

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2460/11
<b>SITE ADDRESS:</b>	Red Cottage New Farm Drive Abridge Essex RM4 1BU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Simon Gilbert
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of building for agricultural storage and for keeping of animals for the purpose of agriculture.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=533311](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533311)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings no: RC/OUT/P/11/001 A
- 2 All the dormer windows in the roof of the building hereby approved shall be removed within 6 months of the date of this permission.
- 3 The building hereby approved shall only be used for the purpose of agriculture. If within a period of 10 years from the date of this permission the building ceases to be used for the purposes of agriculture it shall be completely demolished and all associated demolition waste removed from the identified land, unless otherwise agreed in writing by 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))*

**Description of Site:**

The application site is situated on land off the west side of New Farm Drive, Abridge and is within the Metropolitan Green Belt. It comprises an area of land upon which a former domestic outbuilding (originally constructed as a stable for keeping horses ancillary to the use of Red Cottage, now called Oakfield House, as a dwelling house) now used for agricultural storage stands and a small apron area to the rear. To the east, adjacent to the carriageway of New Farm Drive, is the domestic property of Oakfield House and to the west agricultural land within the same ownership.

The Applicant's ownership also extends onto land beyond the residential property on the other side of New Farm Drive, The Applicant advises that such land is used for a mix of agricultural and equine uses. Land owned by the Applicant to the south of the residential property is in commercial use, as a kennels business. To the north of the Applicant's land is a residential property (North Lodge) and to the south a barn (North Barn).

### **Description of Proposal:**

This application seeks planning permission for the retention of the existing domestic outbuilding for agricultural use. The proposal would involve the change of use of the land upon which the building is situated for agricultural purposes – although such use of land does not constitute development and accordingly no planning permission is required for this element of the proposal.

The outbuilding was constructed in 2003. It has an 'L' shaped plan and its design (which includes an asymmetric dual pitched roof) resembles a stable building. The building has a height to eaves of 2.2 metres and a ridge height of 4.3 metres.

This application is presented to the Committee for consideration for the reason that the building has previously been the subject of a dismissed planning enforcement appeal.

### **Relevant History:**

#### **Planning Applications:**

EPF/1981/00 Change of use of dog run and raised garden to formal garden for dwellinghouse at Chalet Kennels. Approved 22/01/2001 subject to conditions including the removal of permitted development rights for the erection of outbuildings (condition no. 2)

EPF/0399/06 Erection of agricultural storage barn. Refused 12/04/2006 for the following reason:

- 1. The site is within the Metropolitan Green Belt. Policy GB2 of the adopted Local Plan and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new building or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. This application for a new agricultural building has failed to supply sufficient information to allow the Local Planning Authority to properly assess this proposal as to whether it is demonstrably necessary for the purposes of agriculture, contrary to Policy GB11.*
- 2. The proposed building would be an incongruous addition to the area, due to its size, height, siting and bulk, and would have an adverse effect on the open character and appearance of the Green Belt in this area, contrary to policies DBE1 and 4.*

EPF/0603/09 Replacement open top pig pens. Approved 03/06/2009.

EPF/1631/09 Retention of replacement dwelling (Red Cottage). Approved 02/12/2009.

EPF/1901/09 Retention of three outbuildings. Application withdrawn.

EPF/1162/10 Retention of two outbuildings. Approved 25/08/2010.

EPF/0478/12 Retention of existing natural gravel hardstand and proposed agricultural store. The application relates to land on the east side of New Farm Drive adjacent to the carriageway that is in the applicant's ownership. Pending consideration and reported elsewhere on this agenda.

#### Planning Enforcement Investigations:

ENF/0294/09. Enforcement Notice issued in respect of the outbuilding this application relates to. The Notice was issued on the basis that it breached a condition removing permitted development rights on planning permission EPF/1981/00 (condition no. 2) and the cumulative impact of the building, together with adjacent buildings is harmful to openness and the visual amenities of the Green Belt. Subsequent appeal dismissed on 29 September 2011. Enforcement Notice is effective and the compliance period expired. Further action suspended pending the decision on this application.

ENF/0066/13 Alleged change of use of land from agriculture to horse keeping. Found the land was used for grazing horses rather than keeping them and consequently no material change of use has taken place. Investigation therefore closed on the grounds that no breach of planning control occurred.

#### Policies Applied:

##### Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural Buildings

DBE1 – Design of New Buildings

DBE2 – Impact of New Buildings

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

#### Summary of Representations:

Notification of this application was sent to Lambourne Parish Council and to 2 neighbouring properties.

The following representation has been received:

NORTH BARN, NEW FARM DRIVE. The Applicant claims that the stable block has and is still being used for agricultural purposes. Despite some items including sheep being moved into the stables before the second appeal visit to the site the Inspector stated it was unlikely that the building was built for agricultural use, but likely that it had been used for stabling. Changing the use of the land from residential to agricultural does not reduce the harm caused to the openness of the green belt. The change of use of the garden to agricultural land should be considered in relation to the size of the house in proportion to the remaining area of curtilage, given that the proprietors already own approx. 15 acres of agricultural land. Planning conditions attached to any permission will not be compiled with.

### **Issues and Considerations:**

The change of use of this relatively small part of the Applicant's land holding for agricultural purposes would not require planning permission (as the use of land for the purposes of agriculture does not constitute development, as defined within Section 55 of the Town and Country Planning Act). Accordingly, the loss of this part of the residential curtilage is not a material planning consideration.

The main issues for consideration are the need for the building for the purposes of agriculture within the unit and also the impact of the building on the openness of the Green Belt.

### **Agricultural Need for the Building**

Since the submission of the planning application, the area of land within the agricultural holding has increased, following the Applicant's purchase of additional land. Following this additional land purchase, the Applicant advises that the breakdown of land within their ownership is as follows:

<b>Use</b>	<b>Approx. land area (h/a)</b>
Agriculture	9.52
Residential	.017
Equine	1.92
Kennels	0.23

The Applicant has submitted an Agricultural Appraisal, which considers the need for both the retention of the existing stable building for the purposes of agriculture within the unit and also covering the need for a new barn building, to be situated on land on the other side of New Farm Drive (the subject of current planning application EPF/0478/12). The agricultural appraiser refers to a holding of 12.1 hectares – which appears to group the agricultural, equine, commercial and residential uses of land within the Applicant's ownership.

The Appraiser advises that the retention of the building (which is split into 3 main sections) is required for the purposes of tool shed/workshop/storage and the two loose boxes for the purposes of housing sick or expectant livestock – the Appraiser notes that the building is particularly suitable for this purpose because of its electricity supply. This is considered to be a reasonable conclusion for the Appraiser to draw.

It is less clear why the high level dormer windows are required within the building. Accordingly the Applicant has been requested to alter the building to delete these elements. The Applicant has agreed and advises that such works may reasonably be undertaken within a period of 6 months.

### **Impact on the Green Belt**

The building is situated within a cluster of existing buildings and screened by vegetation. As such its impact upon open views across the Green Belt is limited.

When originally constructed the visual impact of the building on openness of the Green Belt, together with neighbouring buildings, was found by a Planning Inspector to be harmful. However, the Planning Inspector considered the building as a breach of a planning condition removing permitted development rights for the erection of outbuildings within the curtilage of a dwellinghouse rather than as a building reasonably required for agriculture on an agricultural holding. In coming to his decision to dismiss the appeal the Inspector therefore gave particular weight to the fact that the building was, at the time he considered it, part of the curtilage of a dwellinghouse, that it was harmful to the open appearance of the curtilage and, should planning permission be given in those circumstances it would amount to the removal of a condition

removing permitted development rights for the erection of outbuildings in the curtilage. The Inspector consequently found that should the condition be removed it would be possible for further outbuildings to be constructed as permitted development, which would be particularly harmful to openness.

Since the Inspector's decision there has been a material change of circumstances in that the land has been removed from the curtilage of the dwellinghouse and used for agriculture (not development requiring planning permission). As a consequence, a grant of planning permission would not amount to the removal of a condition removing permitted development rights for outbuildings at the nearby dwellinghouse. As such, a grant of permission would not create the possibility of further outbuildings being erected in the curtilage as permitted development, which would cause harm to its openness. Moreover, as set out above, the agricultural case for the development has been assessed by an agricultural appraiser and found to be reasonably necessary for the purpose of agriculture on the land. Both Council and National planning policy make clear that such buildings are not inappropriate development in the Green Belt. Accordingly, the retention of the building in the present set of circumstances is now acceptable in terms of its impact on the Green Belt.

Having regard to the planning history of the site, the representations of neighbours and the fact of an extant enforcement notice, it is necessary and reasonable for any planning permission given to include an appropriate condition to ensure the building is only retained for the purpose of agriculture. Such a condition would require the building to be removed from the land if, within a period of ten years from the date of the permission, the building is no longer used for the primary purpose of agriculture.

**Conclusion:**

In light of the above appraisal, it is considered that the retention of the building without the dormers within the roof slope has been demonstrated as being necessary for the purposes of agriculture within the holding owned by the Applicant. Furthermore, the retention of the building for this use would not be inappropriate within the Green Belt and due to its scale and situation in close proximity to other buildings would not adversely impact upon the openness of the Green Belt.

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

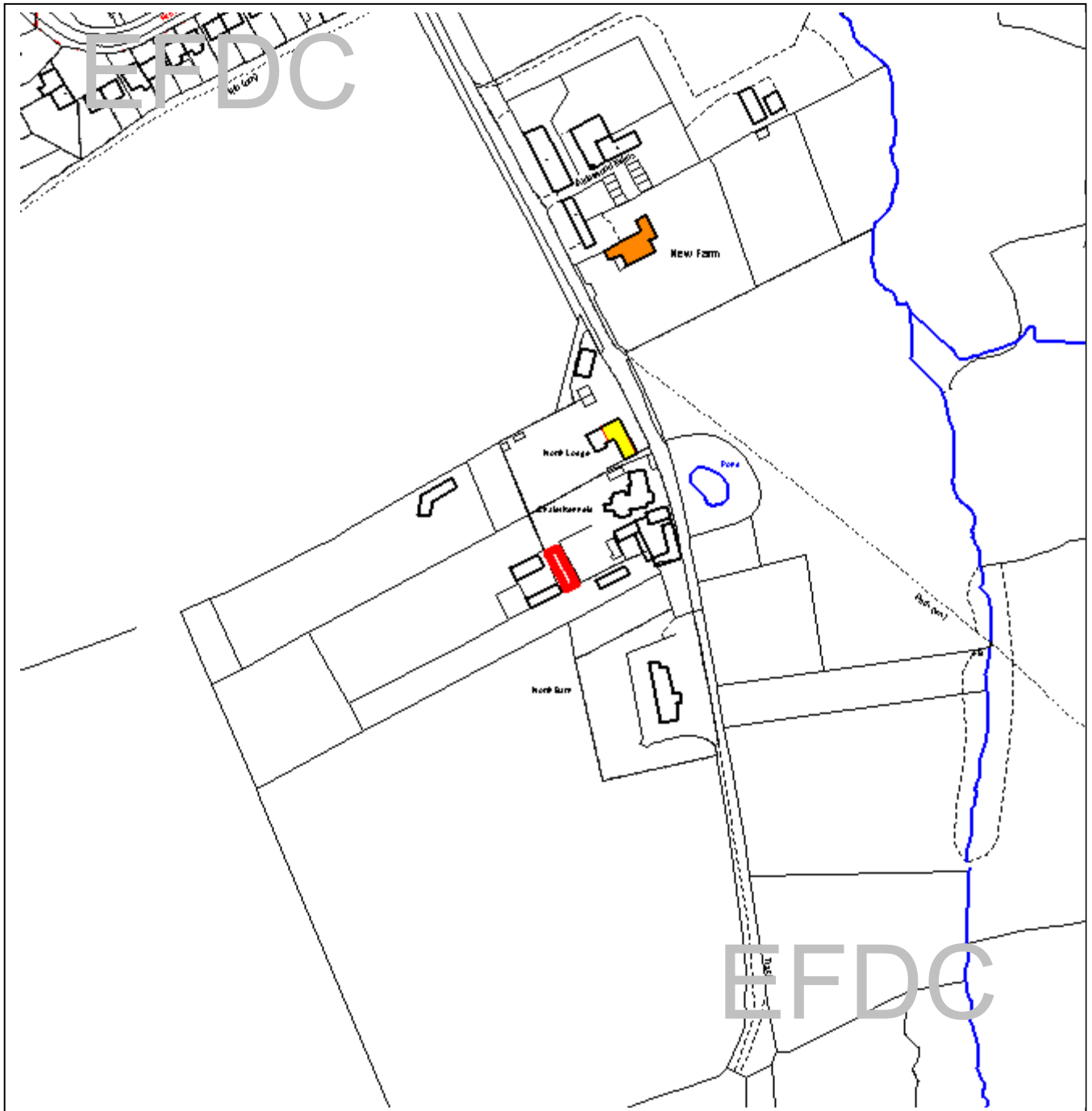
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: (01992) 564018***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2460/11
Site Name:	Red Cottage, New Farm Drive Abridge, RM4 1BU
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0478/12
<b>SITE ADDRESS:</b>	Red Cottage New Farm Drive Abridge Essex RM4 1BU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Simon Gilbert
<b>DESCRIPTION OF PROPOSAL:</b>	Formation of hardstand and erection of agricultural store.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=535759](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=535759)

**CONDITIONS**

- 1 Works to erect the agricultural store building 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: RC/OUT/P/12/001 and RC/OUT/P/12/002.
- 3 All shipping containers, storage containers and movable buildings, including any caravan, stationed on the application site that exceed a height of 2.5 metres above ground level shall be permanently removed from the site within 28 days of the substantial completion of the agricultural store building hereby approved and shall not be stationed on the land outlined in blue on drawing number RC/OUT/P/12/001.
- 4 No open storage in excess of a height of 2.5 meters above ground level shall take place on the application site.
- 5 The agricultural store building hereby approved shall only be used for the purpose of agriculture. If within a period of 10 years from the date of this permission the building ceases to be used for the purposes of agriculture it shall be completely demolished and all associated demolition waste removed from the identified land, unless otherwise agreed in writing by the Local Planning Authority.
- 6 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no building or extension to a building generally permitted by virtue of Class A of Part 6, Schedule 2 to the Order shall be erected on the application site or the land outlined in blue as indicated on drawing number RC/OUT/P/12/001 without the express consent of the Local Planning Authority.

