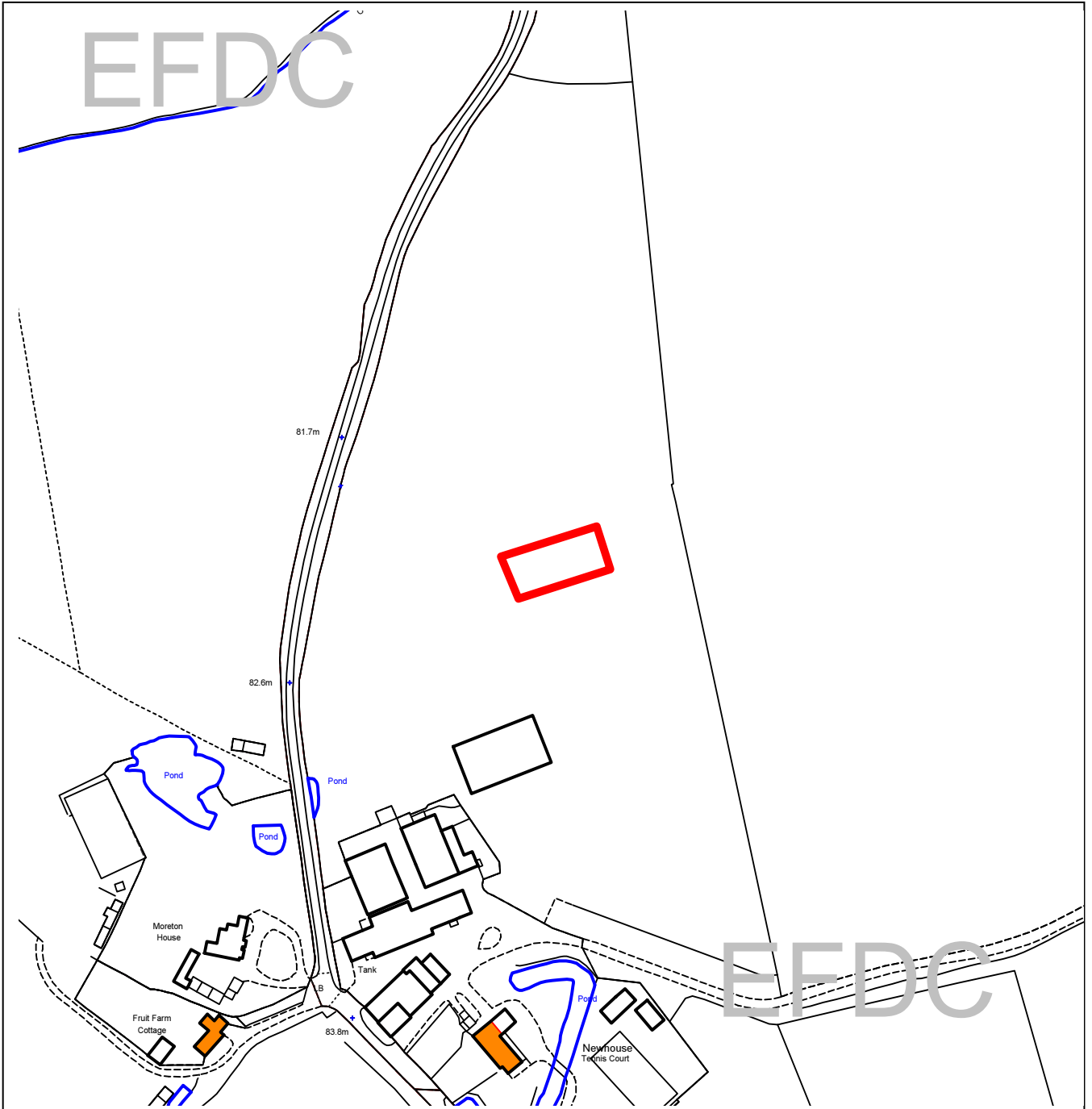
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/2406/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 9

APPLICATION No:	EPF/2465/12
SITE ADDRESS:	Willow House The Street Sheering Essex CM22 7LR
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Peter Murnane
DESCRIPTION OF PROPOSAL:	Redevelopment of the northern part of the site creating two detached dwellings with a new vehicular and pedestrian access from The Street via a vehicular bridge.
RECOMMENDED DECISION:	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=544444

REASON FOR REFUSAL

- 1 The application site is located within the Metropolitan Green Belt and the erection of two dwellings constitutes inappropriate development. There are no very special circumstances that clearly outweigh this harm and as such the development is contrary to the guidance contained within the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations.

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

Description of Site:

The application site is located on the southern side of The Street, Sheering. The application site is an area of land fronting onto The Street to the front of Willow House, which is a large detached house set beyond the development boundary of the village of Sheering. The application site is 0.44 hectares in area and is currently fenced off from Willow House. An access road to Willow House runs along the western boundary of the site.

The site is located within the Metropolitan Green Belt and several of the trees on site are protected by Tree Preservation Orders. A pond/stream runs along the front of the site, with the remaining being managed grassland.

Description of Proposal:

Consent is being sought for the erection of two new large detached dwellings and associated access, amenity space, etc. The dwellings would have footprints of approximately 110 sq. m. and 170 sq. m. plus double garages in the form of a detached carport on Plot 1 and an attached

carport on Plot 2. The dwellings would be of an 'arts and crafts' style with a mix of gabled and part gabled roofs and pitched roof dormers. They would both be two storeys with additional space within the roof areas. The dwellings would be served by a new access directly off of The Street roughly central to the street frontage, which would cross the pond/stream by way of a new bridge.

A legal agreement is proposed to provide a financial contribution towards off-site affordable housing. No definite figure had been agreed at the time of preparing the report, however a figure will be reported verbally to Members at the Committee meeting.

The submitted Planning, Design and Access Statement refers to the reopening of the western access drive to the football pitch to the rear of Willow House, however states that "*this will be subject of a separate agreement to ensure that it remains open in perpetuity*". As no 'separate agreement' has been submitted with regards to this, and since this access does not appear to be shown on any plans nor is it included within the application site, these works are not considered to form part of this application.

Relevant History:

EPO/0149/61 – Proposed bungalow – refused 02/05/61

EPO/1151/72 – Outline application for chalet style house – refused 13/02/73

EPF/1515/86 – Outline application for five dwellings and garages – refused 28/11/86 (dismissed on appeal 20/01/88)

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE8 – Private amenity space

DBE9 – Loss of amenity

H5A – Provision for affordable housing

H6A – Site thresholds for affordable housing

H7A – Levels of affordable housing

H8A – Availability of affordable housing in perpetuity

LL10 – Adequacy of provision of landscape retention

NC4 – Protection of established habitat

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

16 neighbours were consulted on this application and a Site Notice was displayed on 22/01/13.

