

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0311/13
<b>SITE ADDRESS:</b>	51 Hornbeam Road Theydon Bois Epping Essex CM16 7JU
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	
<b>APPLICANT:</b>	Mr D Mahon
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/04/12 T1 - Oak - Fell
<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=545837](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545837)

**REASON FOR REFUSAL**

- 1 The supporting information and site inspection have not demonstrated that removal of the oak will have any significant impact on achieving a solution to the structural issues at 51 Hornbeam Road. In particular the substandard foundation of the conservatory would have made it liable to movement even without the presence of the tree and the damage is likely to be too serious for tree removal to be a solution; the movement to the rear extension is minor, and capable of being resolved through structural strengthening which would be required in any case and the impact of the illegal ring-barking of the tree on its future water uptake has not been properly assessed. The loss of the tree's significant existing and potential visual amenity is therefore contrary to policy LL7 and LL9 of the Council's Adopted Local Plan and Alterations.

*This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.*

**Description of Site**

The tree stands on what appears to be highway verge outside the garden fence of 51 Hornbeam Road. It is a visually prominent location on the western approach to Theydon Bois village.

**Description of Proposal**

Fell tree

**Relevant History**

EPF/1262/97: single storey rear extension: app/ con  
EPF/0167/98: single storey conservatory to rear: app/con

EPF/1364/00: two storey side/ rear extension: app/con

TPO/EPF/04/12. The TPO was made in June in response to the arrival of tree surgeons on site to fell the tree. The tree was ring-barked at the time of the making of the order by tree surgeons instructed by the insurers' agents. The TPO was confirmed, having considered an objection from the owners, and having consideration to the conclusions of Dr David Lonsdale, who provided an expert report for the council on the likely impacts on its health. He concluded that the tree would survive, but that its crown activity and size would necessarily diminish.

TRE/EPF/2255/12: Application to fell on safety grounds refused, 19/12/2012.

### **Relevant Policies**

LL9 Felling of preserved trees "the council will not give consent to fell a tree.... protected by a TPO unless it is satisfied that this is necessary and justified.... any such consent will be conditional upon the appropriate replacement of the tree"

### **Summary of Representations**

THEYDON BOIS PARISH COUNCIL: Strong objection. This is an important landmark tree which makes a significant contribution to the visual amenity of this part of the village. Believe it to be in excess of 100 years old, certainly older than the housing. Unconvinced by the evidence for the subsidence; note that previous application was not on grounds of subsidence. Also note that alternative structural remedies, particularly piling are not mentioned- question whether the extensions to the property have been properly built.

THEYDON BOIS & D. RURAL PRES. SOCIETY: Strongly object, on grounds of loss of visual amenity, and that the previous application made no mention of subsidence. Aware of the relevant history. The oak seems to be surviving quite well, despite the attempt to ring-bark it and with some reduction looks likely to continue to enhance the visual amenity of the village. The application argues that it poses a threat to the extensions - these were added long after the tree reached maturity. Tree's loss would be a permanent detriment to the rural aspect of the village.

THEYDON BOIS TREE WARDENS: strongest possible objection. Dismayed to see another application to fell. The tree makes an important visual and historical contribution to the village's character. Accept the need for crown reduction, given the ring-barking. However the oak would still be worth retaining, even in reduced form. Point to differences in reasons given, as against previous application. This application appears an attempt to get rid of the tree by any means. Given its landscape importance and the threat to ash trees, consider it to be particularly important not to lose this tree.

### **Issues and Considerations**

#### **Introduction**

This is an important tree, at the western gateway to the village; any consideration of its impact on soil moisture needs to take into account the likely impacts of the size of its crown of the attempt to kill it by ring-barking its trunk. This is a new application to fell, by different agents to those previously involved, and on different grounds to the previous, failed application. It is based on the alleged subsidence to the property caused by the tree's root activity. The parts affected are a conservatory to the rear of the original house, and the 2 storey side/ rear extension. The conservatory is the worst affected.

#### **The application**

The application is made on the sole grounds that tree felling will be a solution to the structural problems being experienced at 51 Hornbeam Rd. as a result of root induced subsidence of the property. It includes the statement that if an arboricultural solution is required pruning alone would not be sufficient. It is supported by a technical report of January 2012, level monitoring from June

2012 to Jan. 2013, root identification of oak roots, results of site investigations of soil etc. of November and December 2012 and an Arboricultural report of January 2013. The scale of the damage is assessed as moderate- i.e. cracks from 5-15mm, not capable of solution by tree removal alone, and so needing structural repair, (Table 1, BRE Digest 251). The report however then claims that tree removal alone will be the solution. The repair costs are estimated as being £8k with tree removal, but to rise to an estimated £46k to allow underpinning, were the consent for felling not granted. The several reports acknowledge the fact of the ring-barking, but the application is based on the assumption that the tree's influence remains, since the ring-barking was not complete.

In this case the LPA has instructed independent engineering advice from Mr Andy Martin of Peter Kelsey Associates. Following a joint site visit his report was received on June 27<sup>th</sup>. Officers have also had regard to the report by Dr. Lonsdale.

In his report Mr Martin notes particularly that:

1. The original house and earlier single storey extension are stable.
2. The only movement in the 2 storey extension is to its rear wall, and the cracking resulting there is slight.
3. The more significant movement in the conservatory is likely to be related to its assumed shallow foundations, and that a degree of movement would be expected in any case as a result.
4. The rear wall of the extension itself has substandard foundations- 1.5 m where they should be at least 1.8m. In the particular circumstances this is a significant difference. The foundations of the conservatory are likely to be minimal.
5. That although oak root activity is implicated in both areas of damage the movement in the extension is slight, and requires only superstructure repair, not underpinning.
6. Given its substandard foundations removal of the oak alone would not be likely to return the conservatory to stability.
7. That consideration and further investigation needs to be given to the impact of the ring-barking since this may in itself have resolved the nuisance.

### **Key Issues and discussion**

It is considered that the key issues are;

1. Whether the evidence points to the involvement of the oak in the damage?
2. How the attempted destruction by ring-barking and the previous application to fell impacts on the decision?
3. Whether removal is the appropriate response in engineering terms? And
4. What impact its removal would have on the street scene and the character of the village?

Dealing with these in turn, from the evidence provided and from the site inspection it appears likely that the tree is involved in the damage, and this is accepted by Mr. Martin. There is clear evidence of seasonal movement within the property caused by vegetation and live oak roots have been identified in a trial pit. There is no damage within the original building, but the conservatory/ summer room to the rear is badly damaged and there is slight cracking in the 2 storey extension.

The relevant aspect of Dr Lonsdale's report was his conclusion the tree would continue to function despite the ring-barking, but with reduced vigour. He anticipated that the crown would retrench, but that the speed and timing of that was uncertain, and should be monitored until at least the end of summer 2013, when a meaningful assessment could be made. There were no visible effects in the crown by the end of last growing season; officers will report orally as to the tree's current condition. There will have been no loss of anchorage and there is at present no increased safety risk either for the highway or for the owners of 51 Hornbeam Road. However the data supporting the application all relates to the previous growing season. The possibility that the impact of the attempted killing may well be sufficient to resolve the issues has not been given proper consideration.

The minor nature of the damage to the rear extension taken together with the inadequate foundations of both damaged structures, which mean in particular that the conservatory would not be expected to be stable even without the influence of the tree, also clearly implies that removal of the tree is neither sufficient nor necessary to resolve the structural issues.

Finally it is clear from its size and location, as noted in the local comments, that the tree makes a significant contribution to the character and visual amenity of the village. Even allowing for the fact that a staged reduction is likely to be required to keep its crown in safe condition this importance does not disappear, although it will be reduced.

### **Conclusion**

The felling of this important feature of the village has therefore not been shown to be either necessary or justified. It is therefore recommended for refusal in line with the relevant policies LL7 and LL9 of the Epping Forest District Local Plan and Alterations 2006.

***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:***

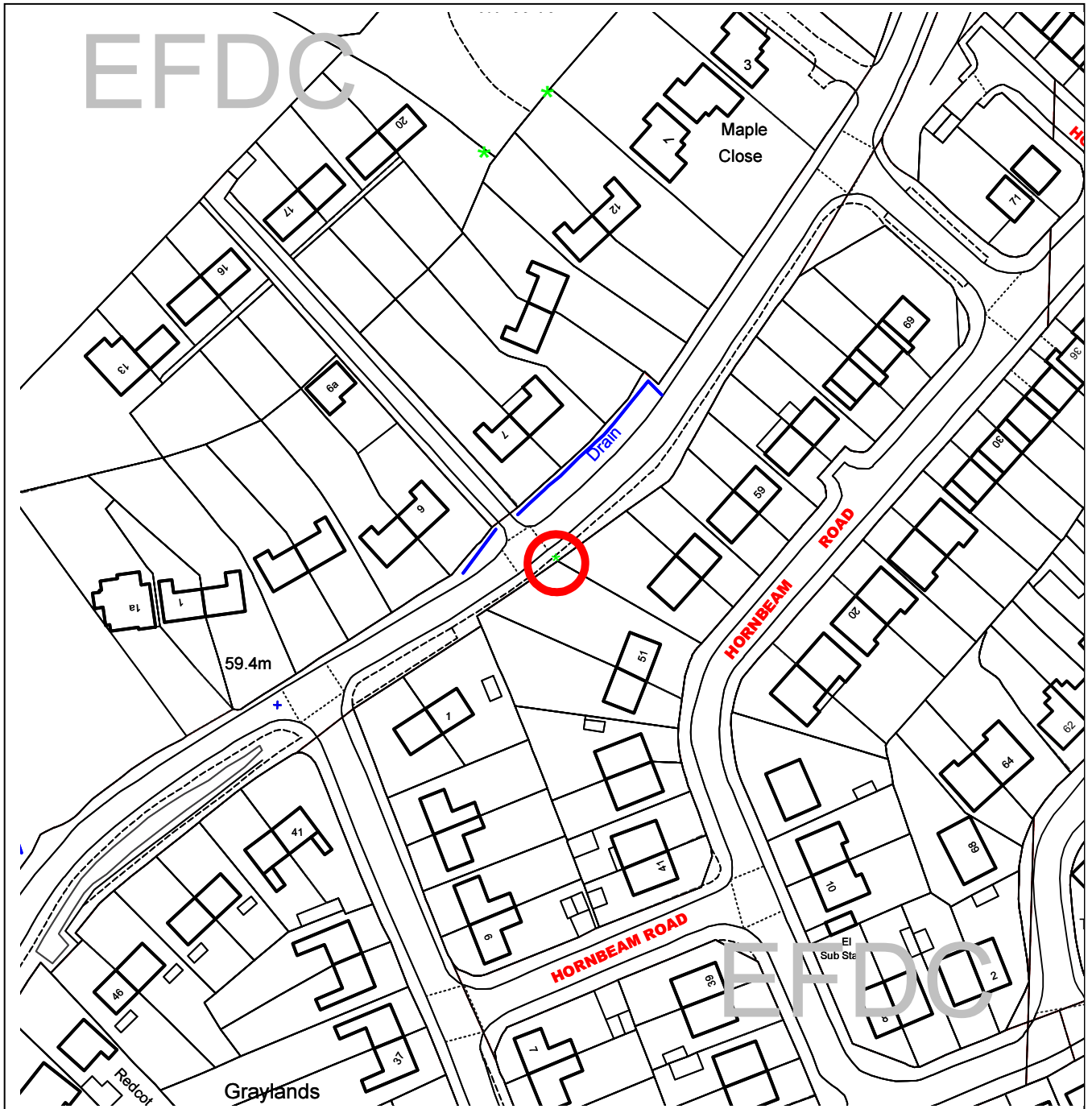
***Planning Application Case Officer: Christopher Neilan  
Direct Line Telephone Number: 01992 564117***

***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/0311/13
Site Name:	51 Hornbeam Road, Theydon Bois CM16 7JU
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1341/13
<b>SITE ADDRESS:</b>	Elmbridge Hall Fyfield Ongar Essex CM5 0TN
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Glyn Willmoth
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/05/98 T34 - Sycamore - Fell T36 - Lime - Fell
<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=550951](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550951)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

**Description of Site:**

Elmbridge Hall is set amongst open farmland, with a formal entrance opening onto the busy Ongar Road. The former school is now residential accommodation. The site is largely screened by mature pines, nine of which feature as a dramatic landscape feature along the front boundary.