- 7 No shipping container, storage container or movable building, including a caravan, shall be stationed on the application site or on the land outlined in blue on drawing number RC/OUT/P/12/001 without the express consent of the Local Planning Authority.

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

### **Description of Site:**

The application site is situated on land off the east side of New Farm Drive, Abridge and is within the Metropolitan Green Belt. The application site abuts the carriageway and otherwise is surrounded by land in use for agriculture that is owned by the applicant. It comprises an area of hardstanding on which 3 shipping containers used for agricultural storage are stationed. Immediately north of the site on land of similar size are pig pens.

The Applicant's ownership extends onto land beyond the site, including agricultural, commercial and residential property on the other side of New Farm Drive. The Applicant advises that their land is used for a mix of agricultural and equine uses.

### **Description of Proposal:**

This application seeks planning permission for the retention of the hard standing (25 x 9m), along with the erection of an agricultural barn which would have a footprint of 5.8 x 8.8 metres. It would be steel framed and clad in green and brown aluminium profiled sheet metal. It would have a dual pitched roof with a height to eaves of 2.5 metres and a maximum height of 3.5 metres – which would exceed by 0.5m the height of a building that could otherwise be erected as a permitted development, due to the location of the site within 3km of Stapleford Abbots Airfield. The hardstanding does not, in this case, require planning permission from the District Council since it is Permitted Development.

An Agricultural Appraisal submitted with the application states that the holding is stocked with 6 in-pig sows, 1 boar, 12 store pigs, 17 horses/ponies. 28 pygmy goat nannies, 15 kids, 1 Billy goat, 6 ewes and approx 100 head of poultry.

### **Relevant History:**

#### **Planning Applications:**

EPF/0399/06. Erection of agricultural storage barn. The proposal also related to land on the east side of New Farm Drive, the site situated some 100m north of the current application site opposite the kennels between North Barn and Red Cottage (now Oakfield House). Refused 12/04/2006 for the following reason:

- 3. The site is within the Metropolitan Green Belt. Policy GB2 of the adopted Local Plan and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new building or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. This application for a new agricultural building has failed*



*to supply sufficient information to allow the Local Planning Authority to properly assess this proposal as to whether it is demonstrably necessary for the purposes of agriculture, contrary to Policy GB11.*

4. *The proposed building would be an incongruous addition to the area, due to its size, height, siting and bulk, and would have an adverse effect on the open character and appearance of the Green Belt in this area, contrary to policies DBE1 and 4.*

EPF/0603/09 Replacement open top pig pens. Approved 03/06/2009.

EPF/0137/11 Application for a certificate of lawful development for existing hardstanding and use of hardstanding for storage. The application related to the same site as the current application. Found Not Lawful.

EPF/0786/11 Application for a certificate of lawful development for existing hardstanding and use of hardstanding for storage. The application related to the same site as the current application. Withdrawn.

EPF/2460/11 Erection of building for agricultural storage and for keeping of animals for the purpose of agriculture. The application relates to land rear of buildings on the west side of New Farm Drive that is within the applicant's ownership. Pending consideration and reported elsewhere on this agenda.

#### Planning Enforcement Investigations:

ENF/0066/13 Alleged change of use of land from agriculture to horse keeping. Found the land was used for grazing horses rather than keeping them and consequently no material change of use has taken place. Investigation therefore closed on the grounds that no breach of planning control occurred.

#### **Policies Applied:**

##### Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural Buildings

DBE1 – Design of New Buildings

DBE2 – Impact of New Buildings

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

#### **Summary of Representations:**

Notification of this application was sent to Lambourne Parish Council and to 2 neighbouring properties.

Representations have been received from the owner/occupiers of the following properties and are set out in summary.

NORTH BARN, NEW FARM DRIVE: This application is for an "agricultural store" to replace the unlawfully stationed containers on part of the unlawfully constructed hardstand. This

unlawfully existing development has been used for business purposes by New Farm Equine Services and is not deemed necessary for agricultural purposes. Other Buildings have been constructed at the rear of Red Cottage, on agricultural land, without prior consent and, one must therefore presume, that these were also constructed for agricultural use/storage. Taking into consideration the small area of the applicant's holding actually used for the purpose of agriculture, the existing buildings classed as agricultural on this holding must be considered more than adequate to store the equipment etc. needed for said purpose. This proposal is yet another retrospective application for a building in a most unsuitable location, fully visible from a much used footpath. Were this proposed development to be given permission, further sporadic intrusion into the open countryside would follow and this pasture would forever be "lost". The road is too narrow to enable vehicles to enter and leave the site without encroaching/ trespassing over our land on the opposite site and the numerous gates now opening from the pasture into our road/property have been causing further problems. Due to this development vans and cars are frequently parked on our land and the road regularly blocked. The agricultural Appraiser who examined the need for the proposal has been misled by the applicant.

**NORTH LODGE, NEW FARM DRIVE:** Over time the applicant has extensively commercialised the locality generating considerable traffic on the private road serving it. The application site is an eyesore and its condition together with the adjacent pig pens is harmful to visual amenity, and enjoyment of an adjacent footpath. Weight should be given to the applicant's previous breaches of planning control on other land he owns.

**THE SADDLERY, 3 ALDERWOOD BARN, NEW FARM DRIVE:** Weight should be given to the applicant's previous breaches of planning control on other land he owns. The applicant's activities over time have generated considerable commercial traffic causing damage to the road surface and amenities of neighbours

**Issues and Considerations:**

The main issues for consideration are the need for the proposed building for the purposes of agriculture within the unit and also the impact of the proposed building on the openness of the Green Belt. Having regard to the comments of the objector it should be made clear that the building proposed has not been constructed. The only development that has taken place is the construction of a hardstanding. In this case the hardstanding is Permitted Development and consequently does not need planning permission from the District Council. This assessment therefore focuses on the component of the proposal that actually requires planning permission: the proposed barn.

**Agricultural Need for the Building**

Since the submission of the planning application, the area of land within the agricultural holding has increased, following the Applicant's purchase of additional land. Following this additional land purchase, the Applicant advises that the breakdown of land within their ownership is as follows:

<b>Use</b>	<b>Approx. land area (h/a)</b>
Agriculture	9.52
Residential	.017
Equine	1.92
Kennels	0.23

The Applicant has submitted an Agricultural Appraisal, which considers the need for the hardstanding and proposed barn building for the purposes of agriculture within the unit and also the retention of an existing former stable building for agricultural purposes (the subject of current planning application EPF/2460/11). The agricultural appraiser refers to a holding of 12.1 hectares

– which appears to group the agricultural, equine, commercial and residential uses of land within the Applicant's ownership.

The Appraiser advises that the barn is needed to replace the existing storage containers which are currently used for the storage of hay and straw with the hard stand required for the storage of machinery and fencing in addition to providing access to the barn. The Appraiser's opinion is that the proposed building is reasonably necessary for the purposes of agriculture within the unit as it would provide essential dry storage facilities for hay/straw and feed stuffs which are essential for the welfare of livestock kept on the holding (following the removal of the existing storage containers).

### Impact on the Green Belt

Having regard to the demonstrated agricultural need for the proposed building it is found to not be inappropriate development in the Green Belt.

The proposed building would appear prominent in this part of the Green Belt due to its siting adjacent to the carriageway of New Farm Drive. Of itself, however, the building would be limited in size and only 0.5m higher than a building that could be constructed as permitted development. The height of the building proposed is presumably related to the operational requirements of the holding but it is not clear that a building not exceeding a height of 3m would not also meet its requirements. Weight is therefore given to the applicant's fall back position of constructing a building of the same ground area that would be little different in height and it is found there would be very limited material difference between the proposal and the fall back position on the openness of the Green Belt.

The proposal would also have the benefit of securing the removal of 3 shipping containers stationed on the land. Should consent be granted it is necessary and reasonable to require they be permanently removed from the application site in the interests of safeguarding the openness of the Green Belt and character of the locality.

The holding the application site is part of does include a number of small buildings on the west side of New Farm Drive and, while the proposed building is not visually related to them, there is the possibility that the applicant could take advantage of Permitted Development rights to erect further low agricultural buildings. Such Permitted Development is only capable of being exercised following an application for a determination as to whether prior approval of the Local Planning Authority is required in respect of the siting, design and external appearance of the proposed building. There is, therefore, some safeguard to limit the cumulative impact of buildings on openness. Nonetheless, in the case of this holding together with adjacent land in the applicant's ownership, there is a history of incremental development that has a cumulative impact on the openness of the Green Belt and the character of the locality. In the circumstances it is necessary and reasonable, in the interests of safeguarding that openness and character, for the Local Planning Authority to have full control over the erection of further buildings required for agriculture. Accordingly, should planning permission be granted such consent should be subject to a condition removing permitted development rights for the erection of agricultural buildings on the holding. Similarly, it is appropriate to impose a condition prohibiting the stationing of caravans or movable buildings and shipping containers on the land which may otherwise not require planning permission on the basis that they are an ancillary use of the land. Such conditions would in effect require the developer to always seek planning permission for such development or ancillary buildings when the agricultural case for the development can be properly considered.

The visual impact of the area of hardstanding is a consequence of its enclosure and the material stored on it. Since this part of New Farm Drive is a private way rather than a highway any fence wall or other means of enclosure up to 2m high would be permitted development. The inclusion of the hardstanding in the application does give an opportunity to control the height of material stored

on it by an appropriate planning condition. A limitation to 2.5m would be related to the height of the building and would be both reasonable and necessary in the circumstances of this particular site to safeguard the openness of the Green Belt and character of the locality.

#### Other Matters

Concern is raised about traffic generated by the applicant's overall activity in the locality and it is alleged the existing use of the land is not for agriculture. This application is for a specific development – a small barn for agricultural storage. It must be assessed on its own merits and given its size it is not likely to generate any additional traffic to the locality above that which would be generated by the holding in any event.

The visual impact and consequence for the enjoyment of an adjacent foot path is recognised but, as discussed above, would not cause materially greater harm than a building constructed as permitted development in the same location adjacent to existing pig pens. There is a demonstrated agricultural need for the building and it is not uncommon for small agricultural buildings to be erected on agricultural holdings. In the circumstances the proposal is not so harmful to the visual amenities of the locality that the harm caused would outweigh the agricultural need for the building.

It has been suggested that a better location would be amongst existing buildings west of Red Cottage/Oakfield House. While there may be advantages to such a location in some respects, the building would be far more accessible adjacent to the road and consequently better serve the agricultural needs of the holding.

#### Conclusion:

In light of the above appraisal, it is considered that the proposed building is demonstrably necessary for agriculture on the holding owned by the Applicant and that it would not be inappropriate development in the Green Belt. It would cause no materially greater harm to openness than a building of the same ground area which could be constructed as Permitted Development. On that basis the proposed building is acceptable but should consent be given it is necessary and reasonable in this particular case to remove Permitted Development rights to erect further agricultural buildings and prohibit the stationing of caravans and movable storage buildings and shipping containers.

The hard standing and any enclosure up to 2m high is Permitted Development, however, it is part of the overall proposal and it is necessary and reasonable to restrict the height of any open storage that takes place on it. It is also necessary to require the removal of the shipping containers presently stationed on the land.

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

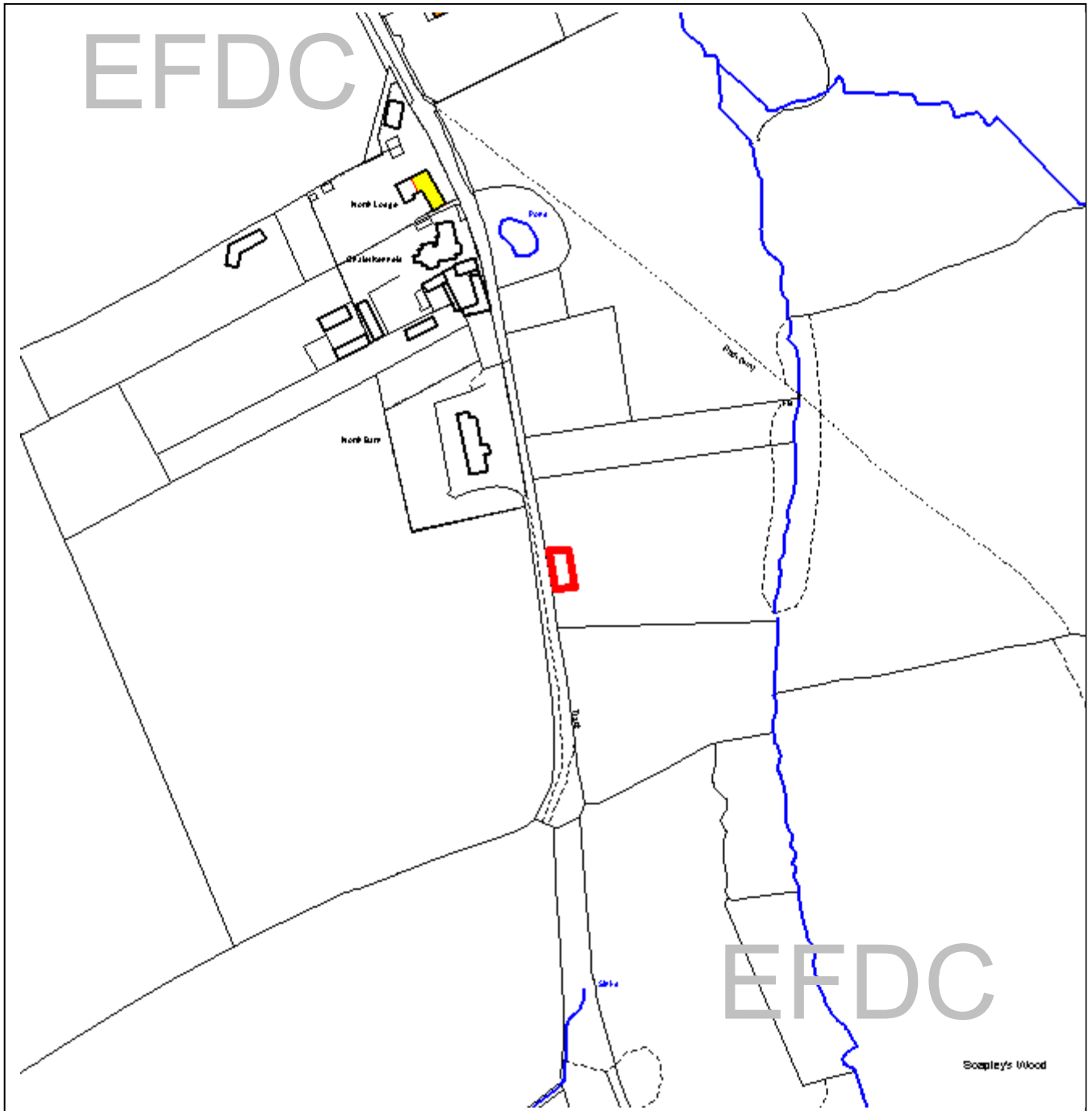
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: (01992) 564018***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	2
<b>Application Number:</b>	EPF/0478/12
<b>Site Name:</b>	Red Cottage, New Farm Drive Abridge, RM4 1BUU
<b>Scale of Plot:</b>	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2190/12
<b>SITE ADDRESS:</b>	26 Fyfield Road Ongar Essex CM5 0AJ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Mr Kevin Gibbon
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from A1 to A3 and A5 with extension flue and changes to shop front.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=543285](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543285)