PARISH COUNCIL – No objections.

10 THE STREET – No objection in principle however concerned about the proposed new access and the removal of trees.

12 THE STREET – No objection to building houses on the site but object to the proposed new access.

17 THE STREET – Object as the land is within the Green Belt and should not be used for housing and as it would impact on amenity, trees, traffic, etc.

1 CHERRY TREE COTTAGES – No objection as it will not impact on surrounding properties, the new access would have little impact on traffic congestion, and as the design would be in keeping with its surroundings.

2 CHERRY TREE COTTAGES – Object as the scale of the dwellings is not in keeping with the surrounding properties in The Street, they would be built on land that contains protected trees and important ecology, the new bridge would disturb the pond at the front of the site, the development would impact on the visual amenities of the street scene and the new access would be a highway safety hazard.

Issues and Considerations:

The key considerations in this application are the suitability of the site, regarding affordable housing provision, amenity considerations, the overall design, the impact on the existing landscaping and ecology of the site, and with regards to highways and parking.

Suitability of the site:

The application site is located within the Metropolitan Green Belt. The erection of dwellings within the Green Belt constitutes inappropriate development except in certain circumstances. The National Planning Policy Framework (NPPF) does contain a list of exceptions to inappropriate development, which includes “*limited infilling in villages*”. This has been put forward as the main reason why the development does not constitute inappropriate development. The following additional circumstances have also been put forward:

- i. The site is in quasi-residential use within the ownership of Willow House, a residential property and is surrounded by residential development and football pitch with ancillary facilities, all of which already have a visual impact on the Green Belt and which screen the development from open countryside beyond.*
- ii. The character of the site and the surroundings means that the site does not contribute at all to the openness of the Green Belt, or materially contribute to its open character.*
- iii. The development would not conflict with the purpose of including land in the Green Belt, as the location of the land does not justify to keeping it permanently open, and the boundaries of the Green Belt are not logical or well defined.*
- iv. In relation to the five purposes of Green Belt policy, the site is already in quasi-residential use; would not generate sprawl; would not involve the merging of settlements or encroach on ‘countryside’; and would encourage the recycling of land that is for all intents and purposes urban.*
- v. The application will permit the re-opening of the access to the football pitch, enabling better opportunity to be made of an important village facility.*

Whilst it is accepted that the NPPF does allow for limited infilling of existing villages within the Green Belt, it is not considered that the proposed development would constitute such infilling. Although no definition is provided within the NPPF as to what would constitute an ‘infill site’. The application site is approximately 75m in width along the road frontage and is not what would normally be considered to constitute a ‘limited infill’ site. A previous application was submitted in 1986 for outline consent to erect five detached dwellings on this parcel of land. This was refused

planning permission and subsequently dismissed on appeal. Whilst this appeal decision is now a number of years old, the comments made by the Inspector at this time are still considered relevant to the current proposal. The Inspectors decision included the following statements:

“At the inquiry there was lengthy debate as to whether the project was properly included within the built-up part of the village. To my mind Sheering has a compact centre with ribbons of development spreading east and west along The Street. In my assessment the village has a rural character. There are a number of gaps in the street picture where fields, paddocks and trees, come close to the edge of the public highway. These gaps seem to be an important part of the character of the settlement”.

“In my judgement the appeal site is not an infill site. Infilling is generally defined in paragraph 3 of Development Control Policy Note No 4: Development in Rural Area. In my opinion a gap of about 85m (this application included the access road to Willow House) is not small and this part of The Street can hardly be defined as an otherwise built-up frontage. The fact that the site is surrounded by housing on 3 sides does not change my view that your clients’ land is properly excluded from the built-up part of the village. Apart from The Hoppet (now known as Willow House) the southern boundary of the appeal site comes up to open countryside”.

The village of Sheering is an area excluded from the Green Belt, however this substantial parcel of land was specifically retained as designated Green Belt land. Due to this, it is not considered that the redevelopment of this substantially fronted site would constitute a ‘limited infill’ of the existing village.

Further to the above, the proposed size and location of the new dwellings would further exacerbate their inability to be considered as a ‘limited infill’. The layout and general built form of the dwellings within this section of The Street are primarily modest dwellings that are set back between 3m and 13m from the edge of the highway. The plot widths of the surrounding properties vary from between 4m and 13m, although there are two properties with 17m and 20m plot widths within the immediate locality. However the proposed new dwellings would be substantially larger than the properties facing onto The Street within the immediate locality, would be set back 34m from the edge of the highway, and would have plot widths of some 34.5m/35m. These would be more akin to the large detached Willow House dwelling to the rear of the site rather than those fronting onto The Street. The failure to be read as part of the street scene would be further exacerbated by the heavy level of screening that would be retained (as the trees are preserved), which would largely screen the dwellings from the public highway and would therefore remove these from forming a continuation of the existing built form or the street scene.

With regards to the additional circumstances put forward by the applicant:

- i. This first circumstance is essentially repeating the ‘infill’ argument previously assessed.
- ii. The application site at present is a largely open, green site that provides a visual break in the built form of the street. The previous appeal decision for the development of this site concluded that the development of this site would “*cause demonstrable harm to the Metropolitan Green Belt and the character of Sheering*”.
- iii. The Green Belt boundary was previously raised as an issue within the previous appeal, however it was decided by the Planning Inspector that the site was ‘properly included within the Green Belt’. Furthermore, changes to the Green Belt boundaries were undertaken when the 1998 Local Plan was adopted, some ten years after the previous appeal decision, however this boundary was not altered as would be expected if considered to be “*not logical or well defined*”.
- iv. As stated within the NPPF, “*the essential characteristics of Green Belts are their openness and their permanence*”. The site at present is an undeveloped, largely open site that is separated off from Willow House. The infilling of this large area of land is

considered to increase the sprawl of the existing built up village of Sheering and would fail to preserve the previously identified rural character of the area.

- v. The re-opening of the access to the football pitch does not form part of this application as it is not included within the application site nor has any legal agreement been submitted securing this, and the submitted Planning, Design and Access Statement states that "*this will be subject of a separate agreement to ensure that it remains open in perpetuity*". Furthermore, there is no justification provided that the re-opening of this access is required nor that it would provide any significant benefits to the village.

Due to the above, it is considered that the proposed development would not be a 'limited infill' of an existing village and as such would constitute inappropriate development harmful to the openness of the Green Belt. There are no very special circumstances that clearly outweigh this harm and as such the development fails to comply with the guidance contained within the NPPF and Local Plan policy GB2A.