## **Description of Proposal:**

**T34 Sycamore – Fell**  
**T36 Lime - Fell**

## **Relevant History:**

TRE/EPF/ 0684/03 approved the felling of 2 pines at 1 Elmbridge Hall.  
TRE/EPF/ 0864/05 to fell 1 pine at 1 Elmbridge Hall was withdrawn.

## **Relevant Policies:**

LL9: Felling of preserved trees. The Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the trees.

## **SUMMARY OF REPRESENTATIONS**

FYFIELD PARISH COUNCIL had made no comment at the time of writing this report.

## **Issues and Considerations:**

The application follows a tree inspection by the appointed agent of the front boundary line of pines, in which T34 and T36 stand. Both trees are visible from the main road and contribute to the screening and greening of the site. The survey noted structural problems with T34 and the unsuitably close location of T36 to the more visually important pine neighbours.

## **Issues**

The reasons given for this application have been summarised, as follows:

- i) Both T34 Sycamore and T36 Lime cramp the neighbouring conifer trees and one in particular inhibits their growth.
- ii) T34 Sycamore is regarded as not in keeping with the tree line.
- iii) T34 Sycamore is not in particularly great health.

## **Consideration of the reasons given in the order they were presented:**

- i) T34's broad crown spread creates a crowded appearance next to the clear stems of the pines. Similarly, the smaller and younger multi-stemmed Lime, T36; a poor tree, detracts from the formal landscaped quality of the planting.
- ii) Whilst being 'in keeping' might be a subjective view, it cannot be denied that these two trees have very different forms to the upright long stemmed pines.
- iii) T34 is 18 metres tall but has large decaying basal and stem cavities with signs of internal decay and extensive dieback in the crown. Prolific, vigorous epicormic sprouts on main boughs contrast with small, sparse upper crown branches. It is agreed that the tree has a short safe life expectancy.

## **Planning Policy considerations**

- i) Tree condition and future compatibility

T34 is in poor health. Its location near many fast moving targets makes a compelling argument to remove it to prevent a serious incident.

T36 Lime, is largely obscured from public view by the big pines around it. It provides low level screening similar to nearby ornamental laburnums but its future growth will not improve this function and further conflict with the pines.

ii) Replacement planting

Discussion on site centred on the logistics of replacing the sycamore with a semi mature pine in the same place, made possible by the front grass verge. The lime's screening function might be better performed by a well placed ornamental tree. Ample space is available on the front lawn for this.

iii) Public Amenity

Both trees are clearly visible from the road but T34's condition and T36's incompatibility mean their loss might be mitigated by good replacement planting.

### **Conclusion**

T34 Sycamore is in decline and unviable for long term retention. T36 Lime is a subordinate individual growing too close to the dominant pines. With safety considerations foremost and succession planning providing good additional justification, both trees should be removed. It is, therefore, recommended to grant permission to fell the trees on the grounds of safety for T34 and incompatibility problems for T36, which justify the need for their removal. The proposal accords with Local Plan Landscape Policy LL9.

In the event of Members allowing the felling of these trees, it is recommended that a replacement planting condition be attached to the decision notice requiring two new trees to be planted; one, a pine, at the same location as T34 Lime and another of an ornamental sized species at an alternative but nearby location within one moth of the felling.

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

***Planning Application Case Officer: Robin Hellier  
Direct Line Telephone Number: 01992 564546***

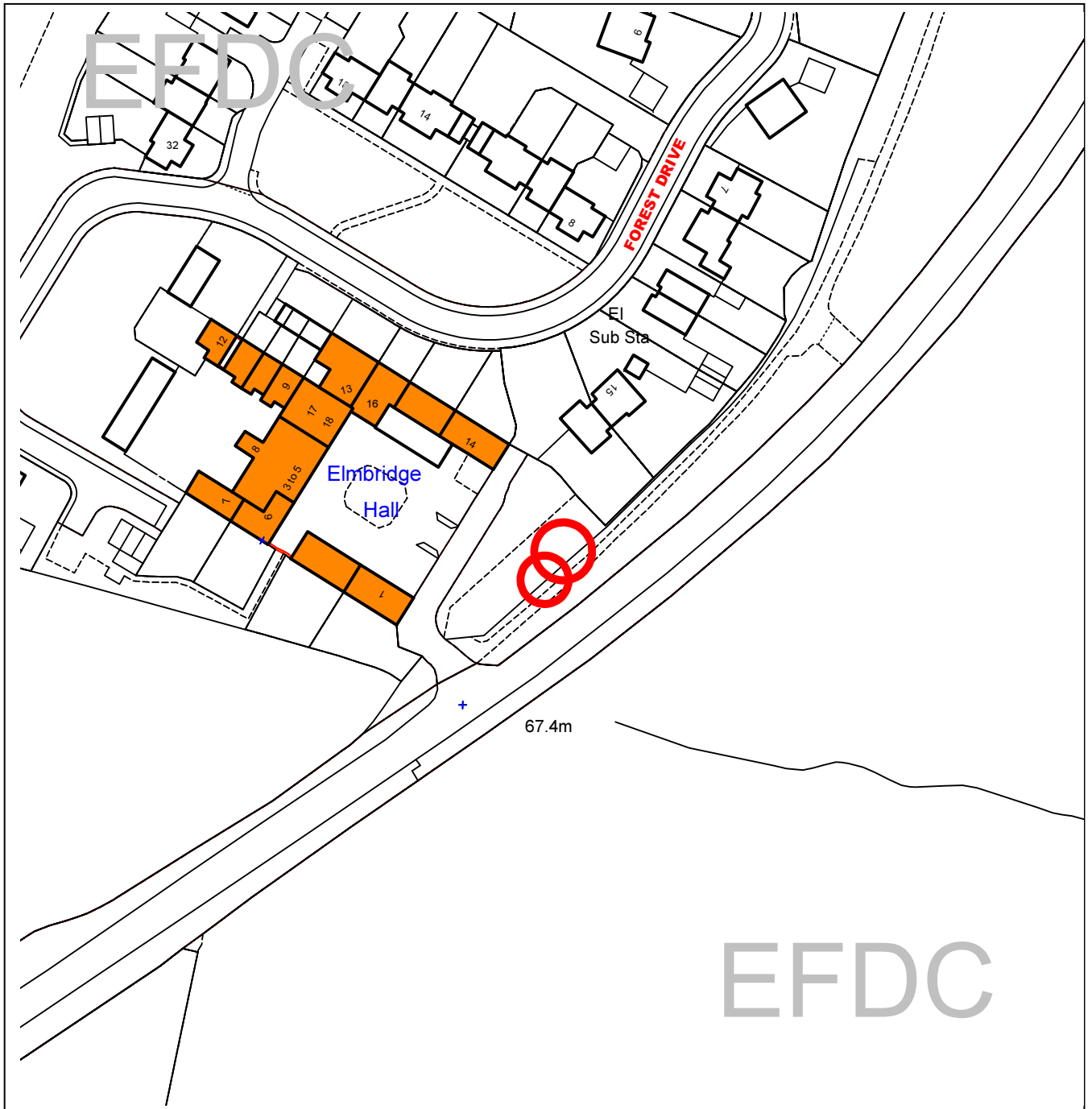
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# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1341/13
Site Name:	Elmbridge Hall, Fyfield Ongar, CM5 0TN
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0434/13
<b>SITE ADDRESS:</b>	Maltings Nursery Chelmsford Road Norton Heath Essex CM4 0LN
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mrs Caroline Killick
<b>DESCRIPTION OF PROPOSAL:</b>	Use of land for a mixed use comprising a horticultural nursery and outdoor recreation including fishing and tennis together with ancillary camping, retail, cafe and club activity. Alterations to appearance of existing single storey building, involving the addition of 3 new windows and a rear door in connection with ancillary retail use. Construction of a new single storey building. Construction of 6 proprietary camping huts and fishing piers around lake. Alterations to appearance of existing single storey building involving the addition of 2 new windows and a new door in connection with clubhouse and ancillary cafe use. Construction of a new all weather tennis court.
<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=546631](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546631)

**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: EZB\_100 rev B, EZB\_101, EZB\_102, EZB\_103, EZB\_104 rev A, EZB\_201, EZB\_202, EZB\_203 and L5660 (sheets 1-4)
- 3 The application site shall only be enclosed by boundary treatment, prior to the first use of the site for the purposes hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority.
- 4 The use hereby approved shall not be commenced and no camping/fishing huts and fishing piers erected until details of the design of the camping/fishing huts and fishing piers have been submitted to and approved in writing by the Local Planning Authority. The camping/fishing huts and fishing piers shall be constructed in accordance with the approved details.

- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 6 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 No tents, marquees or temporary buildings shall be erected on the application site and no caravans or mobile homes shall be stationed on the application site without the prior written consent of the Local Planning Authority.
- 8 No external lighting shall be provided at the application site other than in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The tennis court hereby approved shall not be lit.
- 9 There shall be no amplified sound outside of any building on the application site.
- 10 The car parking area identified on drawing number EZB\_100 rev B shall only be used for parking vehicles in connection with the use hereby approved.

*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 the greater part of a former garden centre on the north side of Chelmsford Road.

A large pond dominates the western part of the site. The eastern part of the site comprises an open grassed field with a steel framed agricultural storage building, south of which is a group of buildings comprising 3 larger poly-tunnels and 1 smaller one together with a timber storage building. All the buildings, with the exception of the storage building, are derelict. A wide hard-surfaced parking area is situated immediately south and east of the group of buildings.

Land to the east that includes a former maltings was part of the garden centre but has been separated from it and consent subsequently given to convert it to a dwellinghouse. Land further to the east comprises a locally listed former farmhouse, beyond which are listed houses.

A wide grass verge separates the site from the highway and its southern boundary is enclosed by a post and wire fence giving it an open aspect to the highway. Elsewhere the site is enclosed by hedgerow. Beyond the northern and western site boundaries are open fields.

A public footpath, no 13, crosses the application site. However, the definitive map shows the route of the footpath through the site is across the pond.

The site is in the Green Belt but not a conservation area.

### **Description of Proposal:**

It is proposed to use the application site for a mixed use comprising a horticultural nursery and outdoor recreation including fishing and tennis together with ancillary camping, retail, cafe and club activity. In order to facilitate the use it is proposed to:

1. Refurbish and alter the agricultural storage building providing window and door openings in connection with its proposed use as an ancillary café/clubhouse and changing rooms. The building would have weatherboard cladding and a slate tiled roof.
2. Construct an all-weather tennis court immediately east of the ancillary café/clubhouse.
3. Carry out alterations to the external appearance of the timber storage building adjacent to the 3 larger poly-tunnels in connection with its use as an ancillary farm and equestrian shop. The walls of the building would remain weatherboarded. The gabled roof of the front part of the building would be covered in slate. The flat roofed rear part would have an additional entrance in its western flank while disabled access ramps would be provided to two entrances in the larger front part.
4. Construct a new single storey building immediately west of the proposed ancillary shop in the approximate position of a smaller derelict poly-tunnel. The building would provide a workshop and security office with overnight accommodation facilities (a single bedroom with shower). It would have a ground area of 13m by 9.5m and comprise a gabled roofed eastern half and flat roofed western half, in which the workshop would be provided. At 4.5m to the ridge, the building would match the height of the ancillary shop. The walls of the building would be clad in weatherboard and the gabled roof in slate.
5. Construct 6 proprietary camping huts and fishing piers around the eastern edge of the pond. Each hut would have a ground area of 15m<sup>2</sup> and is intended to provide overnight accommodation for 2 people. Details of their design have not been provided

The application originally proposed the huts on the west edge of the pond but they were resited to avoid conflict with the route of Footpath 13 as shown on the definitive map.

In addition, the existing larger poly-tunnels would be refurbished, although those works do not require planning permission. Car parking would be provided in the existing parking area. The existing vehicular access to the site, which also serves the maltings building, would continue to give access without alteration.

### **Relevant History:**

EPF/1172/92 Retention of part of existing car park.