**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 use hereby permitted shall not be open to customers outside the hours of 09.00 to 22.00 Monday to Saturday and 11.00 to 21.00 Sundays and Public/Bank Holidays.
- 3 The use hereby approved shall not commence until a scheme providing for the adequate storage of refuse from the use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out as approved and maintained as long as the use continues unless otherwise agreed in writing by the Local Planning Authority.
- 4 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority prior to the unit being brought into use and the development shall be implemented in accordance with such agreed details.
- 5 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for as long as the use continues. Details of the equipment shall be submitted to, and approved, by the Local Planning Authority prior to the commencement of the use.
- 6 The rating level of noise (as defined by BS4142: 1997) emitted from the extraction system agreed pursuant to Condition 5 shall not exceed 5dB (A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.

*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)) 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.*

### **Description of Site:**

No 26 Fyfield Road forms one of a pair of properties in retail use with residential flats above. The application property is currently vacant but was last used as an undertakers/shop selling grave monuments (Use Class A1). The adjacent property is currently occupied by a convenience store. The immediate area is largely residential in nature but the adjacent site is occupied by an electrical sub-station and is seemingly also used for private parking. There is a small forecourt to the front of the unit and a yard area to the rear.

### **Description of Proposal:**

Consent is sought to change the use of the premises from a purpose within Use Class A1 (Shops) to a mixed use within Classes A3 (Restaurants) and A5 (Hot food takeaways).

### **Relevant History**

EPF/1341/05 - Change of use from shop (A1) to takeaway (A5). Refuse Permission - 19/09/2005.

### **Policies Applied:**

TC1 – Town Centre Hierarchy  
TC6 – Local Centres and Village Shops  
DBE9 – Loss of Amenity  
RP5A – Adverse Environmental Impacts  
ST4 – Road Safety  
ST6 – Vehicle Parking  
CP2 – Protecting the Quality of the Rural and Built Environment

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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:**

20 neighbours consulted – 9 replies received.

8 HERON COURT: Objection. No need for this facility in the locality. Lack of parking nearby. Litter, noise and general nuisance. The flue system would be unsightly.

9 HERON COURT: Objection. Within 100 yards there is an existing chip shop on the Moreton Road, and it is very unusual to see 2 chip shops so close together and particularly in a rural setting. There is insufficient parking outside the combined premises, with just parking for “Nisa” customers, so with the possible additional volume of parked traffic it could mean a potential road traffic issue as people will park on the highway and obstruct the Zebra crossing near the premises. The external flue that is proposed will be unsightly and cooking smells could attract vermin.

Equally smells (particularly fish) from the preparation area at the rear will emanate which won't be covered by the flue. Litter, noise and general nuisance. This use will attract vermin.

1 CLARE MEWS: Objection. Concern about parking and smells emanating from the unit.

2 CLARE MEWS: Objection. Concern about parking/road safety and rubbish gathering in connection with the use. Concern about young people congregating.

3 CLARE MEWS: Objection. These current outlets generate a number of parking problems in a small area - at certain times of the day, and the use of 26 Fyfield Road as any sort of food Takeaway would only add to these problems. My submission really is that another Ready Food outlet would increase traffic activity in this small "parking problem" area in two particular time zones - "lunch time" approximately 12 noon to 3 pm and "evening food" approximately 5.00 pm to 8.30 pm, whereas most other retail uses would spread customer activity throughout the working day.

41 FYFIELD ROAD: Objection. Concern about parking in the vicinity and rubbish outside the shop which is often a result of such a use.

43 FYFIELD ROAD: Objection. There is currently a very good fish and chip shop at the top of Moreton Road, some 50 yards away, and another in Ongar town, where there are also a variety of other takeaway food shops/restaurants. Smith's Fish restaurant also stands at the top of Moreton Road. We do not consider another fish and chip takeaway to be necessary. The traffic along Fyfield Road is very busy with people visiting the Nisa store and this use will exacerbate an already bad situation. Concern about rubbish/litter that this use would generate. Concern that this would increase an issue of youths congregating outside these premises.

33 SLADE ROAD: Objection. Concern about road safety and parking in the area. Issues with litter will be inevitable. Issues with youths congregating and smells emitting from the premises. The flue will appear unsightly.

3 MORETON ROAD: Objection. We are an existing fish and chip shop trading nearby and we feel this will restrict our livelihood.

ONGAR TOWN COUNCIL: Objection. Ongar Town Council objects to this application on the basis that there is limited parking facilities available which would have an adverse affect parking issues in this sensitive area and also that cooking smells would be offensive to nearby residential properties.

### **Issues and Considerations:**

The main issues to consider relate to policy constraints for such uses, amenity, parking and extraction.

### **Local Centres**

These units on Fyfield Road would be classed as a "local centre" and as such the relevant policy with regards to changing the use of the unit is Policy TC6. This policy is intended to ensure that a network of local shopping facilities remain available to residents in the vicinity, particularly the old and infirm. The obvious use which it is hoped to retain is units providing everyday provisions, such as convenience stores. Although the type of goods on sale cannot be controlled some level of control exists over changes of use out of a particular use class. In this regard the policy requires that before granting a change of use the Local Planning Authority must be satisfied that;

- (i) There is no market demand for a retail use.



- (ii) The service provided is to be continued in another location in the locality.
- (iii) The new use would meet an identified community need.

A similar proposal was considered in 2005 (EPF/1341/05) and was refused for the following reasons;

1 The proposed change of use would result in a loss of local service provision. The proposal is therefore contrary to Policy STC10 of the Epping Forest Local Plan and Policy TC6 of the Epping Forest District Local Plan Re-deposit July 2005.

2 The proposed use, particularly as a result of the late night disturbance would likely generate detrimental impact onto the nearby occupiers of residential properties contrary to policy DBE9 of the adopted Local Plan.

This decision is a material planning consideration and provides a useful starting point for this analysis. The Officer's report from the time recorded a concern that, notwithstanding the fact that the unit was at the time vacant, the loss of its A1 status would impact on the vitality and viability of the area. It was assessed that the occupation by another A1 use could complement the adjacent unit, which appeared to be performing well in terms of customers visiting the shop. This is still currently the case with the adjacent unit which appears to be a useful local facility providing everyday goods. The last use as a shop selling grave monuments did little in the way of contributing to the vitality and viability of the immediate vicinity. Its current vacant state does even less. However it is also the case that ideally another A1 use would fill this unit and would ensure that the premises remained a key local facility. That is not to say that the proposed use could not become a useful local facility. However the area is already served by a hot food takeaway nearby. The issue is whether the Local Planning Authority would think it appropriate to lose this unit's A1 status, perhaps in perpetuity, or whether a case has been made to agree a change of use to A3/A5.

Points two and three of Policy TC6 can be discounted as undertakers are not considered an everyday local shop use which one would expect within a local parade. Therefore from a policy perspective this proposal turns on whether there is no market demand for a retail use. In such cases it is always useful for applicants to provide evidence of marketing of the premises to support their case. No evidence, other than a statement that the shop unit has been vacant for some time, has been provided. Therefore there is no evidence of marketing and it is not known that if a robust marketing exercise was undertaken it would not result in the unit being occupied by an A1 use. Therefore from a policy viewpoint the lack of marketing could warrant a refusal. However, having regard to the characteristics of the immediate area, the adjoining shop obviously provides a key local facility and it appears to operate very effectively. The view could be taken that another A1 use would complement this use and add to local vibrancy. However the converse view could also be taken that the success of the adjoining unit allows scope for alternative uses to A1. The last use demonstrates perfectly how even a true A1 use can offer little in the way of day to day business and footfall and yet an A3/A5 use can contribute positively to a local community, adding to the vitality and viability of a local centre. It is therefore considered that although evidence of marketing has not been provided there is no obvious demand or need for an A1 unit at the site. The history of sporadic use confirms this. Subject to other planning considerations there are no clear grounds to refuse this change of use and it is not considered that the proposed use would have a detrimental impact on service provision in the area whilst bringing an empty unit back into use. Ideally every area should have one shop providing essential local needs and this would still be the case at this part of Fyfield Road. Such a view conforms to Central Government aims to promote growth and to ensure that local resources are fully utilised as enshrined in the recently adopted NPPF. Paragraph 28 of the NPPF promotes the retention of local services and community facilities in rural villages and it is not considered that this aim is offended by this proposal having regard to the immediate characteristics of the area and the adjacent A1 shop. The NPPF's core aim is to encourage sustainable development and this development would be socially, economically and

environmentally sustainable and it is considered that refusal is likely to result in the unit remaining empty which would be harmful to the locality and clearly unsustainable.

### Amenity

A number of neighbours have raised concern about potential issues with regards to litter, noise and disturbance, and the potential for vermin to be attracted by such a use. Concerns about litter and vermin are common for residents when such a proposal is put forward, but the Local Planning Authority must take the view that the unit will be well operated, that bins will be provided, and that adequate care will be taken to guard against this likelihood. These issues are largely covered by other legislation.

A number of flats are located above the application site and there are dwellings in the immediate vicinity. The applicant has responded to this concern by agreeing to reduced opening hours. As such revised times as to when the unit will be in operation have been submitted. These indicate opening times of:

Monday – Saturday, 11:30 – 14: 00 and 17:00 – 21:00  
Closed on bank holidays and Sundays.

The hours originally applied for were 08:00 – 23:00 Everyday

These revised hours of use seem more than reasonable, such as to guard against congregation or anti-social behaviour outside into the early hours of the morning. Local Planning Authorities have a duty to ensure that conditions meet the tests contained in Circular 11/95 in terms of reasonableness and necessity. It is Officer's opinion that reasonable opening hours would be:

Monday – Saturday, 09:00 – 22:00  
Sundays and bank holidays, 12:00 – 21:00

It is considered that the condition should not be so overly restrictive as to impact on the prospective businesses ability to trade well. It is important to try and strike a balance between safeguarding the amenity of residents and not effectively nullifying the benefit of planning permission. The suggested opening hours of Officers achieve a balance between commercial and residential interests. However Members may feel it is reasonable to restrict the use to the hours applied for. It is worth noting that a condition does not become reasonable because an applicant suggests it, as such permissions run with the land and may not be suitable to a future tenant. If amenity is considered such an issue as to require what is an unduly restrictive condition then permission should be withheld. As highlighted in the preceding text, Officers are of the view that conditions appropriately deal with this issue.

An extraction system is shown on the submitted plans with no further details provided. The indicative position of the extraction system seems reasonable and retains a distance to windows of habitable rooms. Notwithstanding the flat above, it is envisaged that this issue could be dealt with sufficiently. A suitable extraction system could be agreed by condition ensuring that impact on neighbours from fumes is kept to a minimum. This could be agreed prior to the first use of the site. It is not considered that cooking smells would be a major issue for occupants of dwellings near the shop.

### Parking/Road Safety

Some of the local neighbours and the Town Council have expressed concern about parking and road safety near the site. Essex County Council have previously had no issue with a change of use and it is not considered that road safety would be a serious concern. There is limited parking outside the unit and there is also the potential to park in some neighbouring streets where no

parking restrictions apply. Generally issues of parking and road safety do not warrant a refusal of this proposal.

### Other Matters

Issues with regards to a nearby A5 unit are not necessarily relevant as the planning system does not exist to protect the private interests of one member of the public over another. Concern that the proposed extraction system will appear unsightly is noted, but it is not considered that such an extraction system would seriously detract from the appearance of the area.

### Conclusion

The proposed change of use would have no significant impact on the vitality and viability of the area and the immediate locale would remain well served by a useful A1 unit. Impact on amenity would not be to an excessive level, and there are no serious concerns with regards to extraction equipment or parking. It is therefore considered this change of use is suitable subject to conditions.