Affordable housing:

The application site is a Greenfield site greater than 0.1 hectare in size and is located within a settlement with a population of less than 3,000. As the development proposes two dwellings this application meets the threshold for requiring 50% affordable housing. Given the size of the proposed dwellings and location of the site it is not considered that on-site provision for affordable housing would be suitable in this instance. As such, a financial contribution would be required for off-site affordable housing provision.

The usual procedure to determine the contribution would be for the applicant to undertake a viability assessment to provide a figure, which is then independently assessed on behalf of the Council. However, as both these financial consultants are paid for by the applicant and due to the time scales involved in having the assessment undertaken and then independently checked, the applicant has instead opted to commission an independent assessment to take place on behalf of the Council to determine the required financial contribution. As this assessment would be done on behalf of the Council it would not require independent assessment and would be a final figure (whether it suits the applicant or not). The results of the assessment had not been received at the date of producing this report, however it should have been received by the time of the Committee meeting and as such will be verbally reported to Members. The applicant must agree to this contribution in order to comply with Local Plan policies. If they disagree with the resulting figure or refuse to undertake a legal agreement to provide this then the lack of affordable housing provision would form an additional reason for refusal.

Amenity considerations:

Given the scale of the properties and as they are set back from the neighbouring dwellings there would be some impact on the amenities of the neighbours, particularly Fern Cottage, The Street. However both properties would be set in from the side boundaries by at least 3m, would not be close enough to any neighbouring dwelling to result in any direct loss of light or outlook, and would be fairly well screened by the existing landscaping on the site. As such, it is not considered that there would be any detrimental impact on neighbouring residents.

There is sufficient amenity space provided to serve any future occupants of the two new dwellings and the development would not result in any detrimental loss of amenity to Willow House.

Design:

In isolation the proposed dwellings would be of a suitable design that would not be out of character with the overall appearance of the area. However the overall scale of the dwellings is considerably larger than the majority of surrounding properties and therefore would impact on the character of

the area. Notwithstanding this, the plot sizes and set back would alleviate the impact from this harm and as such it is not considered that this would be sufficient enough to warrant a reason for refusal. However it is not considered that these mitigation measures would alleviate the previously mentioned harm to the openness and character of the Green Belt that would result from this inappropriate development.

Landscaping/ecology:

Many of the trees on site are protected by a Tree Preservation Order made in 1988. Since that time some of the trees have deteriorated, as shown in the submitted tree reports, which have been confirmed by an EFDC Tree and Landscape Officer. The proposed development has taken on board the advice within the report and designed around those trees shown to be retained. A large number of the trees are proposed for retention and will require robust tree protection (fencing and ground) along with regular site monitoring. These issues can be dealt with by way of conditions. Subject to such conditions, the application is not considered to be harmful to the existing landscaping or protected trees on the site.

A Preliminary Ecological Appraisal has been submitted with the application, which recommends a number of habitat and species enhancement. Subject to these, which can be controlled by way of conditions, the proposed development is not considered to be unduly harmful to the existing ecology of the site or surrounding area.

Highways/access:

The proposed new access has been assessed by an Essex County Council Highways Officer and it is considered that this is sufficient in terms of highway safety and usage and as such, subject to relevant conditions, would not be detrimental to highway safety or the free flow of traffic on The Street.

There is more than sufficient parking on site to provide all required resident and visitor parking provision along with manoeuvrability space to ensure vehicles can enter and leave the site in forward gear.

Other matters:

Due to the close proximity of infilled ground there is the potential for ground gases to accumulate within the proposed buildings. As such, a ground gas investigation in order to determine what, if any, measures are required must be undertaken, or alternatively full ground gas mitigation measures within the buildings would need to take place. This issue can however be dealt with by way of a condition.

Conclusion:

The application site is located within the Metropolitan Green Belt and does not constitute limited infilling of an existing village nor does it fall within the exceptions stated within the NPPF. As such, the proposal would be harmful to the openness of the Green Belt. There are no very special circumstances that clearly outweigh this harm and therefore the application fails to comply with the guidance contained within the NPPF and policy GB2A of the Local Plan and is recommended for refusal.

Is there a way forward?

Given the location of the application site within the Metropolitan Green Belt it is not considered that there is any way forward for this type of development.

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

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

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

Report Item No: 10

APPLICATION No:	EPF/0036/13
SITE ADDRESS:	217 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Miss G Kousoulou
DESCRIPTION OF PROPOSAL:	Retention of front window shutter and box
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544675

REASON FOR REFUSAL

- 1 The boxing used to contain the shutter is deemed inappropriate in a conservation area and as such fails to preserve or enhance its special character. Therefore by reason of its projecting nature, use of materials and unsympathetic design the proposal is considered out of character and an inappropriate form of development contrary to policies HC6, HC7, DBE1 and DBE12 of the adopted Local Plan and Alterations and contrary to the aims and objectives of the recently nationally adopted National Planning Policy Framework (NPPF).

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 commercial premises situated on Epping High Street. The existing building is two storeys and is currently occupied by a ladies fashion outlet (So Glam), an A1 use, on the ground floor. The shop is bordered to the east by a Carphone Warehouse and there is an alleyway on the western boundary providing access to a nightclub at the rear. The unit has a pink sign above the shopfront and a pink metal security shutter currently provides protection when the shop is not trading. The site is within the local Conservation Area and there are a number of listed buildings in the vicinity. The site is also in the Key Frontage as designated in the Local Plan Proposals Map.

Description of Proposal

The applicant seeks consent retrospectively to retain the shop shutter and its containing box. The shutter is finished as a perforated grill and when not in use is contained within the box. The shutter

box measures approximately 30.0cm x 30.0cm and extends the full width of the shop front below the fascia sign.

Relevant History

There is a long history of applications for signage at the site but none are relevant to this application.

Policies Applied

DBE1 – Design of New Buildings

DBE12 – Shopfronts

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation 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

4 neighbours consulted and site notice displayed – 1 reply received.

ELEANOR LAING M.P: Support. Concern that the shutter has been installed at the behest of the applicant's insurance company after damage to properties along the High Street caused by people leaving the nearby nightclub. She did not realise that permission was required and considers the shutter attractive. I believe that consideration should be given to the need to help high street shops to thrive and consider that the applicant should be allowed to keep the shutter in place.

PARISH COUNCIL: No Objection, however Members would prefer to see an open lattice design as opposed to heavy duty shutters for applications for security measures in the future.

Issues and Considerations:

The main issue to consider relates to design and potential impact on the character of the Conservation Area.

The site is located within the Epping Conservation Area. One of the key characteristics of the Conservation Area is the shop units that make up its central core. Local Planning Authorities have a duty in the exercise of planning functions under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to "preserve or enhance the character of that area".