Approved

- EPF/0903/93 Conversion of agricultural building to retailing of produce from the adjoining White Heather Nursery together with the sale of other garden equipment and imported produce. Approved subject to S106 agreement. The S106 restricted retail sales to those of a garden and horticultural nature and prohibited sale or use of the building separately from the nursery (former maltings building)
- EPF/0130/95 Conversion of agricultural building to sale of produce & fish stock grown & reared on adjacent site together with imported fish and products related to keeping of fish.  
Refused on the basis of insufficient information.
- EPF/0763/95 Change of use of existing irrigation reservoir to provide a commercial fishing lake.  
Approved.
- EPF/0137/03 Alteration and widening of vehicular access.
- EPF/1073/03 Modification of S106 agreement to permit a customer coffee shop. Approved (former maltings building)
- EPF/1011/12 Conversion of maltings building to a dwellinghouse including erection of bays to the rear elevation. Approved

### **Policies Applied:**

- CP2 Quality of Rural and Built Environment  
 GB2A Development in the Green Belt  
 GB7A Conspicuous Development  
 GB8A Re Use of Buildings in the Green Belt  
 DBE4 Design in the Green Belt  
 DBE9 Loss of Amenity  
 RST6 Fishing Lakes  
 LL11 Landscaping Schemes  
 ST4 Road Safety

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

(Policy NC4 concerning the Protection of Established Habitat is not compliant with the NPPF and is therefore not applied.)

National Planning Policy Framework

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

Number of neighbours consulted. 5  
 Site notice posted: Yes. Position: At access  
 Responses received: None from neighbours

HIGH ONGAR PARISH COUNCIL:

#### "Access from the A414

The proposed size of the car parking facilities would suggest a large increase in traffic to the site and this must be taken into account at what is an extremely dangerous junction on a 60mph stretch of road.

#### Change of Use/Development of Green Belt

This application would appear to be for a change of use on Green Belt land for commercial purposes. Whilst there are no objections to providing additional facilities for fishermen that already use the site, the other proposals constitute over development."

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

The Highway Authority makes clear the proposal would not cause harm to the safe and free flow of traffic on the A414. It was initially concerned to resolve the matter of the route of Footpath 13 across the site in connection with this application. However, it was found that since the route of Footpath 13 is already obstructed by the existing pond at the site it cannot be diverted under the Planning Act and a process under S119 of the Highways Act must be followed. That is a matter for the applicant to pursue in a separate application to the Highway Authority. However, to ensure the application proposal does not conflict with the definitive route of the footpath across the pond the proposed fishing huts and piers have been resited to the east side of the pond. Should the applicant wish to propose a materially different alternative siting for the huts and piers following an application to the Highway Authority it will be necessary for the applicant to apply for planning permission.

The Council's Conservation Officer advises that since the proposals primarily rely on the refurbishment of existing buildings and parking areas they would safeguard the setting of the adjacent locally listed former maltings. They would also be of no consequence for the Grade II listed Spurriers Farmhouse further to the east. Details of boundary treatment should be secured by condition, however, to ensure the setting of those building is preserved. This can be resolved through the imposition of an appropriate planning condition on any consent given. Similarly, it is necessary to secure details of the camping huts and fishing piers by condition in the interests of securing good design.

Since the matters of highway safety, consequence for the rights of way network, setting of heritage assets and, by extension, design, are adequately addressed by the proposals, the main planning issues to deal with when assessing the merits of the proposals are the consequence for the Green Belt and consequence for living conditions of neighbours.

### **Green Belt:**

The proposed use is primarily for leisure purposes, which, subject to safeguarding the openness of the Green Belt, is not inappropriate development. It should be noted that the application site is smaller than the former garden centre use since the former maltings building and its associated curtilage, which previously was used as the garden centre shop, is now lawfully separated from the application site.

The proposal would not involve any excavation to form a fishing lake since the existing large pond readily lends itself to that purpose. The camping huts are small scale and small in number and consequently would only have a limited impact on openness. Together with the fishing piers they are reasonably required for the purpose of informal outdoor recreation. On that basis this component of the use is not inappropriate. It is necessary to secure details of the camping huts and fishing piers in the interests of the visual amenities of the Green Belt as well as design, and as stated above, that can be secured by condition.

More general camping would not be appropriate without proper controls since it could be harmful to openness therefore it is necessary and reasonable to impose a condition on any consent given prohibiting the erection of tents, marquees (and similar structures) and the stationing of caravans or mobile homes on the land.

The refurbishment of existing buildings, even where those works could involve the erection of a replacement building of the same scale, is not inappropriate development. The proposed ancillary café/clubhouse and proposed shop fall within that scope and would clearly not have a greater impact on openness. Similarly, the refurbishment of 3 poly-tunnels would have no consequence for openness.

Moreover, the scale of the retail and café/clubhouse use proposed is small and reasonably required for the purpose of informal outdoor recreation. Indeed, the retail element would be far smaller than the previous garden centre shop, which took up the former maltings building.

The erection of the proposed office/workshop building is also not inappropriate development since it is of small scale, reasonably required for the overall use and sited in the approximate location of a redundant poly-tunnel.

One all-weather tennis court is proposed. It would not be floodlit and is sensitively sited rear of existing poly-tunnels and adjacent to the proposed café/clubhouse. It is necessary to both prohibit floodlighting at the tennis court and to control external lighting generally on the site in the interests of the visual amenities of the Green Belt. That can reasonably be secured by condition.

The proposal would rely on an existing car parking, which is generous for the use since it was developed for a more intensive use of the site. It is necessary to prohibit activity on the car park other than parking in connection with the use in the interests of the visual amenities of the Green Belt. That can reasonably be secured by condition.

On the matter of the impact on the Green Belt, the proposal would not have a greater impact on it than the lawful use of the site, is in respect of a use that is consistent with the purposes of including the land in the Green Belt and would not cause disproportionate harm to its openness. On that basis the proposal is not inappropriate development. In order to generally safeguard openness and the contribution the site makes to the Green Belt it is necessary and reasonable for any consent given to include conditions securing landscaping and biodiversity.

#### Living Conditions:

The nearest dwellinghouse is that presently being developed with planning permission by converting, and the former maltings. It would share the access to the application site but that would not harm its amenities. The scale and nature of the use would not cause harm to the amenities of the former maltings but there is potential for poorly managed activity on the site to cause such harm.

The proposed conditions controlling activity in the car park and lighting on the site would also serve to safeguard the living conditions of neighbours. There is potential for noise at the site to cause harm to living conditions, however it would not be reasonable to limit the hours of the use since it is intended to be capable of operating throughout the day and night. However, a condition prohibiting any amplified sound on the site would be reasonable in order to safeguard living conditions.

#### Conclusion:

The proposal is not inappropriate development in the Green Belt, would safeguard its openness, is acceptable in design terms, would not affect neighbouring heritage assets, would not cause harm to highway safety or the rights of way network and, subject to appropriate conditions, would safeguard the living conditions of neighbours. It therefore complies with relevant policies listed above and it is recommended that planning permission be granted.

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

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

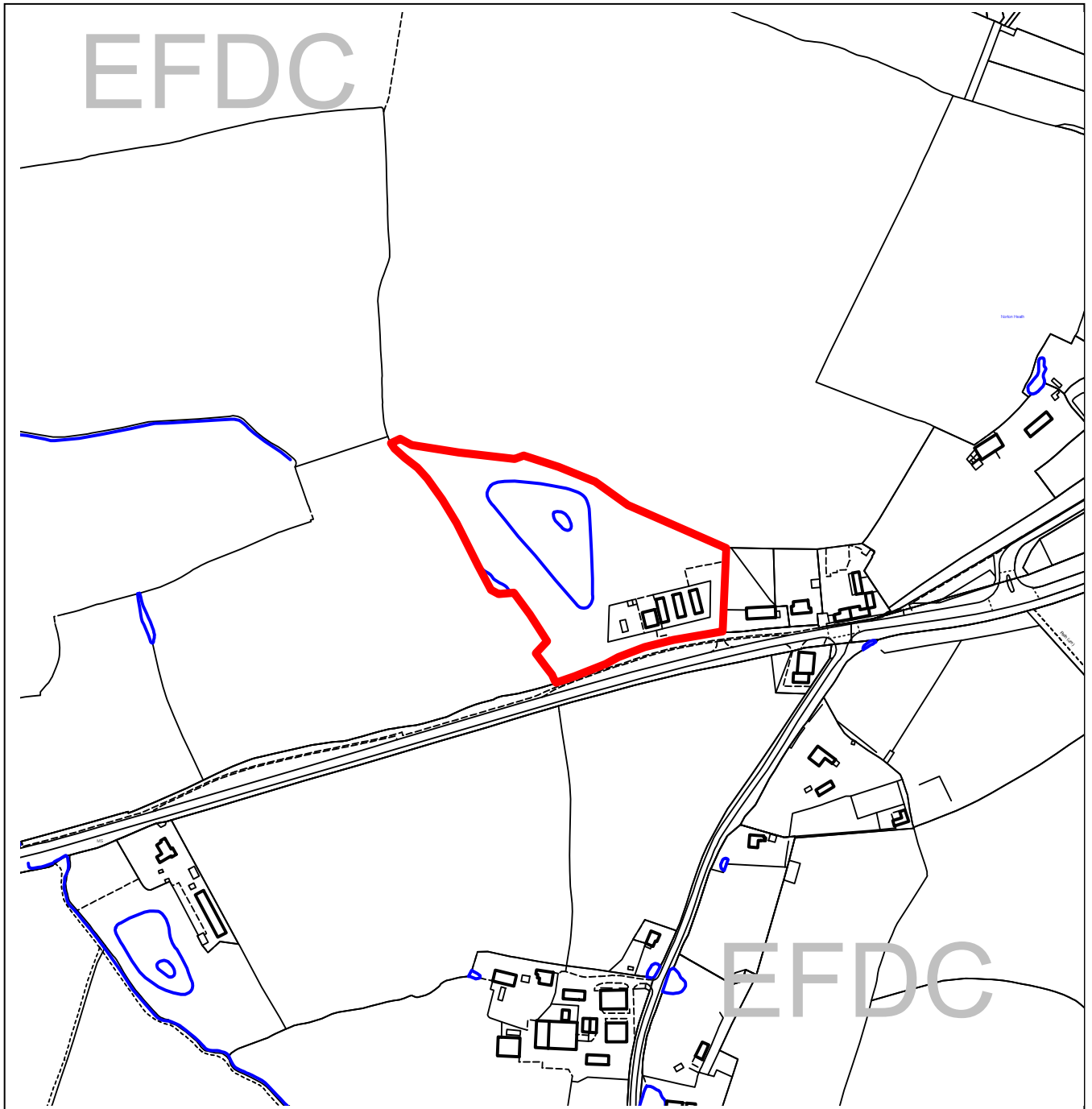
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# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0434/13
Site Name:	Malthings Nursery, Chelmsford Road, Norton Heath, CM4 0LN
Scale of Plot:	1/5000

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0622/13
<b>SITE ADDRESS:</b>	Ongar Bakery 107 High Street Ongar Essex CM5 9DX
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr D Ozcan
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for new external signage
<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=547431](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547431)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The two existing fascia signs shall be removed within one month of the date of this decision.
- 3 Details of the material and finish of the anchor motifs to be applied to the fascia signs hereby approved shall be submitted to and approved by the local planning authority before they are installed.

*This application is before this Committee because the recommendation for approval on these advertisement and listed building applications is contrary to more than two objections received from neighbours which are material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f)).*

**Description of Site:**

107 and 109 are two adjoining listed buildings but each have more modern ‘bungalow front’ sections. In the case of 107 this front section is in use as a fish and chip shop, and that at 109 is used as a post office. The property lies in the south of the town centre well outside the key frontage, and it is located in the Ongar Conservation area.

**Description of Proposal:**

Advert and listed building consent for the installation of two externally illuminated fascia signs at fascia level.

### **Relevant History:**

EPF/295/12/and EPF/316/12 gave planning permission and listed building consent for a change of use of a (bakery) shop to a mixed A3/A5 (restaurant/café and hot food take away) use, with external duct through rear roof, and conversion of rear area to a flat. These approvals were implemented.

### **Policies Applied:**

DBE13 – Advertisements.

HC7 – Development within conservations areas.

HC10 – Works to listed buildings.

DBE13 is compliant with the National Planning Policy Framework, and policies HC7 and HC10 are partially compliant.

### **Summary of Representations:**

ONGAR TOWN COUNCIL – The Council is pleased that the amended application indicates non illuminated signage and a reduction in the size of the signs to equate with those formerly displayed when the premises was a bakery. Ongar Town Council, does not object to the amended proposal subject to approval by the EFDC listed buildings officer.

NEIGHBOURS – 19 properties consulted and 3 replies received:-.

117, HIGH STREET - I am opposed to the sign being illuminated. At night the High Street in this location looks like a tacky seaside fast food outlet not in keeping with this conservation area. Illumination cannot be appropriate for a listed building in a conservation area.