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

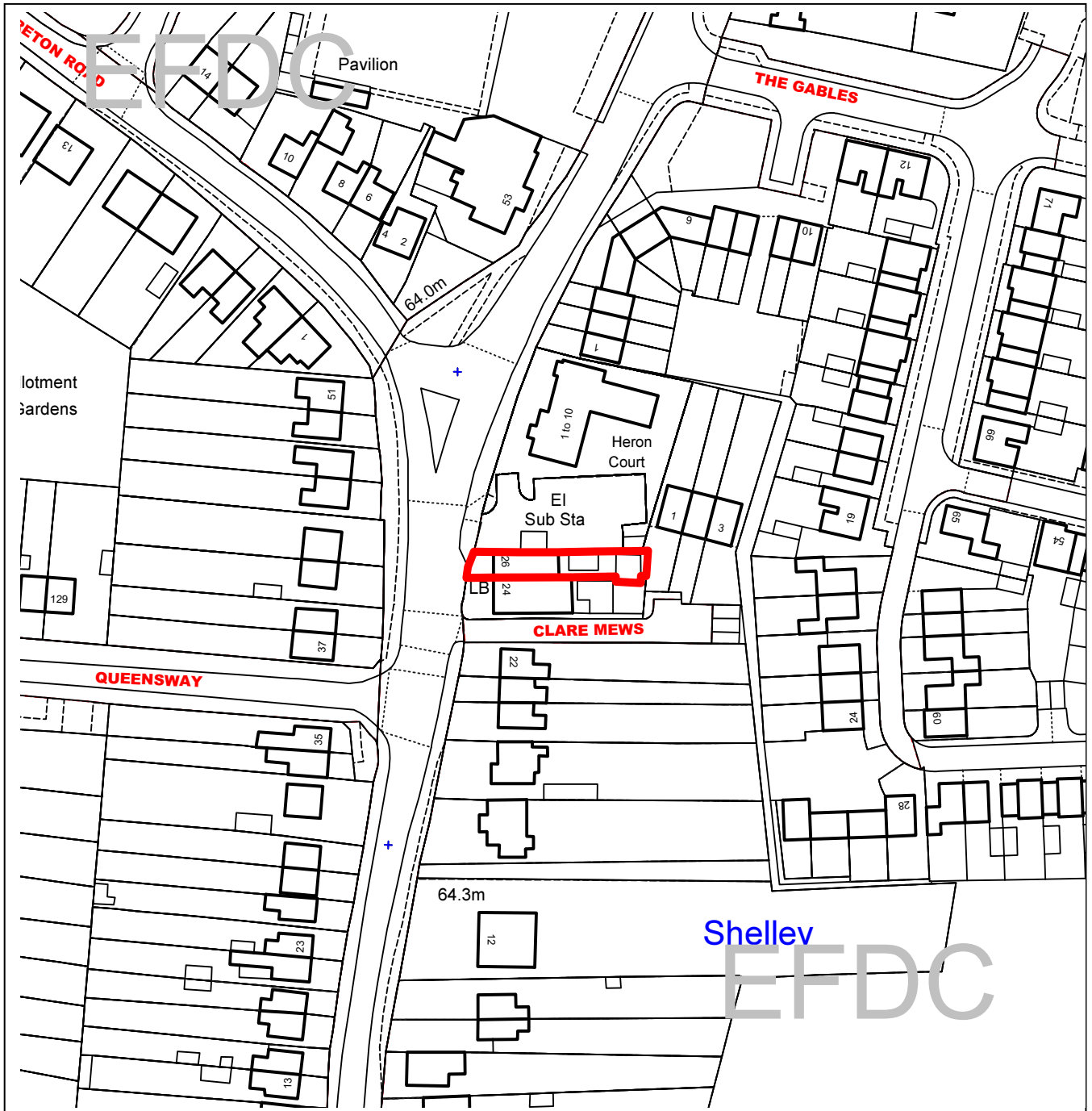
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2190/12
Site Name:	26 Fyfield Road, Ongar CM5 0AJ
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0366/13
<b>SITE ADDRESS:</b>	11 Woodland Way Theydon Bois Essex CM16 7DY
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs Carter
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear and side extensions.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546230](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546230)

**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 as outlined in the submitted planning application form, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the ground floor flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development, including works of demolition or site clearance, shall take place until fencing has been installed to protect the oak in the rear garden which is protected by a Tree Preservation Order. This shall consist of 'heras' fencing panels secured across the garden at a distance of 15m from the rear boundary. Prior to building works commencing on site this shall be inspected by the Local Planning Authority. The fencing shall be retained in place until such time as the development is completed.

*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:**

11 Woodland Way is a two storey semi-detached property located on the north side of Woodland Way within the built up area of Theydon Bois, within a row of semi-detached properties. The property backs onto Theydon Golf Course and there is a protected oak tree at the end of the rear garden. The property has an attractive rounded, porch detailing as does its attached neighbour, although the properties are not symmetrical as the neighbour has a gable roof whereas the application property has a hipped roof. The property is not within the Metropolitan Green Belt or a Conservation Area.

### **Description of Proposal:**

The proposal seeks consent for a single storey side and rear extension. The side extension measures 1.7m in width and wraps round the building forming the rear extension with a depth of 4m. The side extension will have a lean-to roof with the rear extension a flat roof with large glazed lantern. The roof height will be a maximum of 4m at the top of the lean-to pitch.

### **Relevant History:**

No previous history

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

LL10 – Provision for Landscape Retention

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – Objection – due too the fact we feel that the flank wall of the proposed side element is too close to the boundary of the neighbouring property. Our understanding is that the guidelines refer to a minimum gap of one metre.

#### NEIGHBOURS

2 neighbours were consulted and the following response was received:

7 WOODLAND WAY – Objection – negative impact on the amenity of No. 13 and may set a precedent, cramped appearance to the side

### **Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Design Issues
- Impact on Neighbouring Amenity
- Impact on the Protected Tree

#### Design Issues

The proposed design is considered to complement the existing property and careful design consideration is deemed to have been given to the detailing of the extension including the addition of the diamond window to the front elevation of the side extension and the substantial set back of

some 2m from the main front wall of the property creates a subservient and well designed extension.

The Parish Council and neighbour have raised concerns with regards to the proximity to the side boundary, however a set in of 0.7m has been retained and this is considered more than adequate, particularly as this is only a ground floor extension. Where 2 storey extensions are proposed to the side it is normal practice to require a 1m set in from the side boundary at first floor to avoid a visual terracing effect, but there is no such restriction on ground floor additions.

In addition the side extension alone could be built under 'permitted development' right up to the side boundary without the need for planning permission provided the width was not greater than half the width of the house which could easily be applied in this case. Notwithstanding this strong fallback position, the proposal is considered a well designed addition to the property.

#### Amenity

The rear extension extends 1m beyond the rear of the existing conservatory at the attached neighbour and this is not considered to result in any significant detrimental impact on this property in terms of loss of light, outlook or privacy.

With regards to the amenity of the unattached neighbour at No. 13, concern has been raised by the occupiers of No. 7 that the proposal will result in a loss of amenity to this property as the front door to No. 13 is located on the side opposite the proposed extension. This is not considered to result in any significant loss of amenity to No. 13 particularly due to the separation to the neighbour of some 3.5m. Notwithstanding this, as stated above, the side extension could be completed in isolation within the scope of 'permitted development'.

Side facing ground floor windows are proposed and although normally ground floor windows are acceptable on the flank elevation, given that the neighbouring front door is located on the side it seems likely that there may be an increased perception of loss of privacy from these windows therefore a condition ensuring that these windows are obscured glazed is considered reasonable.

#### Protected Tree

The Tree and Landscape Officer has no objection to the proposal as although there is a protected tree within the rear garden the works should not impact on it. To be sure the tree is protected during construction, a tree protection condition is suggested and this is considered reasonable.

#### Conclusion:

The proposal is considered an acceptable design, with no significant impact on amenity and no significant impact on the protected tree and approval is therefore recommended.

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

***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0366/13
Site Name:	11 Woodland Way, Theydon Bois CM16 7DY
Scale of Plot:	1/1250



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0382/13
<b>SITE ADDRESS:</b>	24 Bower Vale Epping Essex CM16 7AS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Paul Robbens
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of 1 no. two bedroom house.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546330](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546330)

**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: 730-01A.
- 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*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 comprises an area of land to the west of 24 Bower Vale on the north side of the road. The land to the west of the site contains tracks for the London Underground Central Line network and Epping Station is within a short walk of the application site. The application site is accessed via a shared footpath between No's. 18-24 (inclusive) which faces a shared area to the front of the properties. No's 18-24 are a terrace of properties. The site has been cleared of vegetation and hardstanding laid.

### **Description of Proposal:**

The applicant seeks consent to construct a detached dwelling on the site. The house would be double bay with a frontage of 7.8m and a depth of 7.4m. The proposed house would also however have a two storey rear return which would project 4.0m beyond the main rear wall. The ridge level would be 7.5m high and the eaves level 5.2m from the ground. The dwelling would have a hipped roof. The existing curtilage would be divided to create two separate private garden areas.

### **Relevant History:**

EPF/2304/07 - Outline application for a three bedroom detached house – refused 18/02/08.  
EPF/1300/08 - Outline application for a two bedroom detached house. (Revised application).  
Refuse Permission (committee decision) – 21/08/08. Allowed on appeal – 04/02/09.  
EPF/2200/11 - Construction of two bedroom house. Withdrawn by the applicant – 05/12/11.  
EPF/2508/11 – Extension of time limit application for a two bedroom detached house following outline consent EPF/1300/08. Withdrawn by the applicant: 22/02/12.  
EPF/2589/11 - Reserved matters application for a two bedroom detached house following outline consent EPF/1300/08 allowed on appeal. Grant Permission (With Conditions) – 08/02/12.

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 - Design in Urban Areas  
DBE6 – Parking in New Developments  
DBE8 – Private Amenity Space  
DBE9 – Excessive Loss of Amenity to Neighbouring Properties  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H4A – Dwelling Mix

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:**

5 neighbours consulted and a site notice displayed – 1 reply received.

EPPING SOCIETY: Objection. The site is too small for a dwelling necessitating it to be built up to both boundaries. There is no road up to the property and therefore no access for emergency vehicles or residents.

TOWN COUNCIL: Objection. Committee considered this an overdevelopment of the site. It should be noted that the previous house granted on appeal was much smaller and more in keeping with two bedroom properties. The inclusion of a “study” renders this a three bedroom dwelling. Committee were also concerned that the lack of parking would exacerbate existing issues of access to the highway.

### **Issues and Considerations:**

The main issues that arise with this application relate to design, layout, amenity and parking. The comments of consultees will also be considered.

The principle of developing this site has already been agreed through the appeal decision on application EPF/1300/08. Therefore although a full analysis of all issues pertinent to this proposal will be undertaken, essentially the main issue is whether the increase in the size of the dwelling amounts to an overdevelopment of the site or whether its increase in size raises new concerns. It is noted that the applicant describes the proposal as being for a two bedroom house when in fact the study could easily be used as another bedroom. Although the description has not been altered decision makers should be mindful of this fact.

### **Design/Layout**

There has been some recent history of proposals to develop this site and as the history records an extant permission exists to provide a smaller dwelling. This would have a frontage of 5.6m. This house would therefore be approximately 2.2m wider. Notwithstanding this fact both houses would be similar in appearance. An application for a similar dwelling to this proposal was made in outline form in 2007 (EPF/2304/07) and this was refused consent for the following reason;

*“The design and size of the proposed dwelling are such that it would represent a poor, cramped form of development which fails to respect its setting and harms the character and quality of the street scene and townscape more widely, contrary to policies CP2, CP3 and DBE1 of the Adopted Local Plan and Alterations”.*

This proposed a frontage of 6.0m – 6.6m and the footprint of the building was shown 3.0m forward of the adjacent dwelling. It is readily apparent that the proposed dwelling is bulkier than the adjacent terrace properties, being some 3.5m wider. However this application differs from the refused scheme in that the front elevation would be flush with that of the host dwelling. Given there is no roadway to the front, or neighbouring properties opposite, this would significantly reduce its impact in the streetscene. From the roadway, some 20.0m from the site, the new dwelling would appear as an extension to the existing terrace. The eaves and ridge level would be the same as the existing terrace and this would aid this perception. It is therefore assessed that the proposal would not appear over dominant in the streetscene nor appear out of place.

Concern has also been expressed previously, and in representations received for this proposal, that this would be an overdevelopment of the site. The frontage of the property does retain a gap of over 1.0m to both boundaries which would not suggest a cramped development. The one concern is that for a dwelling of this size local policy would require private amenity space of 120 sq m (20sq m per habitable room) and the provision of 65 sq m useable, rear amenity space falls some way under this. This can point towards an overdevelopment in terms of built form relative to useable amenity space. However, local policy recognises a reduction as being potentially suitable in urban areas and the garden size is comparable to that of other properties in the area. National guidance has long been that the amount of garden should largely be a matter for the developer. In this dense urban location it is considered that the small garden is not out of keeping and is sufficient, subject to the removal of permitted development rights.

The proposed design is similar to the row of terrace houses, albeit double fronted. Subject to the use of suitable materials it is deemed acceptable. Generally this dwelling from a design and layout viewpoint is acceptable. The proposal also conforms to a number of core planning principles with regards to the more efficient use of land and sustainable development.

### Amenity

The proposed house would have a side facing window on the western flank at first floor but this would not overlook residential properties. The adjacent dwelling has a lean to conservatory but this would not suffer any serious loss of light or outlook. There would be some loss of outlook to a side facing window at ground floor level but as this is not the only window serving a lounge/living room this would not be excessive. Rear facing windows would be generally unaffected by the development.

### Parking

The site has no vehicular access and no parking provision, this was a concern with previous applications. The Planning Inspector in the appeal dismissed this as a detrimental characteristic by citing the highly sustainable location of the plot and the national desire to reduce dependency on the car. Since 2008 however, we have moved from maximum parking standards to minimum parking standards and usually we would be seeking at least 1 space for a new detached house, even in an urban location. However, in this instance there is already consent for a 2 bed dwelling on the site that could be implemented. The parking standard for 3 bed is the same as for a 2 bed dwelling and whilst it is recognised that a larger dwelling could increase the demand for parking on what is a heavily parked road, given the history it is not considered sufficient to warrant refusal of the application.