The Epping Conservation Area Character Appraisal (November 2009) identifies the improvement of shopfronts as one of the 'opportunities for enhancement' within the conservation area (pg.27). It also mirrors the advice found in the 'Shopfronts & Advertisements: Design Guidelines' document, created in 1992 and adopted as Supplementary Planning Guidance, which states that modern unsympathetic materials should be avoided and where solid shutters are allowed 'the box housing should be fixed internally where possible'. Changes to shopfronts should be of a high quality which reflects the historic nature of this environment.

Balanced against this intention to "preserve and enhance" the Conservation Area is a willingness to work with shop owners in order to ensure a thriving high street. The current economic climate is providing testing times for traders and it is noted that some shops locally have ceased trading.

Government commissioned reports such as the Portas Review further highlight the realisation that there is a need to reverse the decline of the traditional high street.

In this regard it is accepted that a shutter at the front of this unit, in what is a particularly vulnerable location for potential damage, is desirable in order to aid successful trading from this unit. The actual shutter, although not the preferred open mesh style, is perforated such that it does not provide a solid barrier and the shop window display can still be seen when the lights are on. Its colour, although slightly unconventional, does not raise concern and adds some interest to the High Street at night and is more attractive than a grey galvanised steel finish would be. There are examples of much more solid, galvanised shutters along the High Street which detract from their setting, none of which benefit from express planning consent. These would not however justify this proposal. Typically shop units in the locality are traditional in appearance and do not use shutters as a means of security outside of trading hours. There are also examples of shutters behind the windows and indeed behind window displays which has been encouraged over the many years by both planning policy and supplementary guidance. However having regard to all matters the shutter is deemed an acceptable means of securing the premises.

It is unfortunate that advice was not sought from the Council's Conservation Officer prior to the installation of the shutter. Such advice would have strongly discouraged the box shutter and would have encouraged an internal arrangement. It is however recognised that not everyone is aware that such shutters are development requiring consent. There are a few examples of shutter boxes on the High Street, but these are generally in concealed positions such as under projecting upper floors or awnings (191, 193 High Street). None seem to benefit from a recent planning consent and as with the shutter do not justify further inappropriate development. A number of properties seem to have incorporated the shutter housing within the signage which results in fairly unattractive projecting signage. No information has been provided by the applicant with regards to exploring an alternative, such as alterations which could potentially result in the shutter being housed internally. This application must therefore be judged on its own individual merits. It is considered that the shutter box jutting out from the shopfront is an issue and if not removed would fail to preserve or enhance the character of the Conservation Area. Such projections are unduly prominent additions to traditional shopfronts. There is a degree of sympathy with the security argument but there is clear local planning guidance as to what is deemed appropriate. This guidance, provided to help steer such development for everyone in the district, would be seriously devalued if Officers were to grant consent for this retrospective application. This would make the refusal of future such applications more difficult to defend and perhaps encourage retrospective applications. The cumulative effect of projecting shutter boxes on Epping High Street would cause substantial harm to the character and appearance of the conservation area. For this reason it is the advice of Officers that the application should be refused consent.

It is accepted by Officers that Members may have further sympathy for the proprietor of a fledgling business, as do officers. Officers are willing to meet with the applicant to see if alternatives are available. It is accepted that to reinstall the shutter box internally may prove difficult and costly. However it is considered that the identified harm to the character of the Conservation Area is the overriding consideration. The external shutter box is unsympathetic to the character and appearance of the Conservation Area and is contrary to the 'Shopfronts & Advertisements: Design Guidelines' and guidance set out in the Epping Conservation Area Character Appraisal, as well as policies HC6, HC7, DBE1 and DBE12 of the Local Plan and Alterations (1998 and 2006) which strive for high quality designs and materials, and although justification in terms of security has been provided, the lack of evidence to show if alternative solutions with regards to the positioning of the shutter box, or alternative security measures have been sought mitigates against the proposal.

Conclusion:

The retention of the box housing for this shutter would fail to preserve or enhance the character of this Conservation Area and would harm its special setting. Some degree of sympathy does rest with the applicant but it is considered that local conservation policies should take precedence. It is therefore recommended that the application is refused consent.

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

Report Item No: 11

APPLICATION No:	EPF/0049/13
SITE ADDRESS:	Land Bordered by Mount End/Mount Road Theydon Mount Epping Essex CM16 7PL
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Tillship Limited
DESCRIPTION OF PROPOSAL:	Change of use of land for horsekeeping and the erection of 4 wooden stables and associated storage on a concrete slab base.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544751

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 following approved drawings:
 - OS Map referenced 2011_2058512
 - Elevations and floorplan on Chart Timber Buildings drawings dated 16.10.12
 - Block Plan of Proposed Stable Layout dated 30/11/12
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 The stable block hereby approved shall not be used for any business or commercial purpose, including use as a livery.
- 5 Prior to first use of the development, a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6.0 metres of the highway boundary.

- 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.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))

Description of Site

The site is a parcel of farmland of some 8 acres (3.24 hectares), formerly part of North Farm used for grazing cattle. The site is situated northeast of Mount End/ Mount Road and is in the Metropolitan Green Belt. The site has some tree screening along its boundary with an open aspect within the envelope of its curtilage. There are a number of preserved trees situated along its eastern boundary. The site is devoid of any buildings.

Description of Proposal

Construction of a concrete base 16.0m by 10.0m and erection of a stable block with 4 stables and ancillary storage. The stable block forms a 'U' shape with yard area in the middle and is 14.3 metres by 8.6 metres (each stable will measure 3.6m by 3.6m), its eaves height will be 2.2 metres and ridge 3.0 metres.

The building will be sited some 13.5 metres from Mount Road, approximately 11 metres east of the entrance gates.

Relevant History

EPF/2185/11 – CoU of land and erection of 6 stables on slab base and ancillary storage – refused and dismissed at appeal.

Policies Applied

CP2 – Protecting the quality of the built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development in the Green Belt
RST4 and RST5 – Stable building
DBE1, DBE2 and DBE4 – Design of new buildings/ Design in the Green Belt
DBE9 – Neighbours amenity
ST4 and ST6 – Highways safety and parking
LL1, LL2 and LL10 – Rural landscape

Summary of representation:

5 letters were sent out to neighbouring occupiers, a site notice displayed at the front of the site, and no letters of representation have been received.

THEYDON MOUNT PARISH COUNCIL – Have no objection to the planning application.

Issues and Considerations

The main issues are whether the proposal is for private use, the design and appearance of the building in the Green Belt, access and impact on highway safety and the rural landscape.

The application was previously submitted with a greater number of stables (six) under EPF/2185/11. The Parish Council previously objected due to;

1. It is detrimental to the open rural aspect.
2. Scale – the number of stables are excessive; four would be more appropriate
3. Some concern is expressed regarding access.