106, HIGH STREET - object - I live opposite and the neon sign put up in the windows together with the large strip light inside are already affecting my quality of life as I directly face them. More illuminated signs will affect me more and there is no need for them. The signage which was put up without planning permission is bulky and out of scale with neighbouring properties – illuminated signs will make the appearance worse. The listed buildings officer has already rejected these plans and the owner has agreed to put up signs like the original bakery ones.

108, HIGH STREET– strongly object to two illuminated fascia signs. The two red and blue flashing illuminated signs are detrimental to the amenity of 108 High Street, are a road safety hazard, and are out of keeping with the current retail and residential properties in this section of the High Street. The large clear glass window design of the shop front, combined with high lumen levels and the wavelength frequency of red and blue illuminated signs and shop internal lighting, create light pollution affecting our residential property opposite. Further passing traffic and parked vehicles, combined with the lighting described above, creates a strobe effect in our house. The above points adversely affect the amenity of our property, and are a potential health hazard and we object to two illuminated fascia signs.

ESSEX CC LISTED BUILDINGS ADVISOR – the revised plans are as agreed, with the previous smaller sign re written and the lighting reduced. My only concern is knowing the material of the free standing anchor motifs and details of these should be covered by a condition. Also a condition should be added that the existing unauthorised signage is removed within one month of any approval.

EFDC CONSERVATION OFFICER – I have no objections to the design as shown in the revised drawing as it is traditional in appearance, does not dominate the frontage, and is of a similar

design to the signage of the previous bakery occupant. Therefore, it will not have a detrimental impact on the character or appearance of the conservation area.

### **Issues and Considerations:**

Existing timber fascia signs were erected recently without the requisite advertisement and listed building consents. These signs fill the front fascia and the splayed fascia above the shop entrance. They are too large and the applicant has agreed to remove them once any consents are granted. A condition can be applied to ensure these signs are removed within one month if approval is given.

Revised plans show smaller timber signs that have chamfered and fluted corners, and contain black lettering on a cream background. The size and nature of these signs are very similar to the timber signs that previously existed when the shop was occupied by the Ongar Bakery. One change is that the 2 fascia signs will have external illumination in the form of two small 1.1m length trough lights above the fascia signs. This modest form of external illumination is appropriate for a shop on this High Street, and the strength of illumination, at 80 candelas per sq.m, is well below lighting levels deemed appropriate for a small town centre. The Essex CC listed buildings advisor, and also the EFDC conservation officer, do not object to the signs and trough lights as reduced in size, and it should be noted that these bungalow front shop sections are more modern in finish and appearance compared to the main listed buildings that lie to the immediate rear.

### **Comments on representations received:**

Objections are raised to proposed illuminated signs. However, the size of the trough lights providing external illumination has been reduced significantly by some two thirds. This is a High Street location and an appropriate balance needs to be struck between the wishes of trades people to advertise their businesses and the need to safeguard visual and residential amenity – and such a balance has now been achieved. The objectors also appear to object to a small ‘open and closed’ illuminated sign affixed to the inside of the shop window, and to the strip lighting on the ceiling of the shop, in part because the light produced, when combined with moving vehicles, creates a ‘strobing effect’. However, this internal illuminated sign, and internal lighting, do not require advertisement consent. While the concern of residents opposite is acknowledged the appropriate way to reduce this problem is for residents and the manager of the fish and chip shop to come to some form of agreement regarding blinds or film being applied to parts of the shop window, and it is understood that contact has been made in this respect.

### **Conclusions:**

The proposed signs, as reduced in size and extent of illumination, are now considered an appropriate form of advertising on this shop. They are also an acceptable alteration to this listed building, particularly given the fact that they are attached to a rebuilt and more modern bungalow front section. It is recommended there that advertisement consent, and listed building consent, be granted 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:***

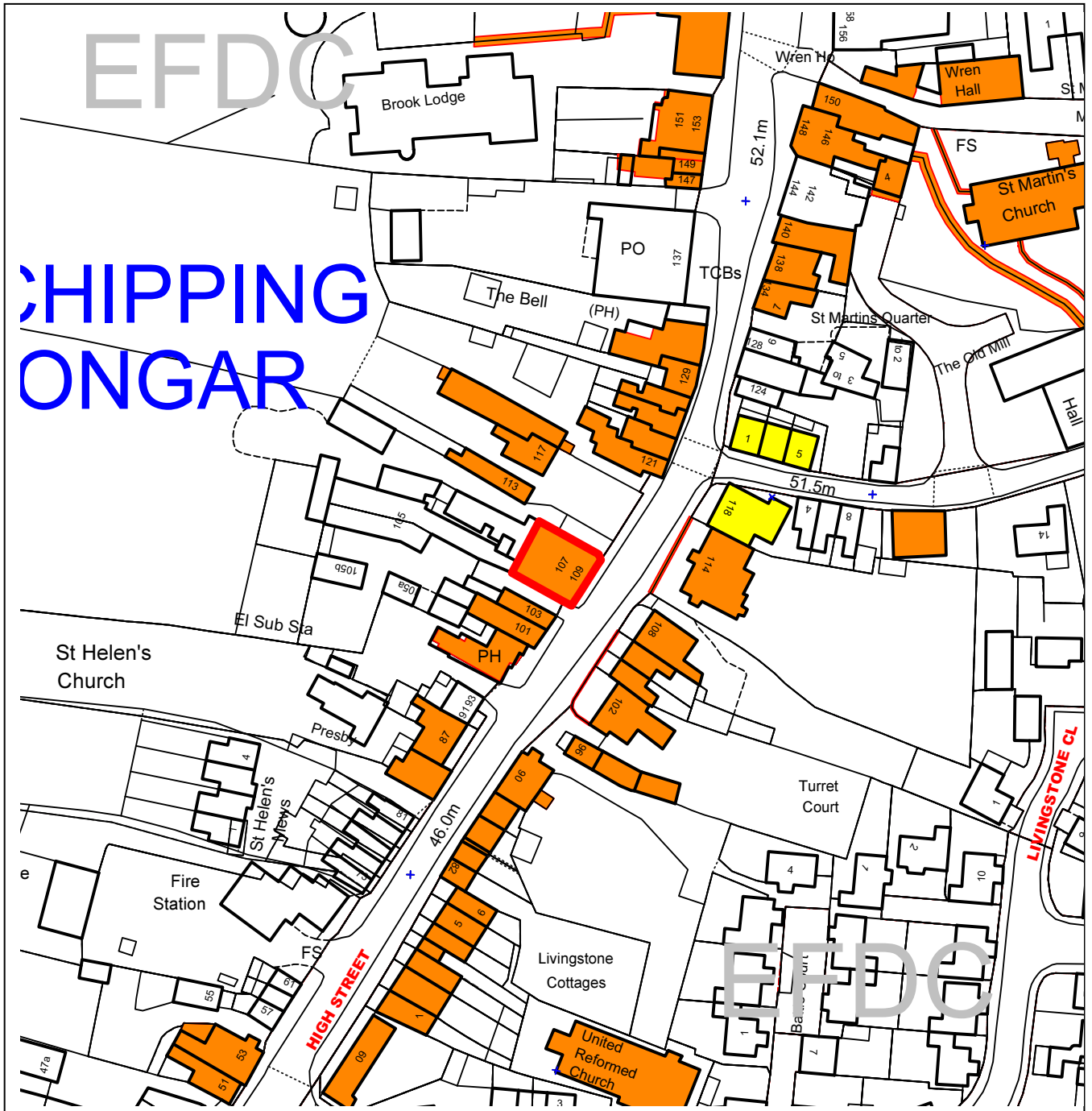
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4 &amp; 5</b>
Application Number:	EPF/0622/13 and EPF/0623/13
Site Name:	Ongar Bakery, 107 High Street Ongar, CM5 9DX
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0623/13
<b>SITE ADDRESS:</b>	Ongar Bakery 107 High Street Ongar Essex CM5 9DX
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr D Ozcan
<b>DESCRIPTION OF PROPOSAL:</b>	Advertisement application for 2 externally illuminated fascia signs
<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=547432](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547432)

**CONDITIONS**

- 1 The two existing fascia signs shall be removed within one month of the date of this decision.
- 2 Details of the material and finish of the anchor motifs to be applied to the fascia signs hereby approved shall be submitted to and approved by the local planning authority before they are installed.
- 3 The illuminance levels of the trough lights hereby approved shall not exceed 80.00 cd/m.

*This application is before this Committee because the recommendation for approval on these advertisement and listed building applications is contrary to more than two objections received from neighbours which are material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f)).*

**Description of Site:**

107 and 109 are two adjoining listed buildings but each have more modern 'bungalow front' sections. In the case of 107 this front section is in use as a fish and chip shop, and that at 109 is used as a post office. The property lies in the south of the town centre well outside the key frontage, and it is located in the Ongar Conservation area.

**Description of Proposal:**

Advert and listed building consent for the installation of two externally illuminated fascia signs at fascia level.

### **Relevant History:**

EPF/295/12/and EPF/316/12 gave planning permission and listed building consent for a change of use of a (bakery) shop to a mixed A3/A5 (restaurant/café and hot food take away) use, with external duct through rear roof, and conversion of rear area to a flat. These approvals were implemented.

### **Policies Applied:**

DBE13 – Advertisements.

HC7 – Development within conservations areas.

HC10 – Works to listed buildings.

DBE13 is compliant with the National Planning Policy Framework, and policies HC7 and HC10 are partially compliant.

### **Summary of Representations:**

ONGAR TOWN COUNCIL – The Council is pleased that the amended application indicates non illuminated signage and a reduction in the size of the signs to equate with those formerly displayed when the premises was a bakery. Ongar Town Council, does not object to the amended proposal subject to approval by the EFDC listed buildings officer.

NEIGHBOURS – 19 properties consulted and 3 replies received:-.

117, HIGH STREET - I am opposed to the sign being illuminated. At night the High Street in this location looks like a tacky seaside fast food outlet not in keeping with this conservation area. Illumination cannot be appropriate for a listed building in a conservation area.

106, HIGH STREET - object - I live opposite and the neon sign put up in the windows together with the large strip light inside are already affecting my quality of life as I directly face them. More illuminated signs will affect me more and there is no need for them. The signage which was put up without planning permission is bulky and out of scale with neighbouring properties – illuminated signs will make the appearance worse. The listed buildings officer has already rejected these plans and the owner has agreed to put up signs like the original bakery ones.

108, HIGH STREET– strongly object to two illuminated fascia signs. The two red and blue flashing illuminated signs are detrimental to the amenity of 108 High Street, are a road safety hazard, and are out of keeping with the current retail and residential properties in this section of the High Street. The large clear glass window design of the shop front, combined with high lumen levels and the wavelength frequency of red and blue illuminated signs and shop internal lighting, create light pollution affecting our residential property opposite. Further passing traffic and parked vehicles, combined with the lighting described above, creates a strobe effect in our house. The above points adversely affect the amenity of our property, and are a potential health hazard and we object to two illuminated fascia signs.

ESSEX CC LISTED BUILDINGS ADVISOR – the revised plans are as agreed, with the previous smaller sign re written and the lighting reduced. My only concern is knowing the material of the free standing anchor motifs and details of these should be covered by a condition. Also a condition should be added that the existing unauthorised signage is removed within one month of any approval.

EFDC CONSERVATION OFFICER – I have no objections to the design as shown in the revised drawing as it is traditional in appearance, does not dominate the frontage, and is of a similar

design to the signage of the previous bakery occupant. Therefore, it will not have a detrimental impact on the character or appearance of the conservation area.

### **Issues and Considerations:**

Existing timber fascia signs were erected recently without the requisite advertisement and listed building consents. These signs fill the front fascia and the splayed fascia above the shop entrance. They are too large and the applicant has agreed to remove them once any consents are granted. A condition can be applied to ensure these signs are removed within one month if approval is given.

Revised plans show smaller timber signs that have chamfered and fluted corners, and contain black lettering on a cream background. The size and nature of these signs are very similar to the timber signs that previously existed when the shop was occupied by the Ongar Bakery. One change is that the 2 fascia signs will have external illumination in the form of two small 1.1m length trough lights above the fascia signs. This modest form of external illumination is appropriate for a shop on this High Street, and the strength of illumination, at 80 candelas per sq.m, is well below lighting levels deemed appropriate for a small town centre. The Essex CC listed buildings advisor, and also the EFDC conservation officer, do not object to the signs and trough lights as reduced in size, and it should be noted that these bungalow front shop sections are more modern in finish and appearance compared to the main listed buildings that lie to the immediate rear.