### London Underground Comments

The site is bordered on its western flank by the track leading to Epping Tube Station located a short distance away. London Underground has been consulted and has raised some concerns with the development. The majority of the points made relate to concerns about security at the station or engineering issues during the construction phase. It is not considered that the position of a first floor bathroom window represents a serious security risk and in any case this is not a reasonable reason to withhold consent. Concerns regarding the development phase and potential impact on London Underground infrastructure are essentially a matter for the applicant to be aware of in order to avoid potential civil litigation.

**Conclusion:**

The proposed development of this site is deemed reasonable in planning terms. Subject to appropriate conditions this is a suitable use of this site, seeking to make best use of urban land within a sustainable location. It is well designed and fits well within the character of the area. 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:***

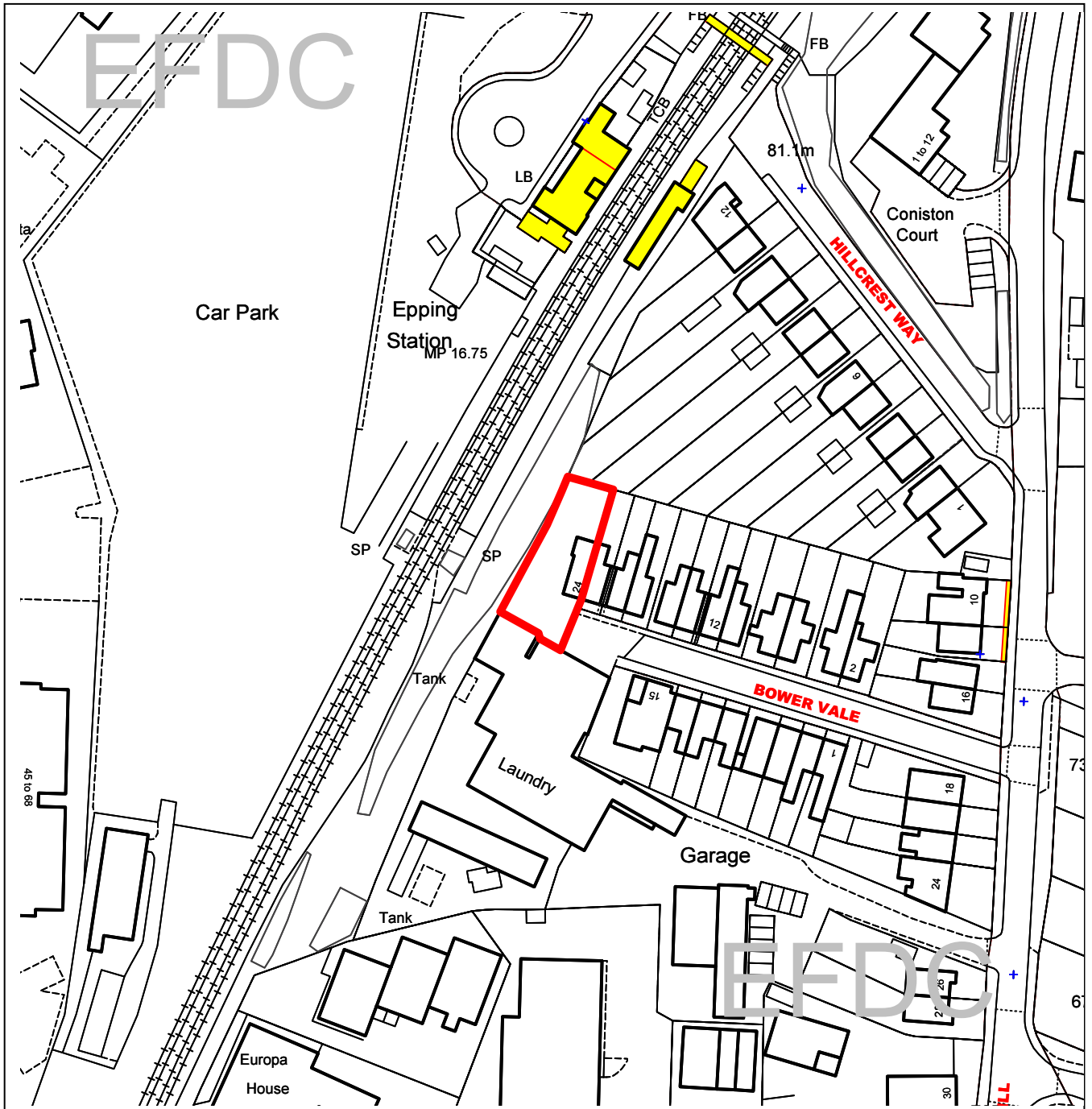
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0382/13
Site Name:	24 Bower Vale, Epping CM16 7AS
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0461/13
<b>SITE ADDRESS:</b>	Bansons Yard High Street Ongar Essex CM5 9AA
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Bloor Homes Eastern and Elizabeth Gould, Sally Hearne and Susan Fenwich-Clennell
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment of hand car wash site including demolition of existing structures and hard standing and erection of 14 no. dwellings, including garages, parking, roadway, drainage and all ancillary works.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546793](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546793)

**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: S240-/Sk205 Rev A, SU-0011-12-MAS.04, S240-01 Rev D, 2415-GMP-01 Rev B, Topographical Survey, SU-0011-12-Gar.01, SU-0011-12-Gar.02, SU-0011-12-Gar.03, SU-0011-12-Will.01 Rev A, SU-0011-12-Will.02, SU-0011-12-350/352.01 Rev A, SU-0011-12-350/352.02 Rev B, SU-0011-12-350/352.03 Rev B, SU-0011-12-350/352.04 Rev A, SU-0011-12-350/352.05 Rev B, SU-0011-12MAS.COL.01 Rev F, SU-0011-12-MAS.01 Rev F, SU-0011-12-MAS.02 Rev B, SU-0011-12-MAS.03 Rev C, SU-0011-12-Pres.01 Rev C and PA518/Sk05 Rev A
- 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 development shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to first 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.
- 8 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. Suitable access arrangements to the application site in connection with the demolition/construction operations to include a one way system to prevent vehicles conflicting at the access points onto the High Street
  2. Wheel washing facilities for the duration of the development to prevent the deposition of mud and debris onto the public highway
  3. Turning and off loading facilities for delivery/construction vehicles within the limits of the application site together with an adequate parking area for those employed in developing the site.
  4. Storage of plant and materials used in constructing the development within the site.
  5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  6. Measures to control the emission of dust and dirt during construction.



7. A scheme for recycling/disposing of waste resulting from demolition and construction works.
8. A routing agreement detailing proposed routes of vehicles making deliveries to the site.
9. Details for the method of constructing the biodiversity lagoon and means of protecting the Protected Horse Chestnut Tree on the adjacent land.
- 9 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.
- 10 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 11 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 porches at all, no extensions/enlargements to the houses hereby approved that are more than 4m high and no outbuildings within their curtilage, generally permitted by virtue of Classes A, B, D, E of Part 1, Schedule 2 to the Order and installation of microgeneration equipment generally permitted by Classes A, B, H and I of Part 40, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 12 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]
- 13 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]

- 14 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]
- 15 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.
- 16 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.
- 17 No development shall take place, including any works of demolition, until a lighting scheme for all outside lighting for the development is submitted to, and agreed in writing by the Local Planning Authority and the development shall be implemented in accordance with such agreed details.
- 18 Before any preparatory, demolition or construction works commence on site a full survey and mitigation strategy for the whole site shall be carried out and submitted to the Local Planning Authority, with a working methodology for site clearance and construction work to minimise impact to any protected species. Development shall be undertaken only in accordance with the agreed methodology and strategy.

- 19 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that they are capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 20 No development shall take place, including any works of demolition, until additional details of the proposed crib wall together with details of landscaping and its implementation within 3m of the wall are submitted to, and agreed in writing by the Local Planning Authority and the development shall be implemented in accordance with such agreed details.
- 21 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 22 No development hereby approved shall take place until measures to enable the provision of education improvements to the local area, necessitated by this development, are secured.

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

*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 a roughly rectangular site located to the rear of the properties fronting the High Street, accessed from the High Street by two narrow un-adopted accesses and is approximately 0.5ha in size. The site is currently used as carwash/car sales and there are single storey buildings located on the site, surrounded by metal palisade fencing and construction fencing. The application site is located just outside of the Ongar Conservation Area and partly within the Ongar Town Centre boundary. Central House, the property to the east is Grade II listed. The site itself is relatively level, though it is down a slope from the High Street and falls away at the western edge of the site and from here there is a slope down towards Cripsey Brook. The site is partly within the Green Belt, with the Green Belt boundary protruding into the site around the neighbouring buildings which are outside of the Green Belt boundary. The area to the west is within the ownership of the Applicants but outside of the application site. This area is an overgrown area, informally used for recreational purposes and is partly within Flood Zone 3. There are business/industrial units to the south of the site, a mix of residential and business to the east and a sheltered housing block to the north of the site.

### **Description of proposal:**

Consent is being sought for the redevelopment of the hand car wash site including the demolition of existing structure and hard standing and erection of 14 no. dwellings, including garages, parking, roadway, drainage and all ancillary works. The proposal is for a roughly linear row of terraced and semi-detached properties with one detached property. The proposed houses will have steeply pitched roofs, with rooms within the roof slopes, and will be a mix of 4 and 5 bedroom properties. One of the properties has been designed to Lifetime Homes standard. The proposal includes 2 parking spaces in garage/carports with 3 additional visitor parking spaces. A road is to be created along the western edge of the site with the houses fronting this road overlooking the Cripsey Brook, and the road is to be gated with a brick wall fronting the business units opposite. A balancing lagoon is also proposed as part of the development which will be located on the land between the proposed housing and Cripsey Brook and this forms part of the application site.

The application when first submitted also included a proposal for the transfer of the sloping land to the western side of the site to the Town Council, but no landscape proposals or management schemes were proposed as part of the application.

Through communication during the application process, with the Town Council and the Applicant it became clear that although the offer was genuine, the Town Council are not currently in a position to confirm the end intentions for this piece of land. Subsequent to this communication process, the offer of the transfer of the land has been removed from the application as it is considered that the transfer can be dealt with as a private agreement between the Town Council and the Applicants separate to this application. No planning justification was given by the Applicants for this offer to transfer the land and therefore it is not considered that the removal of the offer has any significant bearing on the determination of this application.

### **Relevant History:**

None relevant to this residential scheme, but the most recent applications include:  
EPF/0763/12 - County matters application for retrospective planning application for the importation and deposit of inert waste – No objection

### **Representations Received:**

ONGAR TOWN COUNCIL: No objection but concerned about the effect of construction parking during the build period on or adjacent to the High Street and would ask that consideration be given to limited disruption by way of an appropriate condition applying only for the period of construction which may, in view of the nature of the development, be for a considerable period.

86 Neighbours have been consulted and site notices erected close to the site: During the consultation period the Council was made aware of additional businesses operating in the units at Basons Yard, which may not have been consulted within the initial consultation period. An additional site notice was erected on the fence to the site, and the original site notice (erected close to the vehicular access from the High Road) was replaced as on the second visit it had been removed and this provided a further consultation period.

The following comments have been received:

UNIT 2, BANSONS YARD – Concern with regards to construction traffic due to single lane of road

UNIT 4A BANSONS YARD – Concern with regards to access during construction period, concern with regards to condition of un-adopted road

1 FRANK BRETTON HOUSE, BANSONS WAY – Objection – housing for families is inappropriate neighbour to complex for the elderly, additional traffic on High Street, loss of view, noise during construction period, and from families and cars, loss of light, loss of privacy

**Policies Applied:**

**National Planning Policy:**

*National Planning Policy Framework (NPPF)*

**Local Planning Policies of the Adopted Local Plan and Alterations in conformity to the NPPF**

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE1 - New buildings
- DBE2 - Neighbouring Amenity
- DBE3 – Design in Urban Areas
- DBE4 – Design in the Green Belt
- DBE6 - Car Parking
- DBE7 – Public Open Space
- DBE8 - Private Amenity space
- H2A – Previously Developed Land
- H3A – Housing Density
- H4A - Dwelling Mix
- H5A – Provision for Affordable Housing
- H6A – Site Thresholds for Affordable Housing
- ST1 – Location of development
- ST4 - Parking
- ST6 – Highway Safety
- LL10 – Adequacy of provision for landscape retention
- LL11 – Landscaping Schemes
- NC4 – Protection of Established Habitat
- GB2A – Development within the Green Belt
- GB7A – Conspicuous Development within the Green Belt
- HC6 – Character, Appearance and Setting of Conservation Areas

**Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Principle of the Development
- Character and Appearance
- Impact on the Green Belt
- Impact on Neighbouring Amenity
- Highway and Parking Issues
- Landscaping
- Ecology

**Principle of the Development**

The application site is located on the edge of the built up area of Ongar, close to the High Street with the shops, services, facilities and transport links the High Street offers within walking distance of the site. The site is in a sustainable location in terms of the location of new development within the District.

The site is also (partly) previously developed land and redevelopment of such sites is promoted by Local and National policies. The NPPF contains the presumption in favour of sustainable development. The redevelopment of the site to residential, removing the existing uses at the site is also more in keeping with the mixed residential/business nature of the surrounding area.

The proposal results in a net site density of 38 dwellings per hectare (dph) which accords with local policy H3A which suggests between 30-50 dph. In addition the proposal is for larger family homes within the town centre which is considered a welcome addition to the area. The proposal also includes parking (including visitor parking) private amenity areas and access down towards Cripsey Brook. Although the proposed private amenity area is slightly lower than policy DBE8 dictates, given this edge of urban location with easy access to the adjacent countryside, this is considered acceptable.

The proposed development falls below the thresholds for an affordable housing provision and this proposal therefore does not include any affordable housing provision.

Generally, notwithstanding the further discussion below, residential development on this site in principle is acceptable.