This application was refused by Planning Committee, contrary to officer recommendation. The previous reason for refusal issued by Planning Committee was:

'The proposed development due to its excessive scale and the number of stables amounts to more than a small scale facility and is therefore inappropriate development by definition harmful to the openness of the Green Belt, contrary to policy GB2A of the Adopted Local Plan and Alterations.'

The applicant appealed the decision and the appeal was dismissed. The Planning Inspector found the proposals were far from a small scale building in the Green Belt. The proposals lacked evidence to demonstrate the proposals would be associated with outdoor sport and recreation and concluded that the proposals were inappropriate development in the Green Belt contrary to the Local Plan and NPPF. In addition the Inspector deemed the proposals to impact unacceptably on openness, despite being obscured by hedging, contrary to policy. Finally there were no very special circumstances demonstrated.

The applicant has since reduced the number of stables to four, reduced the size of the building and hard surface accordingly and provided some information regarding family use.

Appropriateness of the development in the Green Belt

The Design and Access Statement sets out that the plot of land would be used primarily for grazing of retired horses with a small part of the site used to construct a hard base and erect a stable block. The stable block and storage building will provide for up to four horses. Over time retired horses will be replaced with younger animals for riding for family members. The block will be for private use only and is not intended to be used for livery or any business use.

In principle the provision of facilities for outdoor sport or recreation in the Green Belt are not unacceptable, including small scale associated buildings. The Inspector previously had concerns that no evidence was provided regarding the recreational use of the stables, however the applicant has now supplied further details and the Officers are satisfied the applicant would indeed use the site and stables in association with the family's hobby. Furthermore, similar recreational facilities are frequently approved within the District in the Green Belt.

In terms of openness in the Green Belt, the size of the building is modest, clearly designed for stabling with a low ridge height and its siting would be screened by some dense vegetation at the front of the site. It would be constructed with traditional materials i.e. timber and shiplap cladding with black roof sheeting which is acceptable in the context of its rural setting.

The Parish Council no longer has objections due to the reduction in scale. The loss of the two stables has reduced the size of the stable block by 3.7m in depth. The length of the stable block remains unchanged. The concrete base has been reduced by 4m in depth.

Visually, officers remain satisfied that the proposed stable block will have a negligible effect upon the openness of the Green Belt.

Equestrian Policies

The size of the stables complies with the requirements of policies RST4 and RST5 on keeping horses and erection of new stable buildings. The size of the Stables accords with the requirements of the British Horse Society.

There is adequate grazing land available for the number of horses proposed, which is considered to be a small scale facility related to outdoor recreation and is therefore appropriate development.

Neighbours

This is an isolated site with no immediately properties close to the site. There are no amenity issues regarding neighbouring occupier's amenity raised by this proposal.

The site opposite is noted to include a small structure that serves either as storage or shelter in relation to outdoor activities.

Landscape and Trees section

With respect to trees, there are no concerns raised or landscape issues in connection with this application. The proposals will not have any significant adverse impact upon the character and appearance of the landscape.

Highway safety and parking

The proposal will not be detrimental to highway safety or efficiency in the locality because the existing access will be used and presently it provides good visibility onto Mount Road. Furthermore, as the proposal is for private use, not livery, it will not generate excessive vehicle movements to and from the site. For this reason, the Highway Authority would not wish to raise an objection to this proposal subject to conditions.

Conclusion

Officers remain satisfied the proposed stable building complies with relevant policies. The applicant has revised the application to reflect the concerns of the Parish Council and provided further information to overcome concerns previously raised by the Planning Inspector. Permission is recommended subject to conditions ensuring the stables are used for the purposes intended.

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:

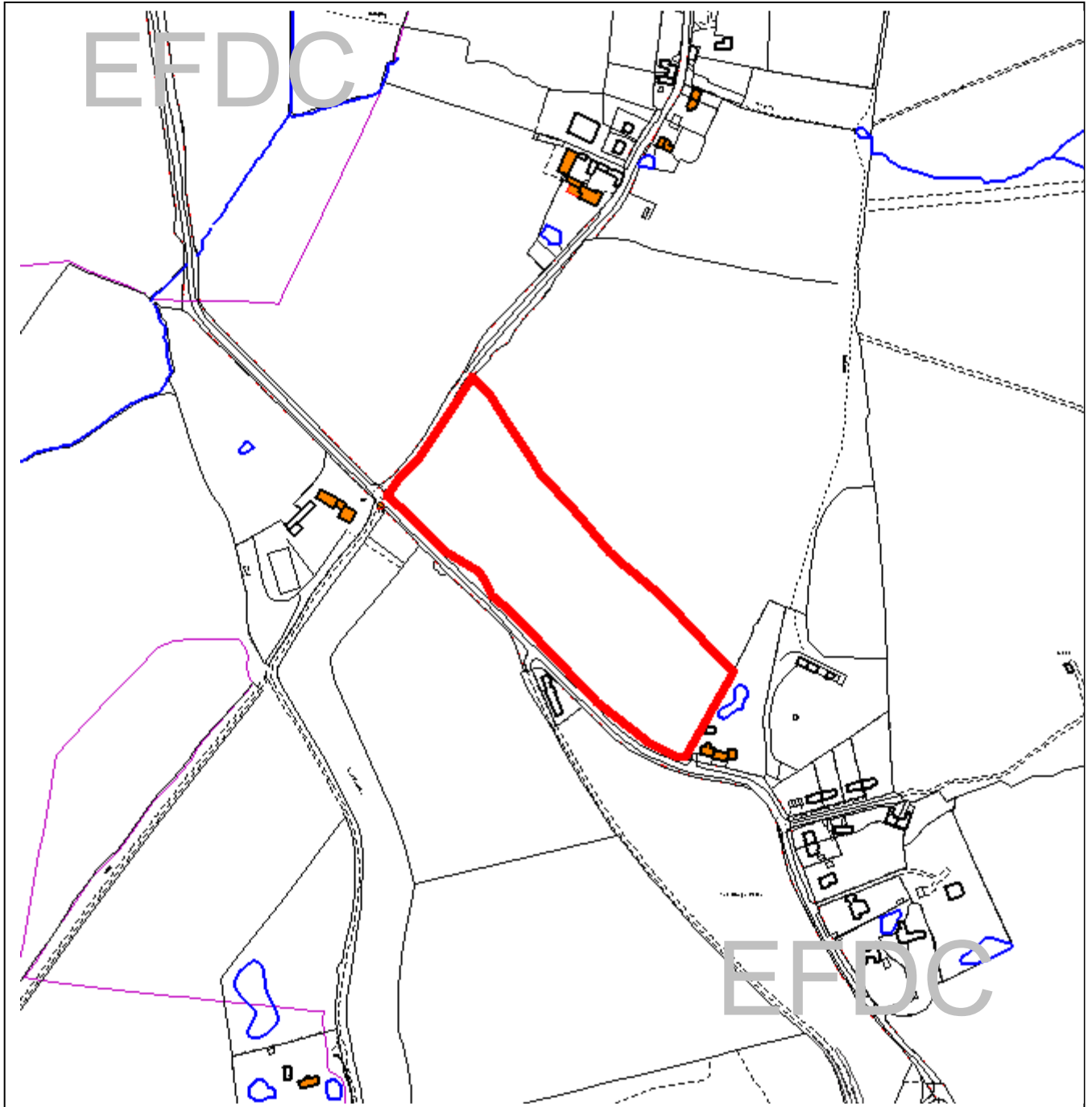
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 564481***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	11
Application Number:	EPF/0049/13
Site Name:	Land Bordered by Mount End/Mount Road, Theydon Mount, CM16 7PL
Scale of Plot:	1/5000