### **Comments on representations received:**

Objections are raised to proposed illuminated signs. However, the size of the trough lights providing external illumination has been reduced significantly by some two thirds. This is a High Street location and an appropriate balance needs to be struck between the wishes of trades people to advertise their businesses and the need to safeguard visual and residential amenity – and such a balance has now been achieved. The objectors also appear to object to a small ‘open and closed’ illuminated sign affixed to the inside of the shop window, and to the strip lighting on the ceiling of the shop, in part because the light produced, when combined with moving vehicles, creates a ‘strobing effect’. However, this internal illuminated sign, and internal lighting, do not require advertisement consent. While the concern of residents opposite is acknowledged the appropriate way to reduce this problem is for residents and the manager of the fish and chip shop to come to some form of agreement regarding blinds or film being applied to parts of the shop window, and it is understood that contact has been made in this respect.

### **Conclusions:**

The proposed signs, as reduced in size and extent of illumination, are now considered an appropriate form of advertising on this shop. They are also an acceptable alteration to this listed building, particularly given the fact that they are attached to a rebuilt and more modern bungalow front section. It is recommended there that advertisement consent, and listed building consent, be granted 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: David Baker  
Direct Line Telephone Number: 01992 564514***

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



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0981/13
<b>SITE ADDRESS:</b>	13 Forest Drive Theydon Bois Essex CM16 7EX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr M Haque
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for retention of rear conservatory store and external wall mounted air conditioning units at the rear.
<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=549391](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549391)

**CONDITIONS**

- 1 The rear conservatory hereby approved shall only be used for storage in connection with the A3 restaurant use of 13 Forest Drive and shall not at any time be used as a seating/dining area.

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

*This application is before this Committee since it 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:**

13 Forest Drive is a shop unit located within a small parade of shops on the west side of Forest Drive within the built up area of Theydon Bois. Forest Drive has a small parade of shops and then is mainly residential properties to the north and immediately to the south. 13 Forest Drive is currently trading as a restaurant. There is a side service road, which accesses the rear area. The application site is not within the Metropolitan Green Belt or a Conservation Area.

**Description of Proposal:**

The proposal seeks retrospective consent for the retention of a rear conservatory and external wall mounted air conditioning units at the rear. This application has been submitted following an

ongoing enforcement investigation. The rear conservatory measures 3.7m deep and 6.9m wide with a maximum height of 3.1m. The air conditioning units are located beside the conservatory to the rear. There are four wall mounted units at a maximum height of 2.9m. This application does not include the kitchen extractor duct which is the subject of enforcement action.

### **Relevant History:**

EPF/0261/09 – Change of use from A1 to A3 – App/Con

EPF/0820/12 - Proposed outside seating area at the front, retention of front canopy, rear conservatory, external wall mounted air conditioning units, external extractor duct and front signage – Refused

EPF/2131/12 - Proposed outside seating at front and retention of front canopy, rear conservatory, external wall mounted air conditioning units, external extractor duct and front signage (Revised Application) - Refused

EPF/1234/13 - Retrospective advertisement consent for canopy, fascia sign and projecting sign – Concurrent application

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE3 – Design in Urban Areas

DBE9 – Loss of Amenity

RP5A – Development likely to Cause a Nuisance

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

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – Objection – We note that this application does not include the extractor fan/ducting to the side elevation which amongst other features remains the subject of outstanding Enforcement Notices.

As previously stated we have no objection to the canopy. However, we regret but we cannot see that anything has materially changed in relation to the other offending issues and thus the objections which we voiced in relation to application numbers EPF/0737/12, 0820/12 and 2131/12 remain essentially unchanged.

Our objections to the original application number EPF/0737/12 are repeated below for ease of reference. **[NB: This reference relates to a different site and these comments were made in relation to EPF/0820/12]**

*TBPC Comments on EPF/0737/12*

*'Recommendation: Strong Objection*

*When permission was originally given for a change of use on these premises from A1 to A3, it was a marginal decision given after careful consideration of the proposed plan for the restaurant. Regrettably, the restaurant has not been developed according to that plan. The change in the position of the kitchen has resulted in the external extractor duct being positioned on the side elevation of the building as opposed to the rear. This is unacceptable and has a direct impact on*

*the amenity of the neighbouring apartments which overlook the premises. Residents in these apartments have complained about the food cooking smells which are being emitted.*

*We are also strongly opposed to the proposed outside seating at the front of the premises. This will have a detrimental impact on the neighbouring residential properties due to potential noise. The nature of the buildings in Forest Drive being tall on both sides of the road tends to funnel and amplify any noise. Although the Belgique has seats outside their property on the opposite side of the road, these premises close at 5.30pm whereas the restaurant opens at 5.30pm and closes at 11pm.*

*The internally illuminated signage at the front of the property is also at odds with the other retail units in Forest Drive. This Council has consistently opposed internally illuminated signs in this part commercial part residential area of the Village and this policy has been respected by the other retail outlets. An internally illuminated sign was recently refused permission on the Bull Public House, which is close to the property in question, as it was deemed to be out of character in this part of the Village.*

*With regard to the rear conservatory, this is currently being used for storage and it is proposed that this will continue to be its main purpose. We do not believe that a conservatory is a suitable structure for storage in a commercial building.*

*Finally, on a more positive note we see no reason why the front canopy cannot be retained.'*

## NEIGHBOURS

33 neighbours were consulted and the following responses were received:

11B FOREST DRIVE – Objection – loss of parking area to rear, concern with noise from extractor fan (not part of this application)

5 THE HEIGHTS – Objection – matter has been ongoing for two years, concern with noise and appearance of extraction unit (not part of this application), plans did not originally show a conservatory, issues of parking due to restaurant use

THE HEIGHTS RESIDENTS ASSOCIATION – Objection – appearance and noise from extraction duct (not part of this application)

2 THE HEIGHTS – Objection – noise of air conditioning units

## **Issues and Considerations:**

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

- Design Issues
- Impact on Neighbouring Amenity

### Design Issues

The conservatory is rather domestic in appearance for a commercial property, and an unusual choice of addition for storage purposes, however it is to the rear of the site within a service yard and is not considered so out of keeping within the surrounding area (which includes rear domestic gardens) to justify a refusal.

The air conditioning units are rather utilitarian; however they are again located to the rear of the property within the service yard and therefore in this location are considered acceptable and are standard in appearance.

### Amenity

The conservatory may be acceptable in terms of amenity but only if used for storage as stated and a condition can be applied should the application be approved to ensure it's end use. Without a condition ensuring that the conservatory can only be used for storage purposes, the conservatory may have a potential impact on neighbouring amenity if used for customers to dine in, as is very close to the rear gardens of the properties in Buxton Road and adjacent to 'The Heights'.

The Council's Environmental Health team were consulted on this application, and although previously the Environmental Health team have objected to the applications, this has only been on the basis of the extractor duct to the side (not part of this application) and the Environmental Health team have no comment to make on this current application. The air conditioning units are therefore not considered detrimental to surrounding amenity.

### Comments on Representations Received

The extraction duct is not part of this application and it is understood that this will be applied for under a separate application. The canopy and signage are part of the concurrent application EPF/1234/13 and therefore being dealt with separately. The reference to the outside seating area within the Parish Council Comments has been removed from the description. This is because planning permission is not required for this element, as the area to the front in question is within the ownership of the restaurant and therefore outside seating would be an ancillary use not requiring planning permission.

### Conclusion:

This retrospective application is, given the above, considered acceptable development and approval subject to conditions is 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>6 &amp; 7</b>
Application Number:	EPF/0981/13 and EPF/1284/13
Site Name:	13 Forest Drive, Theydon Bois CM16 7EX
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1234/13
<b>SITE ADDRESS:</b>	13 Forest Drive Theydon Bois Essex CM16 7EX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr M Haque
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective advertisement consent for canopy, fascia sign and projecting sign.
<b>RECOMMENDED DECISION:</b>	Grant 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=550577](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550577)

**CONDITIONS**

**STANDARD ADVERTISEMENT CONDITIONS**

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

*This application is before this Committee since it 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:**

13 Forest Drive is a shop unit located within a small parade of shops on the west side of Forest Drive within the built up area of Theydon Bois. Forest Drive has a small parade of shops and then is mainly residential properties to the north and immediately to the south. 13 Forest Drive is currently trading as a restaurant. There is a side service road, which accesses the rear area. The application site is not within the Metropolitan Green Belt or a Conservation Area.

**Description of Proposal:**

The proposal seeks retrospective advertisement consent for a front canopy, fascia sign and projecting sign. The canopy is an orange canopy displaying the restaurant name; the fascia sign is white, metallic colour with orange writing displaying the name of the restaurant and is externally illuminated. The projecting sign is again orange in colour and is internally illuminated. All illumination is static.

### **Relevant History:**

EPF/0261/09 – Change of use from A1 to A3 – App/Con

EPF/0820/12 - Proposed outside seating area at the front, retention of front canopy, rear conservatory, external wall mounted air conditioning units, external extractor duct and front signage – Refused

EPF/2131/12 - Proposed outside seating at front and retention of front canopy, rear conservatory, external wall mounted air conditioning units, external extractor duct and front signage (Revised Application) - Refused

EPF/0981/13 - Retrospective application for retention of rear conservatory store and external wall mounted air conditioning units at the rear – Concurrent application

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

DBE13 - Advertisements

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – Objection – We note that this application does not include the extractor fan/ducting to the side elevation which amongst other features remains the subject of outstanding Enforcement Notices.

As previously stated we have no objection to the canopy. However, we regret but we cannot see that anything has materially changed in relation to the other offending issues and thus the objections which we voiced in relation to application numbers EPF/0737/12, 0820/12 and 2131/12 remain essentially unchanged.

Our objections to the original application number EPF/0737/12 are repeated below for ease of reference. **[NB: These comments were made in relation to EPF/0820/12 – EPF/0737/12 relates to a different address.]**

*TBPC Comments on EPF/0737/12*

*'Recommendation: Strong Objection*

*When permission was originally given for a change of use on these premises from A1 to A3, it was a marginal decision given after careful consideration of the proposed plan for the restaurant. Regrettably, the restaurant has not been developed according to that plan. The change in the position of the kitchen has resulted in the external extractor duct being positioned on the side elevation of the building as opposed to the rear. This is unacceptable and has a direct impact on the amenity of the neighbouring apartments which overlook the premises. Residents in these apartments have complained about the food cooking smells which are being emitted.*

*We are also strongly opposed to the proposed outside seating at the front of the premises. This will have a detrimental impact on the neighbouring residential properties due to potential noise. The nature of the buildings in Forest Drive being tall on both sides of the road tends to funnel and amplify any noise. Although the Belgique has seats outside their property on the opposite side of the road, these premises close at 5.30pm whereas the restaurant opens at 5.30pm and closes at 11pm.*

*The internally illuminated signage at the front of the property is also at odds with the other retail units in Forest Drive. This Council has consistently opposed internally illuminated signs in this part commercial part residential area of the Village and this policy has been respected by the other*

retail outlets. An internally illuminated sign was recently refused permission on the Bull Public House, which is close to the property in question, as it was deemed to be out of character in this part of the Village.

With regard to the rear conservatory, this is currently being used for storage and it is proposed that this will continue to be its main purpose. We do not believe that a conservatory is a suitable structure for storage in a commercial building.

Finally, on a more positive note we see no reason why the front canopy cannot be retained.'

## NEIGHBOURS

33 neighbours were consulted and the following responses were received:

11B FOREST DRIVE – Objection – loss of parking area to rear, concern with noise from extractor fan (not part of this application)

5 THE HEIGHTS – Objection – matter has been ongoing for two years, concern with noise and appearance of extraction unit, plans did not originally show a conservatory, issues of parking due to restaurant use (not part of this application)

2 THE HEIGHTS – Objection – do not want business to continue

### **Issues and Considerations:**

As this is an application for advertisement consent the only issues that arise with this application relate to the impact on amenity and impact on public safety.

- Amenity
- Impact on Public Safety

#### Amenity

The application site is within a small parade of shops, forming a commercial area close to other restaurants, Pubs and the Underground Station. The signage is considered in proportion to the existing shopfront and streetscene and the lighting is considered acceptable given that the illuminance levels are less than the recommended maximum for a rural or small village location. In addition canopies are a relatively common feature within the immediate vicinity. The signage is therefore not considered to have a detrimental impact on the general amenity of the area.