### Character and Appearance

Three different house types are proposed all with rooms within the roof facilitated by pitched roof dormers and/or gables. The properties have a good level of detailing with string courses; exposed rafter ends under the eaves; brick lintels above the windows and exposed beam detail in the gables. This all provides a good level of interest to the properties and provides cohesion across the row. The houses have a maximum height of 10.5m, with the attached properties a width of 5m and depth of 10m. The detached property has a width of 8.5m and a total depth of 9.5m including a front bay projection and single storey element to the rear.

8 of the properties have inset balconies within the front gables, which take advantage of the views across countryside to the west and no dormers are proposed to the rear relying on rooflights instead, which also reduces any potential overlooking issues to the rear.

The proposed development results in a linear development towards the western side of the site with the rear gardens behind closest to the High Street. There is one garage proposed on the opposite side of the new road and gateway which is considered to form an attractive 'gateway' to the development, almost appearing as a gatehouse to the development. The design of the proposed layout and actual design of the houses follows the principles of the Essex Design Guide. The steep roof pitch, prominent gables, well proportioned pitched roof dormers and parking located to the side/rear are very typical of the Essex Design Guide. Pushing the parking to the rear of the properties reduces the dominance of parking within the development, and where the parking area is to the rear for plots 5, 6, 7 and 10 the garages are well overlooked by the proposed properties to aid security.

The garage designs are relatively standard pyramid roof designs with up and over doors. The detached house garage, located adjacent to Frank Bretton House and the garage adjacent to the entrance gates have the addition of a cupola which again adds interest and diversity to the roofscape.

The site is adjacent to the Ongar Conservation Area and currently does not make any contribution to the character or appearance of the adjacent Conservation Area. The Council's Conservation Officer has no objection to the proposal, as it is not considered to have an adverse impact on the setting of the Conservation Area or of the adjacent Grade II listed Central House. The proposed houses, as outlined above, have been sensitively designed taking account of traditional forms and detailing.

The Conservation Officer has highlighted the proposed materials as the proposed pantiles, plain tiles and soft red bricks do reflect the vernacular. However, the proposed roof coverings are concrete and synthetic slate which will mimic the appearance of traditional materials but do not have the same characteristics or degree of visual interest. Equally the proposed uPVC windows will not uphold the level of visual detail and quality of traditional and historic properties with timber windows. Although the use of high quality traditional materials is always encouraged, given that the site is not within the conservation area and will, on the most part, only be viewed in relation to the rear of Central House which comprises predominantly of later additions, the proposed materials for this proposal, in this location are acceptable particularly given the overall design and detailing of the proposed properties.

### Green Belt

The western part of the site is within the Green Belt, with all bar plots 1-3 partly in the Green Belt, broadly the front parts of the houses will be within the Green Belt boundary. The Green Belt boundary is slightly unusual along the west side of Ongar as it kinks in at the application site but the business units to the south and Frank Bretton House to the north are excluded from the Green Belt although the proposal does not extend beyond these building lines of the neighbouring built form. Therefore although partly within the Green Belt the proposal will read as part of the Ongar Town Centre and is not considered to result in any significant detrimental harm to the character and openness of the Green Belt in this location particularly given the neighbouring built form.

The proposal will be viewed from the surrounding area against the context of the built up area of Ongar and although a far more prominent development than the existing low level buildings, the proposal is not considered to result in an overly conspicuous development when viewed from the surrounding Green Belt land.

The proposal also includes a retaining crib wall to the western boundary of the application site which, dependent on design (discussed in further detail below), will improve the wider appearance of the site once suitably landscaped.

The National Planning Policy Framework (NPPF) lists exceptions to inappropriate development within the Green Belt. This list includes '*limited infilling in villages,*' and '*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use*'. This proposal can be classed as an infill development on previously developed land and is considered inline with National Green Belt policy.

### Neighbouring Amenity

The nearest residential units are within Frank Bretton House directly to the north of the site and Basons Court located on the High Street at the access to the development site. In general terms due to the distances to the nearest residential properties the proposal is not considered to result in any significant loss of light, outlook or privacy to any neighbouring property.

The proposal is directly adjacent to the south corner of Frank Bretton House with the garage for plot 14, 2m from the flank wall of the building. Although close to the side of Frank Bretton House the eaves height of this garage is 2.2m and there does not appear to be any immediately adjacent flank windows to this part of Frank Bretton House in any event. In addition, the dwelling for plot 14 is some 6.5m from the shared boundary and therefore reducing any potential impact on the amenity of the occupiers of Frank Bretton House.

Although it is appreciated the existing view for occupiers of Frank Bretton House will change, the appearance of the site is presently poor and the development will improve its appearance.

There may be some overlooking from Frank Bretton House over the new properties but this will be mitigated by the existing (and proposed to be retained) trees along the boundary of the site and in any event any over looking will be in the main to the rear garden areas of the properties and therefore is not considered to result in any significant impact on amenity.

With regards to the residents at Basons Court, the built form of the development is not considered to result in any impact to this property. Although the access is alongside these properties the proposal is likely to result in similar or less traffic movements than the existing use of the site and this may result in a better level of amenity for these residents.

In addition the removal of the current uses and buildings at the site are considered to result in an improvement to neighbouring amenity, particularly visual amenity as the site will be much improved visually.

### Highway Issues and Parking

The Essex County Council Highways Officer has raised no objection to this scheme. The site has two possible accesses that serve a mixture of uses including the application site. The proposed development, at worst will likely generate a comparable level of traffic to what the existing use could potentially generate which is minimal in capacity terms and imperceptible on the Highway network in this location. The accident history for this location has been investigated and there are no recorded accidents within the last 3 years associated with either access. Consequently the Highway Authority concludes that the proposal will not have a detrimental effect on highway safety, capacity or efficiency at this location.

Neighbouring businesses have raised concerns with regards to construction traffic and the potential issues that may arise, particularly given the presumably lengthy construction period. The Highways Officer has suggested a condition to ensure suitable access arrangements to the application site in connection with the demolition/construction operations, to include a one way system to prevent vehicles conflicting at the access points onto the High Street, wheel washing facilities for the duration of the development to prevent the deposition of mud and debris onto the public highway, turning and offloading facilities for delivery/construction vehicles provided for within the limits of the application site together with an adequate parking area for those employed in developing the site. This is considered acceptable given the location and specific circumstances of the site and given the concerns raised by the neighbouring businesses and this will mitigate against any potential disruption to the neighbouring businesses during the construction period.

2 parking spaces have been provided for each dwelling which meets the Essex County Council Parking Standards suggested minimum of 2 parking spaces per dwelling for any dwelling with 2 bedrooms or more. 3 visitor parking spaces have also been provided in a lay-by adjacent to the access road, which is 1 less than that suggested by the Parking Standards, but given this location close to the town centre it is not considered that this 1 space under provision is a significant issue.

### Landscape Issues

A tree survey has been submitted with this application which shows there are no trees on site. There are trees on adjacent land, but these can be adequately protected during any development activities so that they are retained. The Tree and Landscaping Officer has no objection to the development but has raised an issue with regards to the 'crib wall' which forms the boundary between the development and the grassland leading to the river. The reason for the concern is to assess the visual impact on this when viewed from the wider Metropolitan Green Belt area to the west, this is particularly important as public rights of way cross the adjacent fields. Further information has been requested from the Applicant with regards to the detail of the crib wall and



this can be conditioned to ensure that in terms of the impact of the crib wall on the wider area the proposal is acceptable.

The Tree and Landscape Officer raised initial concerns with regards to the insufficient information submitted regarding the area of open space which was to be transferred to the Town Council, however as stated above this element has now been removed from the application. There is a protected tree on this land and the Tree Officer has raised concerns with regards to the protection of this tree during development, particularly with regards to the balancing lagoon located on this land, but a construction method statement could be added as a condition to ensure that the protection of this tree is taken into account as part of the application.

Subject to the condition above and a tree protection, landscaping and details of the crib wall condition the proposal is considered acceptable in terms of the landscape issues.

### Ecology

An Ecological Assessment was submitted as part of the application which suggests that there is no significant biodiversity or conservation value either existing or the potential for this value. The Ecology report has not taken into account the area of the application site which includes the balancing lagoon and therefore additional information has been requested to cover this area with particular focus on slow worms which are known to populate the area to north and south of the site. In addition further information has been requested with regards to the trees lining the banks of the brook as, although outside of the application site it may be suitable for bats and this may inform a lighting scheme for the new development. Conditions can be added to any permission to ensure that appropriate mitigation takes place if necessary.

### Other Issues

#### - Education:

Due to the size of the scheme, Essex County Council Education has calculated that a contribution of £11,408 is required towards student transport given that the nearest secondary schools are over 3miles away and this can be covered by a condition to ensure this contribution is paid and the Applicants are aware of this request.

#### - Refuse

It is intended that the bins will be stored to the rear of the properties and a plan has been provided to show how occupiers will bring the bins to the front of the properties for collection which is considered acceptable.

#### - Flood Risk

The development is of a size where it is necessary to avoid generating additional runoff and the application was accompanied with a flood risk assessment and drainage strategy which the Council's Land Drainage team have found acceptable subject to a condition ensuring that the development is carried out in accordance with the submitted details.

### **Conclusion:**

In light of the above appraisal, it is considered that the principle of the proposed development is acceptable. The proposal is considered an acceptable design with no significant harm to the adjacent conservation area or listed building. The proposal is not considered to result in any significant harm to neighbouring amenity and the existing infrastructure can absorb a new development of this size although it is acknowledged that there is a justified need for an education contribution that represents the community benefit necessitated by this development. The proposal makes an efficient use of this site in a sustainable location that has both National and Local

planning policy support. It is therefore recommended for approval subject to the recommended 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:***

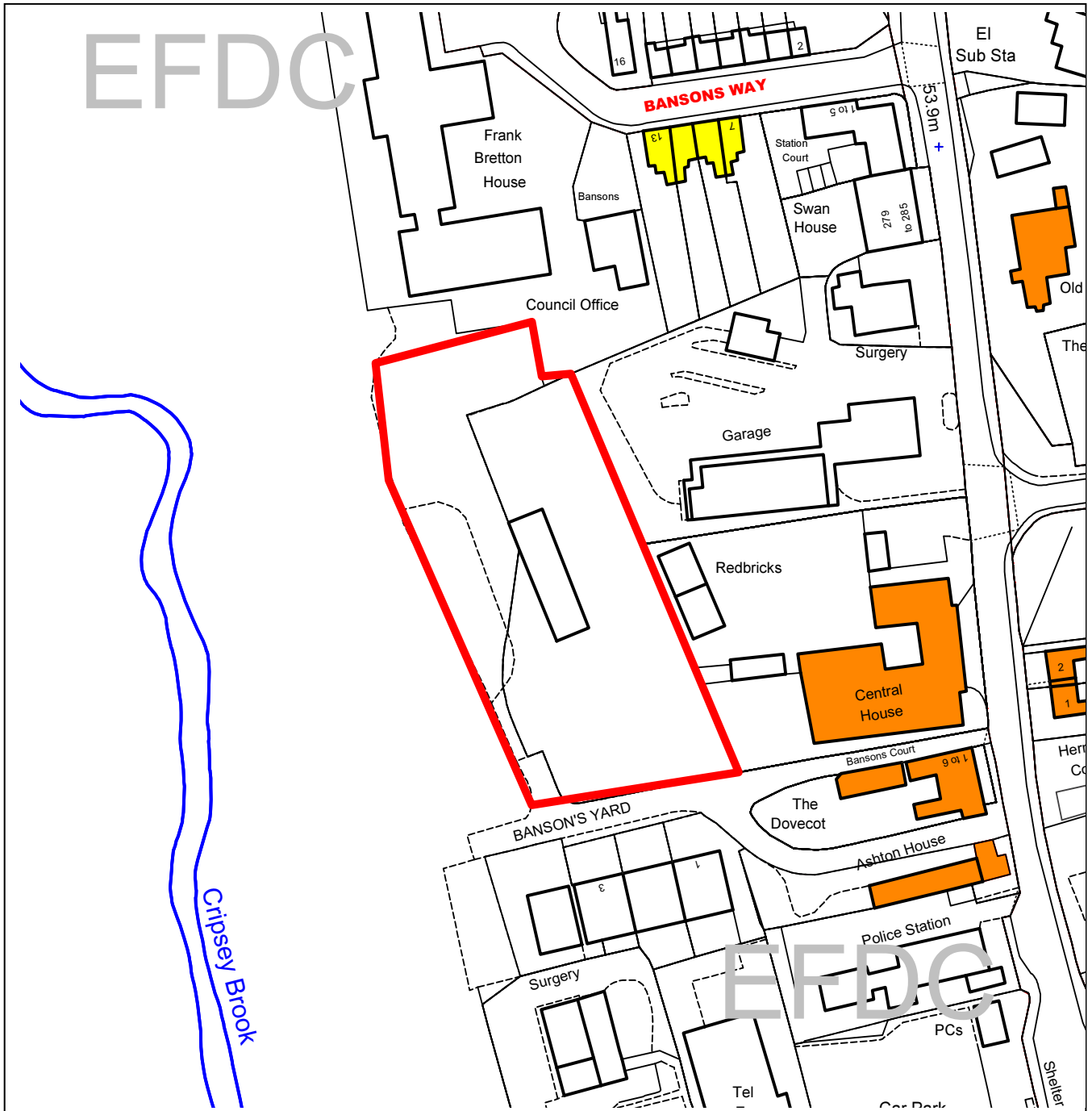
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0461/13
Site Name:	Bansons Yard, High Street Ongar, CM5 9AA
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0528/13
<b>SITE ADDRESS:</b>	Land adjacent to Horseshoes Farm London Road North Weald Essex CM17 9LH
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Ian Padfield
<b>DESCRIPTION OF PROPOSAL:</b>	Additional grain storage facilities and extension to existing area of hardstanding..
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=547070](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547070)

**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 No's 208239SWG025 Rev A, 208239DWG026 Rev A.
- 3 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.
- 4 Prior to first use of the building the vehicular turning facility as shown on drawing no.208239DWG026 Rev A, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 5 The premises approved shall be used solely for storage of grain in association with agriculture and not for any other use whatsoever at any time.
- 6 On the cessation of the agricultural use of the building hereby approved, the building shall be demolished and all resulting materials removed from the land.
- 7 The approved hard-surface shall not be used for open storage at any time, with the surface intended solely for use for vehicles turning and waiting, loading and unloading.