Report Item No: 12

APPLICATION No:	EPF/0297/13
SITE ADDRESS:	Nine Ashes Farm Rookery Road High Ongar Ingatestone Essex CM4 0LD
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr & Mrs S Harding
DESCRIPTION OF PROPOSAL:	Minor material amendment to development approved under planning permission EPF/2543/11 (Change of use from Agricultural to use for residential purposes (Use Class C3a) and for the construction of 8 semi detached three bedroom houses. Demolition of existing redundant buildings on the site. (Revised application) To include details of approved non-material alterations (EPF/1738/12 and EPF/0127/13) and correction of ownership certificate
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545791

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ETW 01 rev.B; ETW 03 rev.B; ETW 04 rev.E; ETW 10 rev.J; and ETW 20 rev.E
- 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 side extensions generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

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

- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 11 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 an 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.
- 12 Prior to occupation of the proposed development, the Developer shall submit and have approval in writing from the Local Planning Authority a Travel information and Marketing Scheme for sustainable transport. The developer shall be responsible thereafter for the provision and implementation of the scheme in accordance with the approved details.
- 13 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Subject to the completion, by 5 August 2013, of a legal agreement under S106 of the Town and Country Planning Act 1990 in respect a financial contribution of £21,000 towards the provision of affordable housing within the District and a financial contribution of £4,000 towards off-site highway works. Should the legal agreement NOT be completed by 5 August 2013 Delegated Authority is given to the Director of Planning and Economic Development to refuse planning permission.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

Description of Site:

The application site is located on the eastern side of Nine Ashes Road, to the south of the junction with King Street. The site contains several redundant agricultural buildings. There is an area of open agricultural land to the east of the site, to the north and south are residential properties.

The rear of the site is visible from Nine Ashes Road to the South East of the site, across open land. The site is within the Metropolitan Green Belt.

Description of Proposal:

This application is for a minor amendment to an approved housing development of 8 semi-detached houses at Nine Ashes Farm, Rookery Road, High Ongar. Planning permission, ref EPF/2543/11, was granted for the development on 13 September 2012 subject to planning obligations securing a contribution of £21,000 towards the provision of affordable housing in the District, £4,000 for off-site highway works.

The developer has subsequently found that a small part of the site at its access is not clearly in the applicants' ownership. The land concerned measures some 5m by 4.5m and is not registered and the developer has not been able to identify anyone else who may have an interest in the application site.

When application ref EPF/2543/11 was submitted the applicant completed Certificate A on the application forms certifying he was the only owner of all of the application site. Since the applicant has now found that to be incorrect he is concerned the planning permission given for the development may not be valid and consequently capable of challenge in the courts. That would be likely to affect the developer's ability to secure finance to carry out the development.

The developer has discussed how he could avoid that risk and remove the potential impediment to completing the development with planning officers and the Council's solicitor. Following such discussion he has submitted a further planning application for the approved development, ref EPF/0297/13, in order to resolve the matter.

The development described in the current application is identical to that approved under planning permission ref EPF/2543/11 and the same planning obligations are offered. The only difference in the application is the applicant has completed Certificate C rather than Certificate A on the application forms. Certificate C certifies the applicant is not the sole owner of the land, cannot serve any notice of the application on all other owners of the land and that he has taken all reasonable steps to find the names and addresses of the other owners but has been unable to do so. The steps taken are specified in the Certificate.

As to the detail of the approved development, the proposed dwellings would be fairly similar in footprint to others along Nine Ashes Road, would have accommodation across two storeys, with the first floor being partially contained within the roof space at the front of the dwellings. Each dwelling would have a kitchen, WC and lounge/diner at ground floor level and three bedrooms and a family bathroom at first floor level. The dwellings would be finished in red brick and cream renders, with red clay tiles on their roofs.

The dwellings would each have maximum width of 7.1m, a maximum depth of 10.4m and a maximum height of 8.2, slightly lower than existing adjacent dwellings.

Each dwelling would have a rear garden approximately 10-12 metres in width (slightly more to Plot 1 which would extend to the rear of 1 Nine Ashes Farm Cottages) and varying in depth from 13 to 24 metres.

Two car parking spaces would be provided to the front of each dwelling and a substantial landscaped area is to be provided along the front boundary of the site with Nine Ashes Road.

Relevant History:

- EPF/2074/01. Change of use from agricultural to storage/light industry. Refused 08/03/02 for the following reason:

The proposed development is of a scale that would result in significant increased activity on the site leading to additional disturbance detracting from the amenities of nearby residential properties and from the area as a whole, contrary to the requirements of policies GB8, E12 and DBE9 of the adopted Local Plan.

- EPF/0015/03. Change of use to light industrial and storage and distribution (B1c and B8) uses. Refused 04/06/03 for the following reasons:

The proposed change of use of the application buildings is considered unacceptable due to the impact such use would have upon the open character and amenities of this rural area by reason of noise, disturbance and traffic generation contrary to Policy GB8 of the District Local Plan.

The proposed commercial use of these rural buildings would lead to additional highway dangers for pedestrians in the immediate vicinity particularly given the layout, condition and inadequacies of the surrounding highway network contrary to policies GB8 and T17 of the District Local Plan.

- EPF/2188/04. Change of use from agricultural to residential use and the building of 3 no. detached blocks containing 12 no. units with associated parking. Demolition of existing barn. Refused 16/03/05 for the following reasons:

The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.

The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex

and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.

The proposals would result in the loss of a number of established and mature poplar trees which make a valuable contribution to the visual amenities of the area and would therefore be contrary to policy LL10 of the adopted Local Plan.