The reference by the Parish Council to an application at the Bull Public House, although no application reference is provided, is presumably a 2010 refused application for illuminated signage which was refused on the basis that the signage would detract from the historic character of the listed building and in this case is not considered comparable.

#### Impact on Public Safety

The signage is located on a building that is set back from the main highway, behind a parking area. It is not considered that the signage will have a negative effect on public safety, particularly that of highway safety.

### **Conclusion:**

This retrospective application for advertisement consent is, given the above, considered acceptable development and approval is 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)**

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1053/13
<b>SITE ADDRESS:</b>	Cloverleaf Pig Meadow King Street High Ongar Essex CM5 9QZ
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr J Roberts
<b>DESCRIPTION OF PROPOSAL:</b>	Mixed use of existing building for the breeding of fish, the storage of products related to the breeding of fish, the assembly of aquatic filtration systems, and the retail sale of fish and fish related products.
<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=549830](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549830)

**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: 3130/1C
- 3 The mixed retail and wholesale fishery use hereby permitted shall not be open to customers / members outside the hours of 7.30am to 6.30pm on Monday to Friday and 8am to 1pm on Saturdays with no opening permitted whatsoever on Sundays and Bank/Public Holidays.
- 4 The premises shall be used solely for retail and wholesale in relation to the fishery onsite and for no other purpose in the Town & Country Planning (Use Classes Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

*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 site is an existing fishery on the junction between the A414 and King Street in Ongar. The site is an established ornamental carp business with existing ponds and lake and building used for stock and wholesale purposes. The premises currently supplies wholesale businesses and have permission to extend the existing sales building under EPF/2603/11.

The site is within the Green Belt.

### **Description of Proposal:**

This application seeks planning permission to change the use of the premises to permit retail sales in addition to wholesale. The applicant alleges the mixed use of the site would increase business turnover, which would mitigate recent loss in business as a result of the economic down turn.

A mixed use would permit the applicant to sell dry goods associated with ornamental carp sales to assist the business.

There would be no change to parking, layout or buildings as a result of this application.

### **Relevant History:**

AGR/EPF/0893/02 – Agri determination for formation of 9 fish ponds – PP required and granted  
AGR/EPF/2121/03 – Agri determination for erection of fish hatchery – PP required and granted  
EPF/0939/07 – Agri determination for erection of fish hatchery – Withdrawn  
EPF1017/10 – Extension to existing steel farm building – Refused  
EPF/0139/11 – Erection of agriculturally tied accommodation for key worker – Refused  
EPF/1157/11 – Extension to existing steel framed fish farm building (revised) – Refused  
EPF/2603/11 – Construction of 9 fish ponds and extension to existing building - Approved

### **Policies Applied:**

#### **Adopted Local Plan and Alterations**

The following policies have been found to be compliant with the NPPF. Policy GB2A is generally compliant with the NPPF except we should now consider impact to the openness of the Green Belt when assessing agricultural buildings in addition to the usual criteria.

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
GB2A – Development in the Green Belt  
GB11 – Agricultural Buildings  
ST4 – Highways Considerations  
ST6 - Parking  
LL11 – Landscaping Schemes

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

### **Summary of Representations:**

10 neighbouring properties were notified and no responses have been received.

HIGH ONGAR PARISH COUNCIL: No objection to the expansion of the business, but object to the application on the basis King Street cannot handle the increased volume of traffic that will be

generated by a retail business operating from the premises. The Parish feel a separate entrance to the site off the A414 should be provided.

**HIGHWAYS:** The Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 and ST6 of the Local Plan.

**Informative:** The site is served by an existing access off of King Street that provides good visibility and geometry for all vehicles using it. The proposal will in no way have any detrimental effect on highway safety, capacity or efficiency at this location. The Highway Authority would object in the strongest possible terms to a new access being formed, as part of this proposal, onto the A414 which is classed as a Strategic Route (the highest priority route in the County) on ECC's DM Route Hierarchy.

### **Issues and Considerations:**

The main issues to be considered are the principle of the proposed change to a mixed use on site, and any associated impacts to street scene, neighbouring amenity, highways and landscaping.

As a change of use only there would be no physical development to impact on street scene or neighbouring properties. Additional impact to neighbouring properties could only arise from an increase in movements within and around the site. The number of wholesale visitors is not restricted, there is a significant provision of parking on the existing site, served by a good access, there is no concern regarding the safety of additional movements onto and around the site. The visitors will be well separated from neighbouring properties on the opposite side of the road so that noise and disturbance should not arise and landscaping would be unaffected.

The proposed change of use would assist an existing business in the District to remain, a business that would be considered a rural enterprise. The proposals are considered acceptable in relation to Local Plan policies and the NPPF and approval is recommended subject to a condition restricting opening hours to those indicated on the application form and a restriction that retail use shall relate to the fishery business only and no other retail at any time whatsoever to prevent additional retail businesses locating to the site.

### **Conclusion:**

In light of the above appraisal, it is recommended that the mixed use be allowed subject to a condition restricting the hours use.

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

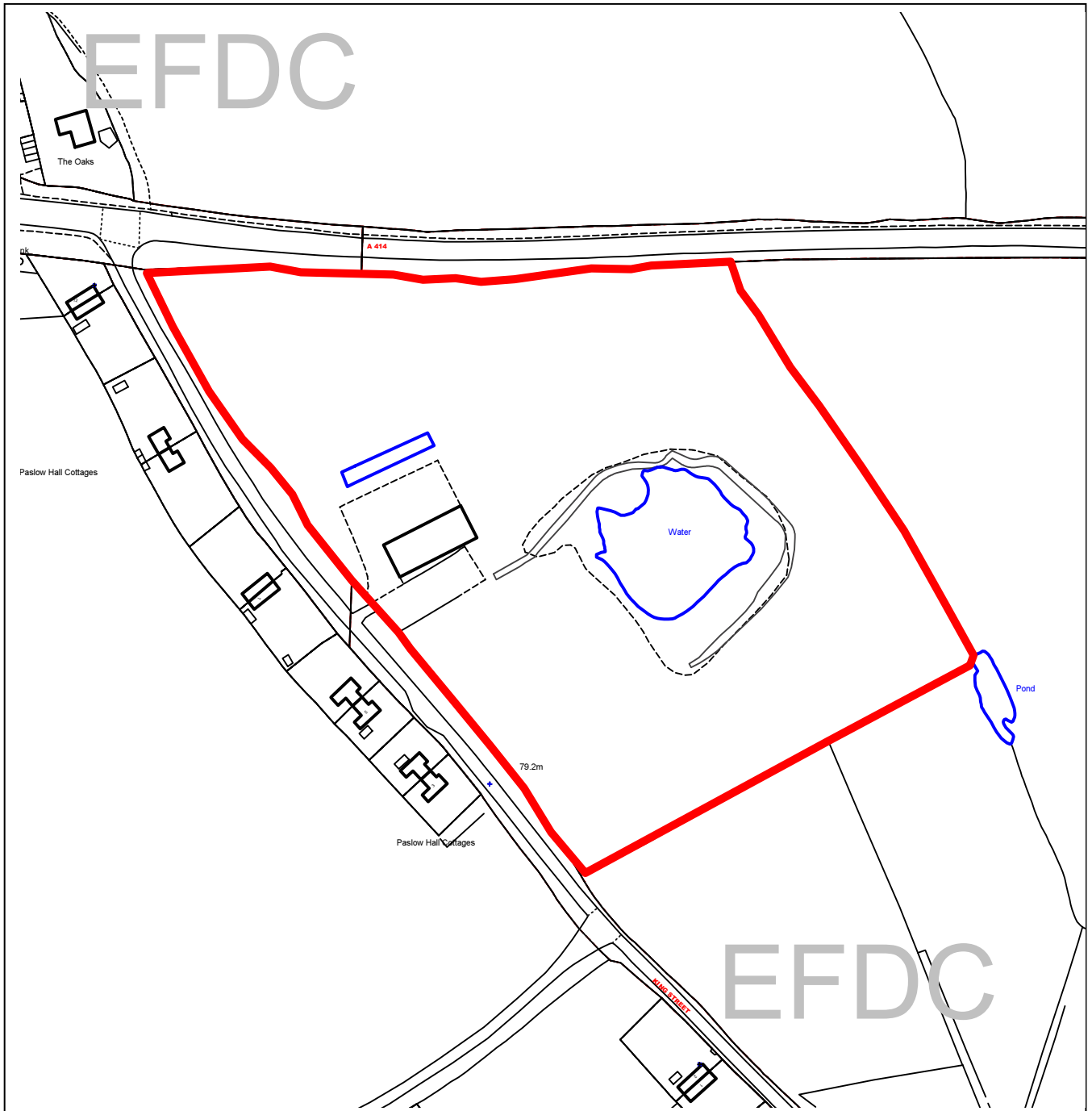
***Planning Application Case Officer: Jenny Cordell  
Direct Line Telephone Number: (01992) 564481***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/1053/13
Site Name:	Cloverleaf Pig Meadow, King Street High Ongar, CM5 9QZ
Scale of Plot:	1/2500

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1073/13
<b>SITE ADDRESS:</b>	14 Bury Road Epping Essex CM16 5EU
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Alex Hayward
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and construction of three storey 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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=549891](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549891)

**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 drawing no. 1306/02 and the Existing ground floor plan (un-numbered).
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevations and roofslopes 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 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application forms, unless otherwise agreed in writing by the Local Planning Authority.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no first floor rear extensions generally permitted by virtue of Part 1, Class A 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 site is a detached bungalow located on the southern side of Bury Road, Epping. The existing bungalow is neighbored on both sides by two storey properties. Whilst there are some bungalows within Bury Road, the predominant built form is two storey dwellings or one-and-a-half storey chalet bungalows. The road contains a mix of semi-detached and detached properties varying in footprint, size and overall design.

**Description of Proposal:**

Permission is being sought for the demolition of the existing bungalow and erection of a new two storey detached dwelling (with an additional second floor within the roof space). The proposed dwelling would be a maximum of 12m deep and 9m wide with a partial cat slide gabled roof to a ridge height of 9.3m.

**Relevant History:**

None

**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  
DBE9 – Loss of Amenity  
ST4 – Road safety  
ST6 – Vehicle Parking

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

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

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

TOWN COUNCIL – Object to this application because it represents yet another loss of a valuable bungalow, but also the location and height of the dormer windows will result in very intrusive overlooking of the private amenity space at number 12.

12 BURY ROAD – Support the application as the design of the new dwelling will add some interest to the townscape, without jarring as there is already some variety in the house design in the street. We particularly like the '3 storeys in 2' layout. The applicant has assured us that the builders will take all reasonable steps to minimise the impact during construction.

## **Main Issues and Considerations:**

The main issues in this application would be the design and impact on the street scene and amenity considerations.

### **Design/impact on street scene:**

The locality of the application site consists of a varied mix of detached and semi-detached dwellings of varying size and design. The predominant house type in Bury Road are two storey dwellings, however bungalows and one-and-a-half storey chalet bungalows are also present. The application site is one of the few bungalows within this street with the immediately adjacent neighbours, along with those beyond and those opposite, being full two storey dwellings. The proposed new dwelling, whilst incorporating habitable space within the roof area, would have a reasonable ridge height of 9.3m that would be in line with No. 16 Bury Road and marginally lower than No. 12 Bury Road. Due to this it is not considered that the introduction of a two storey dwelling in this location would be detrimental to the overall appearance or character of the street scene.

The Town Council have in part objected to the application due to “*yet another loss of a valuable bungalow*”, however there are no Local Plan policies that support the retention of bungalows (or any type of housing) and no such guidance contained within the NPPF. The replacement of the existing bungalow with a dwelling would not be detrimental to the character or appearance of the street scene in this location, and as such it is not considered that this is a valid planning objection. Although the concerns of the Town Council are understood (assuming that the concern centres around the loss of elderly friendly housing), the requirements of Building Regulations combined with the voluntary Lifetime Homes Standards ensure that new dwellings are usable and adaptable for use by all ages and abilities of future occupants. The design of this proposal has incorporated level access to the dwelling, wheelchair width doorways and adaptable rooms to allow for ground floor bedrooms and bathrooms to be installed.