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

### **Description of Site:**

The application site is located on the eastern side of Thornwood Road, known as the B1393 which is a main route connecting Epping to the M11, Harlow and beyond. The red line application site is restricted to the area of the proposed structure and turning area only, although the accompanying statement with the application states that Horseshoes Farm forms part of a 507 hectare holding and this is indicated by a blue line. The proposed site is adjacent to Horseshoes Farm and backs and sides onto open fields.

There is an existing grain store on the site which has a footprint of some 440m<sup>2</sup>. This is a typical modern agricultural building, metal profiled sheeting, with a breeze block base and two large roller shutter doors. The maximum height of this existing unit is 9m.

The site is above the level of the roadside and screened partly from view by unmanaged vegetation along the road. Access to the site is shared with Horseshoes Farm and a number of commercial businesses from the B1393. The site is located within the Metropolitan Green Belt. Notwithstanding the built form close to the site the area is characterised by arable farmland with sparse development.

The existing grain store building on the site was built on the assumption that it was agricultural permitted development. It has subsequently been established that due to its proximity to North Weald Airfield, it was not in fact permitted development. However, as it has been built more than 4 years, it is lawful.

### **Description of Proposal:**

The application is a revised proposal following the refusal of consent of application EPF/2547/11 and the dismissal of a subsequent appeal (APP/J1535/A/12/2177254). This proposal was to extend the existing grain store to approximately 1300 sq m. The application was refused for the following reasons:

1 The proposed development, due to its size and position within the landscape on raised land, results in a conspicuous development with an unacceptable impact on the open character and visual amenity of the Green Belt, contrary to the aims and objectives of GB11 and GB7A of the adopted Local Plan and Alterations.

2. The applicant fails to demonstrate that the proposed development would not result in an increase in heavy vehicular traffic movements to and from the site from general agricultural use and is unwilling to accept a condition restricting the use to grain storage alone. As such the proposal is likely to result in increased noise and disturbance outside usual business hours to the residence adjacent to the access, contrary to the aims and objectives of policies DBE9 and GB11 of the Adopted Local Plan and Alterations.

The Planning Inspector agreed with the Local Planning Authority's assertion that the building would detract from the open character of the Green Belt. However he dismissed the second reason to refuse consent and awarded costs against the Council as in his view this reason could not be substantiated and that these concerns could be dealt with by appropriate conditions.

The applicant now seeks consent to extend the building on its eastern side. This would add a further 436 sq m of built form, effectively doubling the size of the existing building. The profile,

ridge height, eaves height and general finish would be to match the existing structure. An area of hardstanding to the front of the building would be increased to provide a vehicle turning area.

**Relevant History:**

EPF/0713/07 – Erection of agricultural storage building – Prior approval required and approved.  
EPF/0111/09 – New grain store incorporating extension to existing grain store at Horseshoe Farm – Refused and dismissed at appeal  
EPF/1201/09 – Agricultural grain storage building - Withdrawn by Applicant  
EPF/0718/10 – Agricultural determination for a grain store – Withdrawn by Council  
EPF/1313/10 – Extension to existing agricultural building - Refused  
EPF/2547/11 – Extension of existing agricultural building – Refused and dismissed at appeal

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
GB11 – Agricultural Buildings  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
LL1 – Rural Landscape  
LL4 – Agricultural/Forestry Related Development  
LL11 – Landscaping Schemes  
ST4 – Road Safety

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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:**

NORTH WEALD PARISH COUNCIL: Objection. It has not been proven that this application complies with the following policies under GB11 of the local plan:

- (i) Are demonstrably necessary for the purposes of agriculture within that unit.
- (ii) Would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents
- (iii) Would have an unacceptable adverse effect on Highway Safety

7 neighbours consulted and site notice displayed – 2 replies received.

HORSESHOE FARM, LONDON ROAD – Strong objection. The present building is an eyesore and easily visible from the B1393 and M11 motorway. I do not believe that the intended use of this building is for grain storage but is a commercial enterprise, and before long the entire site will be developed as an industrial estate at this prime location. Concern about development at other sites owned by the applicant. The site was previously a green field and I feel planning regulations are being flouted disgracefully. The applicant has chosen to commercially let grain stores and these buildings should be returned to their said purpose. I urge you to reject this application so that previous lapse perpetrated will not be allowed to culminate in further harm to the Green Belt.

A.J PURKISS HAULAGE: Strong Objection. The proposed building would have a detrimental impact on the character of the Green Belt and surrounding landscape. The building does not include a ventilated floor and makes no provision for drying equipment making it unsuitable for

grain storage. The applicant has other buildings to let which must have at one time been built for agriculture. The tests of condition GB11 have not been met. Concern about impact on road safety. The existing building has had poor vermin control and this proposal will exacerbate the problem. We believe owing to previous planning errors on all sides this site should be judged as a "virgin" field and the ideals of the NPPF upheld. We cannot stress highly enough that buildings without drying facilities are not intended for long term storage use. The building seems to be used more for the storage of fertiliser and farm machinery than grain. We suggest that evidence points to buildings now being advertised commercially as being former grain stores or suitable for grain storage. Concern that movements to and from the site by often inexperienced drivers will be hazardous to road safety. Concern that vehicle movements long into the night will have a detrimental impact on neighbour amenity. We believe that the issue of vermin is a serious matter which the applicant is doing little to eradicate; this proposal would exacerbate this problem. If this application is approved is it suitable to include a condition that the building is only used for the storage of grain in connection with this holding?

### **Issues and Considerations:**

The main issues that arise with this application for consideration are the application history and the following issues which were assessed as part of the previous applications/appeals:

- Planning History
- Principle of Development and Green Belt/Landscape issues
- Impact on neighbouring amenity
- Highways and transportation matters

### **Application History**

There has been a recent history of planning applications at this site, including two appealed decisions. Members therefore have the benefit of a recent appealed decision as a starting point in this analysis. It is acknowledged that this was for a building which would have been double the size of the cumulative built form applied for here. However the Inspector addressed a number of issues which will be pertinent in this case, including a wide range of concerns put forward by neighbours. It is clear that the Inspector had issue, on balance it appears, with the impact from the proposed development on the open character of this part of the Green Belt. In his assessment the support that such development usually enjoys both nationally and locally was not sufficient to outweigh the harm to Green Belt character. As stated the applicant has reapplied with a much reduced extension to the existing building, one third of the size of the last application. The core issue therefore in the determination of this appeal is whether this reduction "strikes the balance" between providing a policy appropriate to an agricultural storage building whilst also complying with policies of Green Belt constraint.

### **Principle of Development and Green Belt/Landscaping Issues**

Both local policy and recently adopted national guidance recognise the construction of agricultural buildings as being not inappropriate in Green Belt locations. Therefore although some of the neighbours have commented on the fact that the original building was not technically agricultural permitted development because of proximity to the airfield at North Weald, this is not to say that the principle of an agricultural building at this location is wholly unacceptable. As things stand there is an existing agricultural building close to a holding of some 500 hectares and with a backdrop of other large commercial buildings and external parking in connection with a haulage business. This is not exactly the most visually sensitive part of the Green Belt. However it is accepted that such development will have an impact on openness and as such it is right that there is not a carte blanche attitude employed by Local Planning Authorities to such development. In this

regard there are clear stipulations contained in Policy GB11 which must be met. These are worth considering in turn.

#### *Necessary for the Purposes of Agriculture*

With regards to the appeal dismissed in connection with application EPF/0111/09 the Inspector had concern that this requirement had not been sufficiently met. The most recent planning application prior to this provided full details of need. Previous concerns were addressed and detailed in the Officer's Report to committee. At Appeal the Inspector formed the view on need that "the appellant has addressed these (previous concerns)....information has been given to justify an enlarged building.." As need has not constituted a reason to refuse a much larger building it would be unreasonable to refuse a smaller extension on need.

Objectors have made the point that there are other buildings in the applicant's ownership, some advertised for commercial use, which could meet this need. No real evidence, expert or otherwise, is provided to substantiate this claim. However the applicant has provided an explanation as to why existing buildings are not suitable. This includes the age and state of some of the buildings, concern about cross contamination and issues with long lease tenants. It is the case that many buildings built in the 1950's and 1960's are not suitable to accommodate the movement of modern machinery and are not fitted with grain walling. These issues were addressed in some detail in the previous report to committee and again it would appear unreasonable to refuse consent on an issue which was fully addressed with the last application and by the Appeal Inspector.

It is also pointed out that the building does not include ventilated flooring or drying equipment and that it is much more cost effective to use off site drying/storage facilities. There is obvious scepticism shown as to what this building will be used for. It is clear that the dimensions of the buildings eaves and ridge make it suitable for grain storage. The applicant has also previously indicated that the cost of using off site companies to handle the grain is becoming excessive. Although objectors question this assertion there is no clear evidence to the contrary. Officers have to accept, particularly with regard to previous Local Authority decisions that on site facilities are appropriate for this holding. It is the case that a lot of modern grain stores are constructed using ventilated flooring and static fan drying equipment. However an option exists to use mobile dryers and it is not considered absolutely necessary that ventilated flooring and static fan dryers are needed. The fact remains that the applicant has applied for a grain store and there is no clear evidence to dispute the authenticity of this proposed use.

This leads to the next issue brought up: that the true purpose of this application is to develop a strategically well positioned commercial unit. As alluded to by the Planning Inspector, decision makers cannot engage in a process of speculation about future outcomes and must judge a planning application as made. In this instance the assessment is that the case of necessity for this agricultural building has been made.

#### *Detrimental to the Character and Appearance of the Locality/Neighbour Amenities*

This is a crucial element of any assessment as this was the issue which the Inspector found the previous application had failed to meet. It is well acknowledged that agricultural buildings by their very nature will have an impact on the open character of the countryside. It is also accepted that they are part and parcel of the rural landscape and that their useful function keeps swathes of the Green Belt in open use. This application is a classic example with hundreds of acres being used for arable farming. Recent national guidance enshrined in the NPPF reiterates the potential appropriateness of agricultural storage buildings. Paragraph 28 promotes "the expansion of all types of rural business....through the conversion of existing buildings and well designed new buildings" Paragraph 89 recognises the construction of agricultural buildings as not inappropriate, and indeed, can be constructed as permitted development.



It is however acknowledged that this does not mean that an agricultural building is unquestionably acceptable. In this case the proposed building will appear more prominent within the landscape and will spread built form into a currently undeveloped area. Substantial weight should be attached to the impact on the Metropolitan Green Belt. However the points contained in the NPPF and recorded in the previous paragraph must also be given appropriate weight. There is an existing building on the site and a number of other buildings and commercial units nearby. This is a more suitable scenario than the creation of new development in open countryside. Aerial maps/photographs of the immediate area are characterised by hamlets and clusters of buildings set in open countryside. This is a traditional form of rural development and this proposal does not offend such an approach. A landscaping scheme which could be agreed by condition would further limit the impact of this extension.

It is recognised that there will be environmental consequences in terms of impact on openness, but this is the case with all agricultural development. Owing to site characteristics and the benefit of conditions this can be mitigated to an acceptable level. The Inspector in the last appeal formed the view that "the creation of such a large building, albeit one that would not be prominent, would cause harm to the character and appearance of the area". It is Officer's assessment that the reduction in size of the extension by two thirds is substantial and results in the reduction in built form "tipping the balance" in favour of the scheme.

#### Neighbour Amenity

The previous planning application was refused at committee level on grounds of impact on neighbour amenity through traffic movements to the site. The concern expressed at committee was that a non grain store use would lead to unacceptable movements. The Inspector formed the view that this concern could have been dealt with by an appropriate condition restricting the use of the building to grain storage. Therefore traffic movements to the site as a reason to withhold consent has been discredited, and a condition limiting the use to grain storage is deemed more appropriate. It is not considered that vehicle movements to and from the site would excessively impact on amenity, particularly as a haulage contractor operates from the adjacent site. Poor vermin control has been highlighted as a concern but as previously stated this is not a matter for planning consideration.

#### Highway Issues

Previously Essex County Council Highways Officers have had no objection to the proposal. The following was reported last time to committee:

*"The Highway Authority has raised no objection to the proposal as the increase in vehicle movements equates to 2 lorries a day in the harvest period with an insignificant amount throughout the rest of the year. All movements will be through an existing access that affords the appropriate visibility splays for the speed of the road and the appropriate geometry for HGV's. Accident records for the last 3 years have been interrogated and there have been no recorded accidents associated with this access within this time period. Consequently the proposed development will not have any detrimental impact on safety, capacity or efficiency of the highway network at this location".* The Highway Authority has requested a condition ensuring the turning area is constructed prior to first use and maintained free from obstruction at all times thereafter.

#### Hardstanding

The extension to the area of hardstanding would aid the movement of vehicles through the site and would have no serious impact on the open character of the Green Belt.

## **Conclusion:**

Through a process of planning applications and appeals dating back to 2009 it has been determined that the outstanding issue of debate amounts to the impact of this building on the open character of this part of the Green Belt. The Inspector in the last appeal formed the view that the impact was to a level that justified withholding consent. Officers have formed a view that the reduction in size of the building and economic considerations which must be factored into any decision now render this scheme, on balance, acceptable. The concerns highlighted by local residents are noted however this scheme must be judged on its individual merits as opposed to speculating about future uses. There will be impact on open character but this can be mitigated to some degree by conditions. The economic function of the system, its role in promoting rural business growth and the traditional general acceptance of agricultural buildings when need is proven weigh heavily in favour of the proposal. It is therefore considered that the extension of this building is acceptable subject to conditions. This includes conditions limiting the use to grain storage and that upon cessation of the use applied for the removal of the building from site.