This was subsequently DISMISSED at appeal. Reasons: Inappropriate development in the Green Belt, non-sustainable location and undesirable precedent.

- EPF/2232/05. Demolition of existing buildings and redevelopment with 10 no. dwellings (Revised application). Refused 17/03/06 for the following reasons:

The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.

The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4, and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.

- EPF/1419/09. Change of use from agricultural use to B1, B2 and B8 use. Refused 28/09/09 for the following reasons:

The proposed change of use is unacceptable due to the impacts the uses would have upon the open character and amenities of this rural area by reason of disturbance and traffic generation contrary to Policies CP2(i); ST4 (iv) and GB8A (iii) of the Adopted Local Plan and Alterations.

Insufficient information has been submitted to enable full consideration of the impact of the proposed development on trees within the application site, contrary to policy LL10 of the Adopted Local Plan and Alterations.

The proposed change of use is unacceptable due to the impacts the uses would have upon the amenities of the occupiers of neighbouring dwellings by reason of noise, disturbance and traffic generation contrary to Policies RP5A and DBE9 (iv) of the Adopted Local Plan and Alterations.

- EPF/2156/09. Change of use from agricultural use to B1 and B8 use. (Revised application). Refused 24/02/2011 for the following reason:

The proposed development would result in an unacceptable intensification of use of the site resulting in increased activity and traffic movements in an around the site, harmful to the character and amenity of the rural residential area. This proposal would therefore be contrary to policies CP3 and GB8A of the adopted Local Plan and Local Plan Alteration.

Appeal subsequently dismissed due to inaccuracies between submitted plans - the Inspector did not consider, or express an opinion upon, the planning merits of the case.

- EPF/1467/11. Change of use from Agricultural to use for residential purposes (Use Class C3a) and for the construction of 10 no. semi detached three bedroom houses. Demolition of existing redundant buildings on the site. Refused 09/11/2011 for the following reasons:

The proposed dwellings would constitute inappropriate development within the Green Belt, which would be harmful by definition. No very special circumstances exist to outweigh this harm to the Green Belt. Accordingly, the proposed development would be contrary to Policy GB2A of the adopted Local Plan and Alterations.

The proposed development, due to its density, massing and layout would be out of keeping with the pattern of nearby residential development to the detriment of the character and appearance of the rural area, contrary to Policies CP3(v), DBE1 and DBE4 of the adopted Local Plan and Alterations.

The proposed development would fail to provide any affordable housing, of which there is a considerable shortage within the District, contrary to Policies H5A, H6A and H7A of the adopted Local Plan and Alterations.

- EPF/2543/11. Change of use from Agricultural to use for residential purposes (Use Class C3a) and for the construction of 8 semi detached three bedroom houses. Demolition of existing redundant buildings on the site. (Revised application). Approved

Policies Applied:

Core Policies

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

Design and the Built Environment

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

Housing

H2A – Previously Developed Land
 H3A – Housing Density Mix
 H4A - Dwelling Mix
 H5A – Affordable Housing Threshold
 H6A - Site Thresholds for Affordable Housing
 H7A - Levels of Affordable Housing

Landscape and Landscaping

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

Sustainable Transport

ST4 – Road Safety

ST6 – Vehicle Parking

Heritage Conservation

HC12 – Development affecting the setting of Listed Buildings

Green Belt

GB1 – Green Belt Boundary

GB2A – Development in the Green Belt

GB7A - Conspicuous Development

Implementation

I1A - Planning Obligations

Recycling and Pollution

RP4 - Development of Contaminated Land

NPPF

Summary of Representations:

Notification of this planning application has been sent to High Ongar Parish Council and to 54 neighbouring residents. At the time of preparing this report the consultation period is not complete and the only responses received have been from the Highway Authority and from Officers within the District Council. They confirm the need to impose the same conditions imposed on planning permission EPF/2543/11. All responses subsequently received from neighbours, the Parish Council and other interested third parties will be reported verbally.

:

Issues and Considerations:

Since the development proposed and planning obligations offered are identical to the proposal approved in September and since there has been no material change in circumstances since that time there is no basis for making a different decision to that on application EPF/2543/11.

Green Belt

The principle of developing the site to provide 8 semi-detached houses has been accepted by the Council. It was found the proposed development would not appear significantly more conspicuous, nor would it have a significantly greater impact on openness than the existing buildings within the site. Moreover, the Council found very special circumstances exist in favour of the development that outweighs the harm it would cause to the Green Belt by reason of being inappropriate development. Such very special circumstances include the fact it is previously developed land, the location of the site within a built up enclave, the previous rejection of proposals to reuse existing buildings for commercial purposes and broad community support for the proposal. It was also found the proposal was in accordance with the policies of the National Planning Policy Framework.

Design

The detailed design of the proposed dwellings was found to be acceptable. The dwellings would be similarly proportioned to existing properties and, whilst closer together, the surrounding development would retain a perception of spaciousness within their plots. In order to retain this

character, a planning condition was imposed to restrict the future development of side extensions without planning permission.

Landscaping

The implementation of a comprehensive landscaping scheme is essential to soften the impacts of this proposed development, minimise its conspicuousness within the Green Belt and to minimise any hardening/urbanisation of the existing street scene. In particular, it is anticipated that considerable planting will be required on the land to the front of the proposed access road and also along the rear boundary of the site. For example, boundary treatments along the rear will be required to be green, rather than a typical close boarded timber fence (although some harder landscaping may be discreetly accommodated in the interest of security). In relation to planting along the front of the site, the Council's Landscape Officer advises that Lombardy poplars (the same species of them as those which were previously felled) would make a more meaningful, long term robust landscaping screen along this road frontage than the Ash trees proposed within the application. Accordingly, they expect to see such trees (of heavy standards 12-14cm girth) incorporated within the landscape scheme. This may be secured by the use of a planning condition.

Usually, landscape conditions require the agreement of details prior to the commencement of the development and its implementation within a planting season of occupation. However, in this case, if planning permission is granted the provision of landscaping will be essential in minimising harm to the street scene and wider area. On this basis, the Council Landscape Officer has advised that a phased approach could be adopted in relation to the delivery of the landscaping, that would see some of the hardier and more substantial planting taking place around the site boundaries prior to the commencement of the development and therefore having a chance to establish throughout the construction and occupation of the development. Such a condition is considered to be justified for the reasons discussed and is considered to fully comply with the tests for imposing a planning condition set out within Circular 11/95.

Living Conditions of Neighbours

In relation to the consequences for the living conditions for the occupiers of neighbouring dwellings, the development itself was found to cause no harm. Some level of disruption to neighbouring residents is likely during construction, due to its scale therefore it was found necessary to impose appropriate conditions to safeguard amenity.