The general design of the proposed dwelling is fairly modern and would utilise a mix of brickwork, render and timber boarding. The front elevation would incorporate a modern bay window and other modern features. Whilst the proposed dwelling would appear quite different to the neighbouring properties, Bury Road contains a mix of type, size and styled dwellings. As such, it is considered that a modern designed property such as that proposed would be acceptable in this location

The dwelling would retain a 1m gap between each flank wall and the side boundaries, as is required for detached dwellings to protect against any form of terracing effect.

### **Impact on amenity:**

At present the existing bungalow extends beyond the rear of both neighbouring dwellings. The proposed new dwelling would not extend as far into the site as the existing bungalow, however it would nonetheless still extend beyond the two storey rear walls of the adjacent neighbours by approximately 3m (although it would not extend beyond the neighbours single storey rear projections). Notwithstanding this the proposed new dwelling would not encroach within 45 degrees of the closest rear windows of the neighbouring properties, and given the gaps retained between the new house and the presence of the neighbours rear projection, the proposed development would not detrimentally impact on the amenities of either of the neighbouring residents. Whilst the neighbouring properties do both contain flank windows facing the application site these are largely secondary windows or are located so as not to be unduly harmed by the proposal. It is also worth noting that correspondence was received from the residents of No. 12 Bury Road supporting the proposed development.



The Town Council have objected in part because they believe that “*the location and height of the dormer windows will result in very intrusive overlooking of the private amenity space at number 12*”. There are in fact no dormer windows proposed on the new dwelling, although there are a number of rooflights located on the catslide roof facing No. 12. The majority of these rooflights would serve as high level windows above the vaulted ceilings of the kitchen and dining room, and would therefore be located 3.4m above the floor level of the rooms to which they serve. There would nonetheless be some windows that would serve stairwells/lobbies and a dressing room. These windows would be set lower in the rooms to which they serve and could cause limited overlooking of the neighbour’s property. However the standard obscure glazing condition could be added to ensure that any windows (or parts thereof) that are lower than 1.7m above the floor level of the room they serve would be obscured and have fixed frames, which would protect against any loss of privacy.

*Other matters:*

The access and parking arrangements for the site have not changed as part of this development, and the redevelopment would increase the size of private amenity space available (due to the smaller footprint of the new dwelling).

**Conclusion:**

The proposed development would not be detrimental to the character and appearance of the street scene or to the amenities of neighbouring residents. As such the application complies with the relevant Local Plan policies and is recommended for approval.

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

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

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/1073/13
Site Name:	14 Bury Road, Epping CM16 5EU
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1115/13
<b>SITE ADDRESS:</b>	19 Forest Grove Woodside North Weald Bassett Epping Essex CM16 6NS
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs Lynne Peck
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new two-storey, three bedroom house on vacant land adjoining 19 Forest Grove.
<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=550070](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550070)

**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: 384\_02 and the submitted location and block plan.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Materials to be used for the external finishes of the proposed development, shall match those of the existing house on site, No19 Forest Grove, unless otherwise agreed in writing by the Local Planning Authority.
- 5 The proposed window opening serving the first floor shower room shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 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.
- 8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 9 Parking space for two vehicles shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents vehicles thereafter.
- 10 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be provided prior to the commencement of development. The cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 11 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 12 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 14 Details of the proposed screen wall or fencing along the side boundary between the site and No19 Forest Grove shall be submitted to the Local Planning Authority for approval. The scheme shall proceed in accordance with the agreed details.

*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 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:**

Forest Grove is a relatively small development of new dwellings situated in Thornwood on the main route from Epping to the M11 roundabout. Thornwood forms an enclave of dwellings and commercial units and as such most of it is outside the locally designated Green Belt. Forest Grove is not part of the Green Belt and as such neither is the application site. The part of the development containing No19 forms a linear row of houses facing the road. Each property has an integral garage/car port, is two storeys in height and forms a terrace. There are a number of individual dwellings opposite the application site and a dwelling straddles the rear boundary. The site is located in the side garden area of No19.

**Description of Proposal:**

The applicant seeks consent to construct a new dwelling attached to No19 Forest Grove. This dwelling would continue the terrace into the current side garden area. As such it would be two-storey with a gabled roof with a two storey rear return to match existing. Parking would be provided by way of a car port to the side of the house. The residential unit would contain three bedrooms and would be served by a rectangular area of amenity space at the rear.

**Relevant History:**

This is the first planning application relating to the application site. The original approval for Forest Grove was as follows:

EPF/1860/05 - Demolition of existing public house and erection of 20 no. houses, access, parking and landscaping. Grant permission with conditions - 13/01/2006.

**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 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:**

PARISH COUNCIL: Objection. The Parish Council objects to this application on the grounds that it is “garden grabbing”, lack of private amenity space, overdevelopment and cramped streetscene. The applicant says there are no trees on the site when they can clearly be seen from the street and aerial photographs.

9 neighbours consulted: 6 replies received.

9 WOODSIDE: Objection. We believe the current layout of this development was to prevent overlooking of our dwelling. The proposed layout of parking is likely to lead to vehicles waiting on the roadway which will exacerbate safety concerns that already exist in the area. Quite a number of the houses in the Forest Edge estate have been built using this arrangement and in a lot of cases the spaces have been replaced by conservatories. Vehicles parked on the pavement totally obscure our view making it very dangerous to exit our property. Concern that the private amenity space provided is inadequate and will be overlooked and overshadowed by our property. We believe the development will lead to a loss of outlook from our property and will visually dominate it. We believe our conservatory and main bedroom will be overlooked. Concern that the approval of this scheme will infringe on human rights which legislate for the peaceful enjoyment on one’s property.

11 WOODSIDE: Objection. Concern about road safety from the increase in parking. This is already an issue because of the existing excessive volume of traffic and this development will lead to an increase in parking on footpaths. The use of the road by heavy goods vehicles has led to cars being parked on the footpath and this is a concern to young mothers with pushchairs. Unless something is done about this we are concerned this could lead to a fatal accident.

13 WOODSIDE: Objection. Concern this development will lead to parking and road safety issues. Cars are regularly parked on the roadway making it difficult to enter and exit our property. We believe the approval of another house could lead to a serious accident.

16 FOREST GROVE: Objection. I live at 16 Forest Grove and would strongly object to this on the grounds that we have a big parking issue for all the houses along Forest Grove, Woodside and adding another 3 bedroom house in what is a tiny space of land as it is will only add to the problem.

17 FOREST GROVE: Objection. Woodside is a small road that is used regularly by many cars and heavy trucks. It is often congested due to vehicles using it as another route into Epping when the main road is busy or there are traffic issues on the M11/ M25. In addition, large trucks use this part of the road often (many times an hour during weekdays and Saturdays) to drop off or pick up heavy scrap metal loads from the wreckers yard opposite Duck Lane. Woodside has recently had the speed limit reduced from 40mph to 30mph, however this has done little to stop cars driving too fast. This is of particular concern as Forest Grove has a lot of families with young children. Woodside is already congested by existing owners' cars parked on the pavement. The tenants have 4-5 cars, and there are regularly 2-3 cars, just from the applicant's tenants of 19 Forest Grove parked there on any given day/night – parking over where the proposed driveway for the new house will be. If the new house is erected, as well as exacerbating the problem by adding

new cars from the tenants of the new construction, the new driveway will remove the ability for the existing tenants at number 19 Forest Grove to park where they do, meaning they will need to park elsewhere along Woodside. In addition the carport being proposed is the same size as the existing carports of the properties in Forest Grove - these have already been proven too small (mostly in width) to park even a medium-sized vehicle, which is why most owners need to park their cars on the street. Finally, there are already access and visibility issues - owners from number 9 and 11 Woodside have regularly come to me to ask not to park near 19 Forest Grove, as they are unable to exit their property safely as they can't see traffic on the street.

HOLLY COTTAGE: Objection. Concern that this proposal will overlook our dwelling and garden area, and lead to a loss of outlook from our property. The distance window to window of 9.0m is unacceptably close and a distance of 22.0m is usually advised. Concern about parking and road safety as the existing footpath is regularly blocked by vehicles. The existing garaging is totally inadequate for the purpose of parking. The proposed private amenity space is lacking and is not a suitable shape. Concern that the approval of this scheme will infringe on human rights which legislate for the peaceful enjoyment of one's property.

FERN COTTAGE: Objection. Concern that the amount of parking along the road would be exacerbated by this development. The parking on the one existing footpath is a real issue with regards to road safety with cars constantly parked along it. Adding another dwelling will increase the problems from this issue.

### **Issues and Considerations:**

The main issues that arise with this application relate to;

- Principle of the Development
- Design Considerations/Streetscene/layout
- Residential Amenity
- Highway Matters/Parking

#### *Principle of the Development*

It has been a core principle of the planning system in recent years to encourage the more efficient use of previously developed land. This Government drive was adopted into local policy with the 2006 Alterations document under Policy H2A which encourages the reuse of previously developed sites. The Parish Council has described this development as a "garden grabbing" scheme and as such should be resisted. It is the case that the sustainable drive in terms of brownfield developments did result in some inappropriate developments. As such the national guidance contained in the NPPF at paragraph 53 states;

*"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area"*

The local plan is currently being formulated but the position that is generally adopted is that the redevelopment of garden areas need not be inappropriate if the proposed scheme conforms to the general character of the area. In terms of appropriateness the development would have to comply with other adopted policy. This development has been designed as a continuation of an existing terrace of houses. From a design perspective this dwelling does not appear out of character with the existing streetscape. The NPPF requires local authorities to be mindful of developments in residential areas but a core principle of the document, paragraph 17, is to encourage the more effective use of land. In this instance the principle of this development must be acceptable. If in

compliance with other plan policies the scheme is appropriate as it is the more effective use of the site and conforms to the general character of the area.

### Design Considerations/Streetscene/Layout

As stated the proposed house would follow the form of the existing terrace. It would therefore not run contrary to the general appearance of the area. The two storey outshot on the rear would be a mirror image of such a characteristic on the host dwelling. The Parish Council has expressed concern that the house will result in a cramped streetscene. However it is not considered that the extension of the terrace would have this effect. The front boundary of this plot is double width and could accommodate this built form. There are no clear design grounds to resist this scheme.

The dwelling is a three bedroom house and local plan policy requires 80 sq m of private amenity space for such a proposal. It is established as part of this policy area that exceptions and reductions will be accepted in certain circumstances, including where the plot shape does not lend itself to meeting this standard on what is an otherwise acceptable development. Further, it has been a local practice to accept reductions if the area is well served by public amenity space. The applicant states that the site provides 79 sq m of amenity space, excluding the front garden area. However it is also stated that provision has been made for two parking spaces, cars parked in tandem. Allowing for two parking spaces there is approximately 72 sq m of private amenity space to the side and rear of the house. Although under the standard this is not by much, and as stated reductions are regularly accepted. It is accepted that some of the space is not particularly useable such as to the side of the house but it would make provision for typical amenity space uses such as storage. The main section of garden is triangular in shape but it would provide a sitting out area and is a useable space.

### Residential Amenity

The residential amenity of existing residents and potential future occupants of the development must also be assessed. Occupants of No9 Woodside have raised the issue of overlooking from their dwelling into the new residential plot. A front window on this dwelling at first floor level runs perpendicular to the side fence of the application site. At present there is a screen at this boundary under the neighbour's control. It is clear that there would be some level of overlooking from this window into any new garden area. However this to a certain extent is the current scenario. Overlooking would be more pronounced but it would be at an angle and the window serves a bedroom which would not be in constant use. The back section of garden would remain totally private. A vegetation screen along the inside of the boundary would address this concern and this would be at the new occupant's discretion to establish. It is not considered that overlooking would be such an issue as to warrant a refusal on this ground. As the new garden is north facing there would be no serious overshadowing.

The occupants of No9 have further concern that the scheme will result in loss of amenity through overlooking of their dwelling. First floor windows at No9 and the application dwelling would be set at an angle and any overlooking would not be excessive. Concern is also expressed about potential overlooking of the conservatory. This addition is at the rear of the dwelling and situated some 17.0m from the proposed rear wall. There is adequate separation distance to ensure overlooking would not be a serious concern.