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

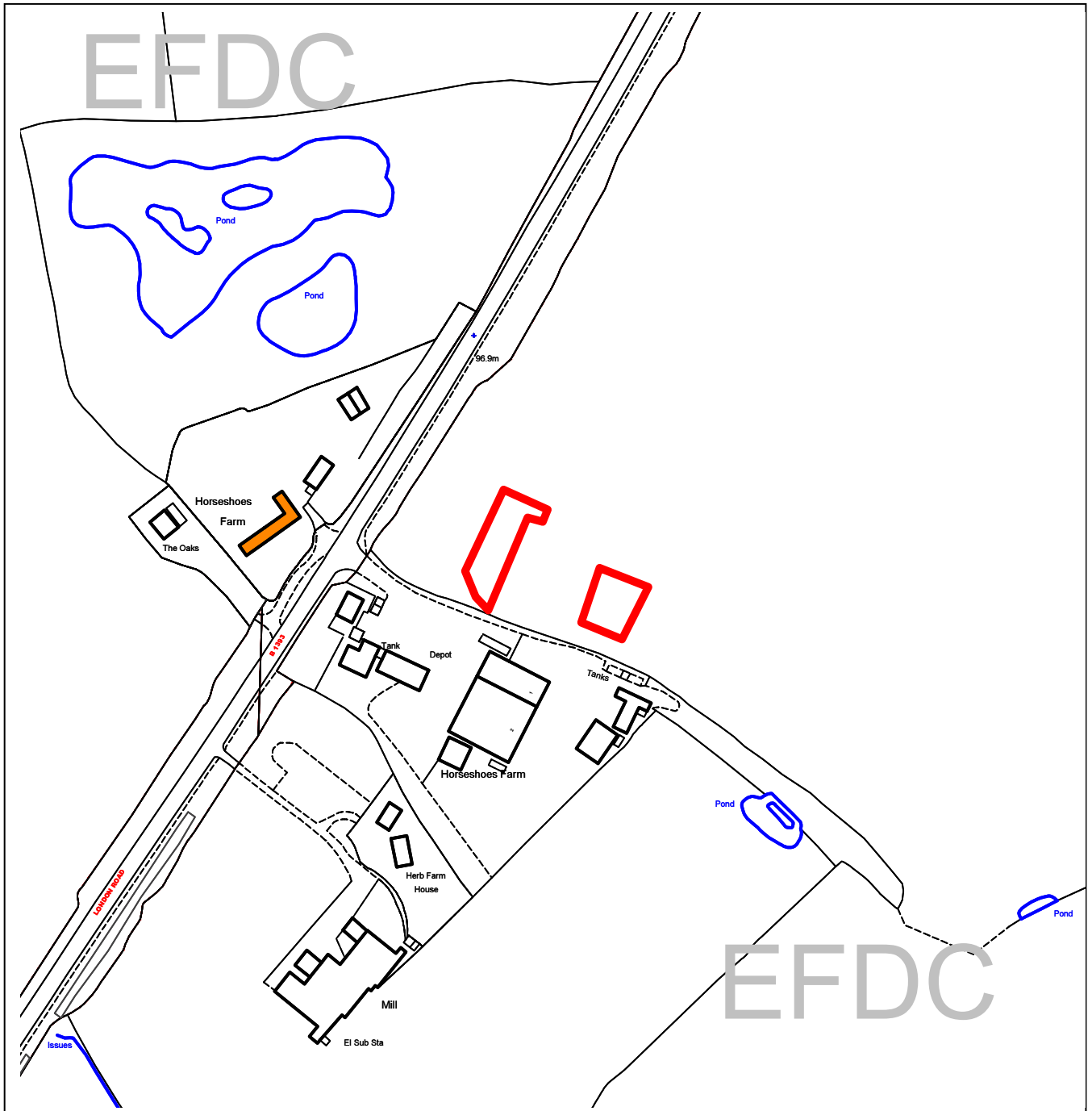
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>7</b>
<b>Application Number:</b>	EPF/0528/13
<b>Site Name:</b>	Land adjacent to Horseshoes Farm London Road, North Weald , CM17 9LH
<b>Scale of Plot:</b>	1/2500

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0696/13
<b>SITE ADDRESS:</b>	Rear of 8 Margaret Road Epping Essex CM16 5BP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Theydon Trusts Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing. (Resubmitted application)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=547831](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547831)

**REASON FOR REFUSAL**

- 1 The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

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

**Description of Site:**

The site previously formed the garden to No. 8 Margaret Road, however it has been fenced off from the parent property. The site is located on the western side of Margaret Road, which together with Margaret Close forms a small cul-de-sac containing single storey dwellings owned and operated by Theydon Trust Ltd. This cul-de-sac provides affordable/social housing for those who do not qualify for Local Authority housing. The proposed dwelling would add to this stock of affordable housing provided by Theydon Trust Ltd. The application site slopes downwards to the rear and is situated on land approximately 700mm lower than the neighbour at No. 17 Margaret Close.

### **Description of Proposal:**

A resubmitted application for the erection of a one-bed bungalow to the rear of the site with a private garden and off-street parking. The proposed bungalow would be a simple pitched roof dwelling measuring 4.9m in width and 7m in depth and would have a ridge height of 4m (4.4m at the rear due to the gradient of the land). The proposal would include the provision of three off-street parking spaces within the front/side garden of the site to serve both the new property and the existing dwelling.

### **Relevant History:**

EPF/2124/12 - Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing – refused 20/12/12

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
ST1 – Location of development  
ST4 – Road Safety  
ST6 – Vehicle Parking

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

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

6 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – No objection.

### **Issues and Considerations:**

The main issues in this application would be the suitability of the site for development, design, amenity considerations, and regarding parking and highway safety. The application was previously submitted and refused under delegated powers in December 2012 for the following reasons:

**The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.**

**The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.**

This application is a resubmission of the previously refused scheme.

#### Suitability of site:

The proposed dwelling would be located within the built up urban town of Epping and would be well served by local amenities and sustainable transport means. Whilst the residential gardens of dwellings no longer constitute previously developed land, and as such there is no longer a presumption to develop these areas, this proposal would make better use of an existing, sustainable location.

Notwithstanding the above however, the dwellings within this cul-de-sac follow a fairly uniform pattern based around the central roundabout/turning area within Margaret Close and taking into account the change in levels between Margaret Road and Margaret Close. However the proposed new dwelling would be located to the rear of No. 8 Margaret Road, with its front wall being located some 1m behind the rear wall of No. 8 and overlapping this by approximately 1m, and would extend some 4m beyond the rear wall of No. 17 Margaret Close. This development would introduce a form of 'back-land' development that would be at odds with the built form and overall siting of the surrounding properties.

#### Design

As well as the above concerns regarding the siting of the new dwelling, the proposed development would have a smaller footprint, lower height, and significantly different appearance to the surrounding properties within this cul-de-sac. This, combined with the location of the dwelling, would result in this building appearing more akin to an ancillary outbuilding rather than a separate dwelling. Although the applicant has used this as part of their argument as they state that "*the proposed location and dimensions of the proposed building conform to the provisions of 'The Town & Country Planning (General Permitted Development) Order'*", Local Plan policy DBE1 states that new buildings must be "*of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function*". As such, it is considered that a new dwelling should be perceived as a new dwelling rather than an outbuilding. Furthermore, it should be noted that despite the applicants statement that "*a building could be built and used for ancillary living accommodation*", ancillary residential accommodation cannot be built under permitted development, and as such no weight is given to this matter.

Due to the above, along with the previously raised issue regarding the location of the dwelling, the proposed development is considered to be a cramped and poor form of development that would be detrimental to the overall character and appearance of the street scene and surrounding area.

#### Amenity Considerations

Whilst the proposed development would be single storey and both the new dwelling and existing property would benefit from an adequate level of private amenity space, the new dwelling would be located behind the rear wall of the parent property and would overlap the rear elevation by approximately 1m. Due to its location, this dwelling would clearly result in an undue loss of visual amenity to residents of No. 8 Margaret Road. Whilst it is appreciated that the current occupants are stated to not have any concerns about the proposed new dwelling, the presence of the new dwelling would be in existence long after these particular residents vacate the parent property, and would set a dangerous precedent for other similar backland developments elsewhere in this built up area.

Given the change in land levels and the angle of the properties, the proposed dwelling would not have an undue impact on the amenities of residents of No. 17 Margaret Close.

Due to the above, the proposed development is considered contrary to Local Plan policies DBE2 and DBE9 as it would have an excessive and detrimental effect on the amenities of the neighbouring residents at No. 8 Margaret Road.

#### Parking/Highways

The application proposes three parking spaces, plus an area of 'informal visitor' parking within the front garden of the site. This would exceed the off-street parking requirements as laid out within the Essex County Council Vehicle Parking Standards 2009.

#### Other matters

Whilst the applicants are Theydon Trust Ltd. who provide affordable/social housing within this cul-de-sac, and it has been emphasised that this new dwelling would also provide an affordable dwelling, there has been no legal agreement or draft heads of terms submitted to ensure this. Furthermore, it is not considered that the provision of one additional affordable property would outweigh the above identified harm.

#### **Conclusion:**

Due to the above, whilst it is appreciated that the proposed development would provide an additional small 'affordable' unit to Theydon Trust Ltd. (although if granted planning consent this would need to be controlled by way of a legal agreement), the proposal would constitute a cramped form of development out of character with the surrounding area and street scene. Furthermore, the location of the proposed dwelling would result in an excessive and detrimental effect to the amenities of the residents of No. 8 Margaret Road. As such this application fails to comply with the guidance contained within the NPPF and policies CP2, CP7, DBE1, DBE2 and DBE9 and is therefore recommended for refusal.

#### **Is There a Way Forward?:**

Discussions have been entered into with the applicant where the above concerns were raised. Whilst it is not considered that there is a way forward on this site, other alternative sites for additional housing within this cul-de-sac were discussed, which would likely be more acceptable than this scheme.

***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:***

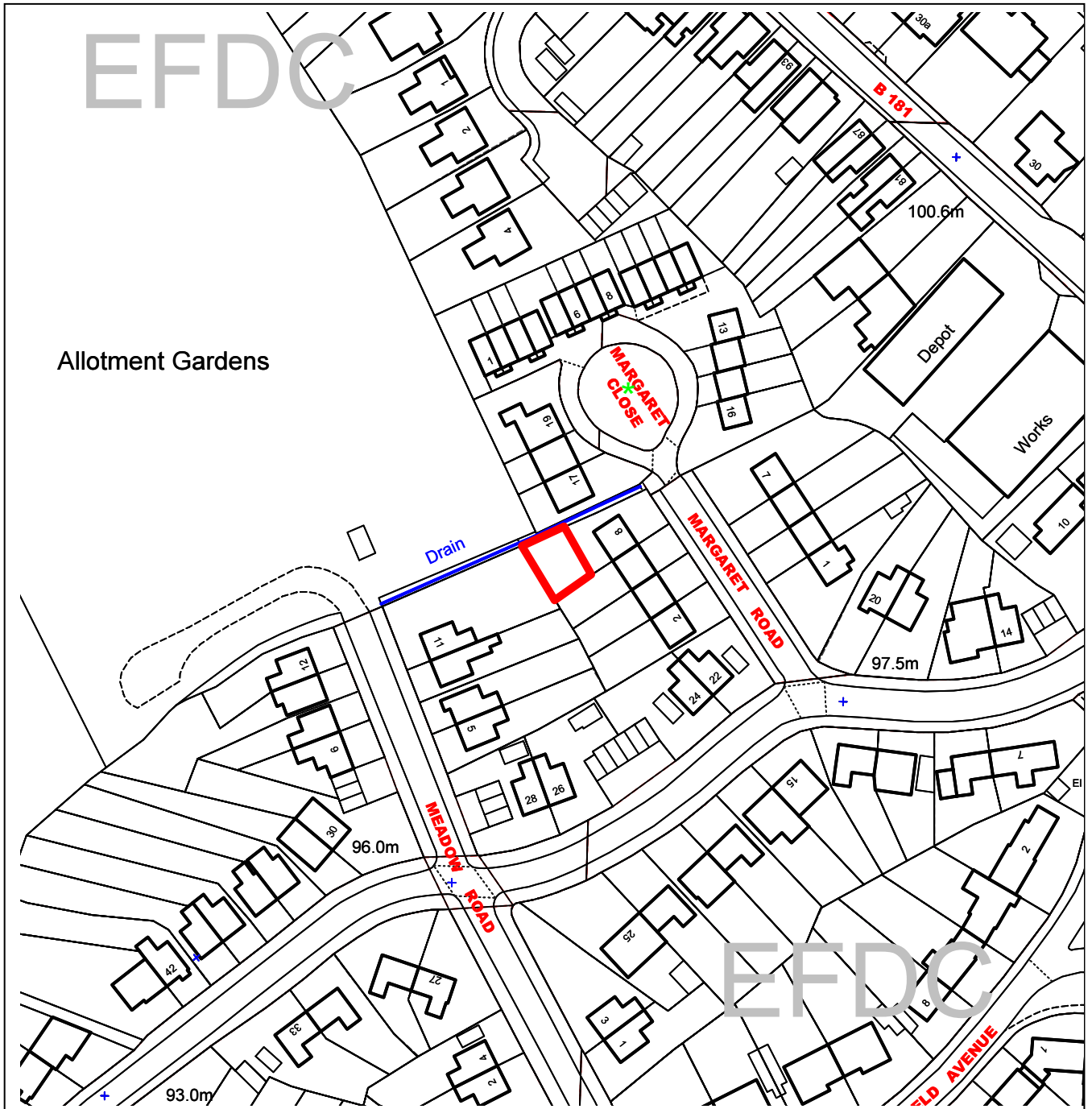
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/0696/13
Site Name:	Rear of 8 Margaret Road, Epping CM16 5BP
Scale of Plot:	1/1250