Highways Matters

The application proposes a single vehicular access from Nine Ashes Road, leading into a secondary access road within the application site, which would serve each dwelling. Also proposed is a footpath link, leading from the application site to the nearby bus stop situated outside 267-269 Nine Ashes Road.

The Highway Authority advises the development will generate less traffic than the lawful use of the site potentially could and the access is well served with good visibility and geometry onto Rookery Road. It also advises that the removal of one of the existing accesses into the site and the proposed footway link to the bus stop will improve highway safety and accessibility for the site and the locality.

Consequently, no highways objection is raised to the proposed development, subject to the imposition of a number of planning conditions and the completion of a legal agreement to secure the provision of the proposed footpath link to the nearby bus stop and to regulate the construction of the highway works. The legal agreement will also require the submission of detailed engineering drawings for approval and safety audit.

Sustainability

The site is not well located with regard to access to public transport, shops and facilities and, as previously argued and upheld at appeal, is not a sustainable location for residential development. The proposal is, therefore contrary to the principles of policy CP6 of the Local Plan, which encourages sustainable development.

Other Matters

Conservation - The surrounding agricultural land is not specifically mentioned in the listing for the nearby listed buildings and on this basis it is not considered that change of use of the land would be seriously harmful to their setting, subject to the use of high quality and sympathetic building materials.

Education – Since the development is for less than ten dwellings, there is no requirement by the County Council for the Applicant to contribute towards the provision of additional school places.

Flooding and Land Drainage - The site does not lie within an Environment Agency or EFDC flood zone. However due to the scale of the proposed development, if planning permission is granted, then it will be necessary to impose conditions to ensure that the Council is able to approve the proposed details for surface water drainage and foul drainage.

Contaminated Land - Due to the previous use of this site as a farmyard and also due to the presence of made ground, the land is potentially contaminated. Accordingly, if planning permission is granted then planning conditions requiring contaminated land surveys, investigations and mitigation are necessary.

Planning Obligations

Planning permission EPF/2543/11 was given following the completion of agreements under section 106 of the Town and Country Planning Act 1990, to secure the following matters :-

1. A financial contribution towards off site provision of affordable housing. The sum agreed is £21,000
2. A financial contribution of £4,000 towards the provision of off-site highway works.

Conclusion:

There is no change in the proposal or any material consideration since planning permission EPF/2543/11 was given. The application is made solely for the purposes of resolving a procedural irregularity in order to remove the risk of a legal challenge to the planning permission and a potential impediment to the completion of the development. In the circumstances it is recommended that planning permission be granted again subject to the same conditions and the same planning obligations as previously secured.

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

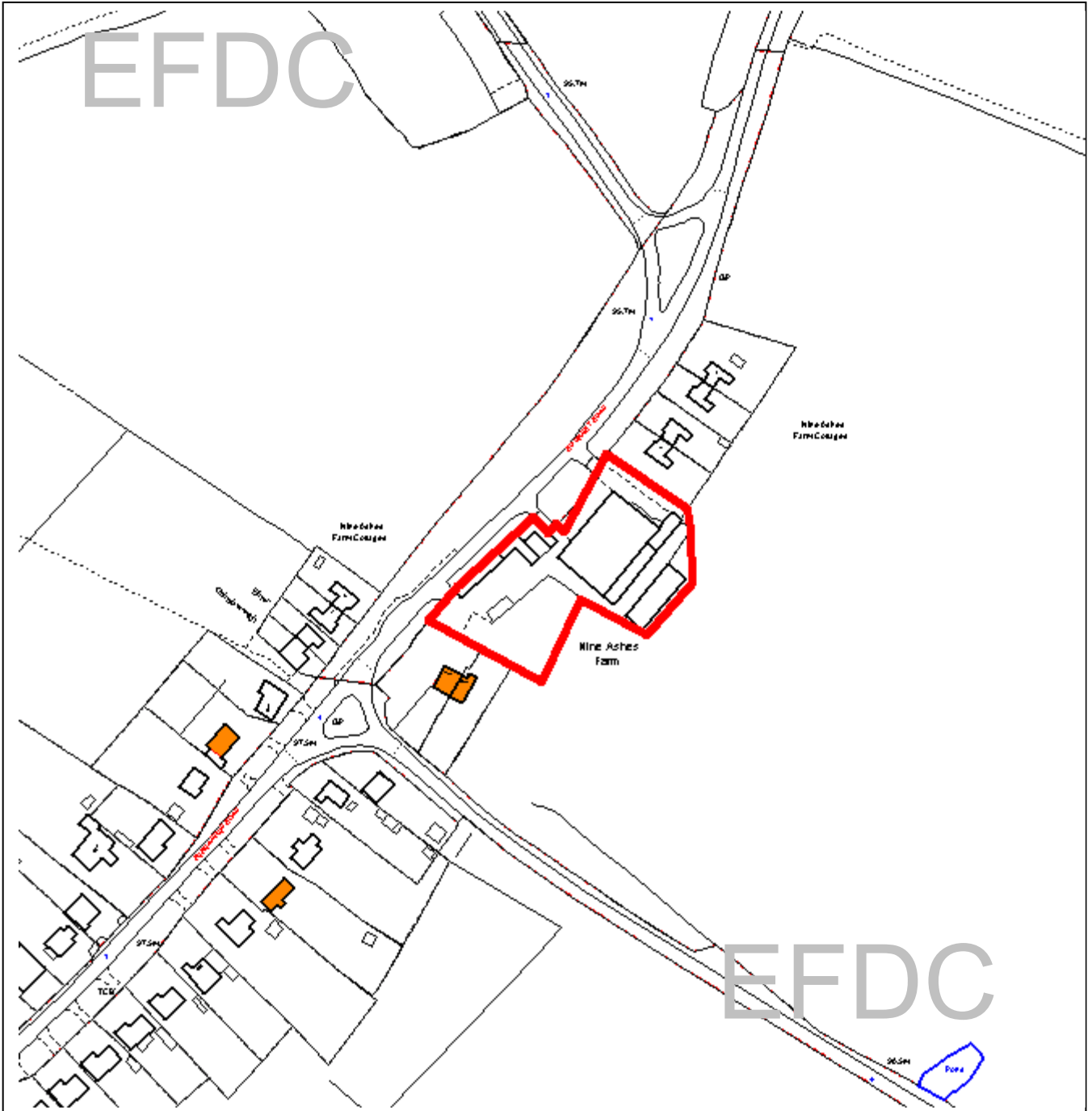
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: (01992) 564018***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	12
Application Number:	EPF/0297/13
Site Name:	Nine Ashes Farm, Rookery Road High Ongar, CM4 0LD
Scale of Plot:	1/2500