A number of objections have also been received from residents on the opposite side of the road to the site. Concerns include loss of privacy and overlooking. The occupants of Holly Cottage point out that there would be a distance window to window of some 9.0m and this would be wholly inadequate. There is no policy to protect privacy to front elevations which by design face public space and cannot therefore be private. The layout of dwellings on this road forms a fairly typical residential street and distances between front elevations are standard in terms of enclosing the street. Some degree of mutual overlooking is expected in built up areas particularly through the



front of houses. Such an approach is in agreement with the Essex Design Guide, locally adopted Supplementary Planning Guidance. The new house is to the north of Holly Cottage and as such would not result in overshadowing. The garden is located to the side of the house, is a large area, and would not be excessively overlooked.

### Highway Matters/Parking

The applicant proposes two parking spaces parked in a tandem style with one under a car port. There is a distance of 10.0m from 1.0m beyond the front elevation to the back edge of the living/dining area and this is adequate to park two vehicles. It is recognised that the issue of parking and road safety is clearly of concern to local residents. There is some unease with the idea of more vehicles parking along the existing footpath. In this regard the Council has consulted the Highways Section of Essex County Council in relation to the proposed scheme. The advice received is that the proposed development would be acceptable from a parking and road safety viewpoint. Two off street parking spaces are provided for the new dwelling and the donor property retains 2 spaces for its own use, and this meets adopted standards. Parking along this road on the footpath is evident but it is not considered that the development will seriously increase this practice, which is really outside the control of the planning process. The concerns about road safety are noted but the addition of one house, acceptable in planning terms in all other aspects, will not result in a more hazardous stretch of road. Essex County Council highways advise that access to the site is adequate and no different to similar entrances along this stretch of the road. Neighbours have stated that the car ports will not be used but there is no evidence to support this claim and the site visit did confirm the parking of vehicles in car ports.

### Conditions

It is deemed necessary to remove permitted development rights for classes A, B and E of the permitted development regulations. The Contaminated Land Officer has suggested the full set of conditions on this issue but the site has been a residential garden for some years now and the advisory condition is deemed more appropriate. The site is within an Epping Forest Floodzone and as such a flood risk assessment, agreed by condition, is necessary. A condition requiring retention of the parking spaces is also proposed.

### Conclusion:

The proposed development would result in the more efficient use of land which is in compliance with both local and national policy objectives. The design is acceptable and would not appear out of place within the existing streetscene. There would be no serious impact on the amenities of neighbouring residents or future occupants of this property. The concerns of neighbours in relation to parking and road safety are noted but it is not considered that this scheme would have any serious impact on the existing road network at Woodside and adequate parking is provided. Suitable conditions controlling materials and future development at the site are deemed necessary and such provisos would render this development acceptable in planning terms. 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:***

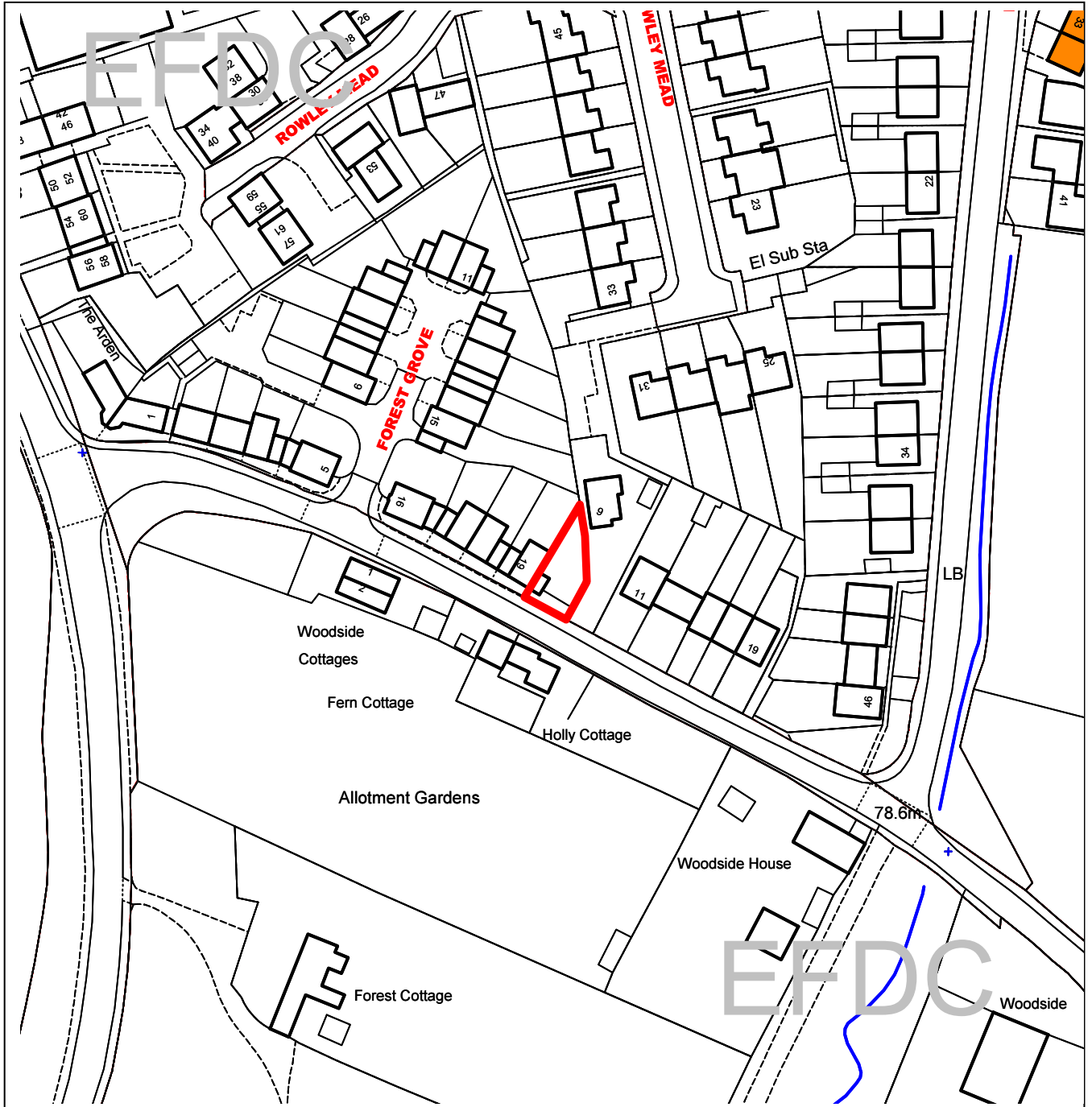
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

***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>10</b>
Application Number:	EPF/1115/13
Site Name:	19 Forest Grove, Woodside North Weald Bassett, CM16 6NS
Scale of Plot:	1/1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1162/13
<b>SITE ADDRESS:</b>	Threshers Hastingwood Road Hastingwood North Weald Essex CM17 9JS
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	RVL Properties LTD
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for existing commercial skip site to be redeveloped to 10 dwellings.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=550311](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550311)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) scale;
    - (iii) appearance;
    - (iv) access; and
    - (v) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 No development or preliminary groundworks of any kind shall take place until the applicant/developer 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 by the Planning Authority.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

- 5 No development shall take place until details of the landscaping of the site, including retention of trees and boundary vegetation and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.
- 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 occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.
- 8 All parking within the development shall accord with the Parking Standards Design & Good Practice September 2009, including visitor provision and bay sizes.
- 9 Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained thereafter.
- 10 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to

throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 13 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]
- 14 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]
- 15 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]

- 16 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.
- 17 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.

**And subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act, (within 3 months of the decision) to secure a contribution of £100,000 towards the provision of affordable housing within the District.**

*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 former commercial skip site located on the south eastern side of Hastingwood Road at the end of a small linear residential development of some sixteen dwellings. To the south west are further detached dwellings, which are separated from the site by a field. To the immediate rear of the site are open fields.

The site covers an area of some 0.3 hectares and is predominantly covered in hardstanding. There is bunding and coniferous planting along the boundaries and until recently areas of waste storage and HGV parking, along with existing buildings could be seen within the site. The site is located in a rural Green Belt location, although it is in fairly close proximity to the M11 motorway and outskirts of Harlow Town.

### **Description of Proposal:**

Outline application to redevelop the existing commercial skip site to a development of ten residential units, plus associated car parking, cycle and bin storage. Although the proposal is for outline consent, the indicative street scene shows the dwellings as three storeys in height (incorporating the roof areas).

The indicative site plan shows the properties laid out as a terrace of three properties and a single larger detached property fronting onto Hastingwood Road, with a further terrace of three properties and three detached properties located within the site. The site would be served by an internal access road leading through the site and there would be two parking spaces per unit located off of this road. It must be noted however that the proposed site layout is purely indicative.

### **Relevant History:**

EPO/0092/60 - Use of building for wholesale distribution depot – refused 05/04/60  
EPF/0015/77 - Outline application for offices and stores on site of existing – refused 14/01/77  
EPF/0569/77 - Proposed extension to existing building to provide toilet block – approved/conditions 23/06/77  
EPF/1046/77 - Erection of office extension – approved 03/10/77  
EPF/0144/85 - Formation of service road on agricultural land – refused 01/04/85  
EPF/1491/86 - Erection of detached office building – approved/conditions 09/03/87  
EPF/1248/87 - Change of use of agricultural land to haulage depot – refused 11/09/87  
EPF/0899/89 - Change of use of agricultural land to haulage depot – refused 23/06/89  
EPF/1399/89 - Temporary office accommodation (portakabin) – approved 03/01/90  
EPF/1400/89 - Raising existing skip rubble bin by 450mm – approved 03/01/90  
EPF/0856/94 - Reposition of existing waste transfer compound and sand and ballast bins within site – approved/conditions 31/10/94  
CM/EPF/0003/95 - Temporary portacabin office, weighbridge, weighbridge office and toilet – approved 20/10/95  
CM/EPF/1197/96 - Change of use from open space to B2 industrial, diesel tank reposition and additional waste compound (County matter) – approved 14/01/97  
EPF/0943/98 - Installation of a wood burning combination unit (including 10m high chimney) for heating existing workshop building – refused 26/10/98  
EPF/1629/98 - Installation of a wood burning combustion unit (including 10m high flue) for heating existing workshop (Revised application) – refused 15/02/99 (appeal dismissed 16/08/99)  
EPF/1293/04 - Retention of a palisade gate and fence – refused 23/08/04  
EPF/1294/04 - Retention of change of use of agricultural land to commercial – refused 23/08/04  
EPF/0902/07 - Change of use of disused former agricultural land to storage as part of existing waste transfer station and retention of metal palisade security fencing and gates – refused 18/07/07 (appeal dismissed 18/07/07)  
EPF/0739/10 - Existing commercial skip site to be redeveloped into 14 residential units – approved/condition (subject to a S106 Agreement) 30/09/11

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
H2A – Previously developed land  
H3A – Housing density  
H4A – Dwelling mix  
H5A – Provision for affordable housing  
H6A – Site thresholds for affordable housing  
H7A – Levels of affordable housing  
H9A – Lifetime homes  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt

DBE6 – Car parking in new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
RP5A – Adverse environmental impacts  
LL11 – Landscaping schemes  
I1 – Planning obligations

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

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

6 neighbouring properties were consulted and a Site Notice erected on the front fence of the site on 28/06/13.

PARISH COUNCIL – No objection, however it would like to see the Section 106 monies which were originally placed on this application for affordable housing come to the Parish Council in order it can be 100% used towards the renovation of Hastingwood Village Hall.

FOREBURY HOUSE, PARIS HALL FARM – Concerned that they received no consultation despite being the immediately adjacent land owner and as there is a boundary agreement with the applicant stating that a specific fencing is used in addition to mature planting, which is not proposed as part of this application.

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

The main issues relate to the impact on the Green Belt, the impact on the character of the area, impact on neighbouring amenity, highways issues, and need for affordable housing.

#### Green Belt

The NPPF states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst others):

*Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.*

The site is an established business use that clearly falls within the definition of Previously Developed Land. As such, in principle the redevelopment of the site may be acceptable within this Green Belt location. Furthermore, there is an extant planning approval for the erection of fourteen dwellings on this site. The previous application was considered acceptable as there were sufficient very special circumstances that outweighed the harm from the, then inappropriate, development. This was primarily due to the removal of the un-neighbourly and harmful skip hire business on the site.

The site has been marketed with the previous consent for 14 two bed houses, however no developer or housebuilder has been suitably interested as they do not consider the housing number and mix viable. Therefore fewer dwellings are being sought that would provide a better potential mix of houses, which is stated as a more viable option. Notwithstanding the reduction in number of houses, the £100,000 financial contribution for affordable housing is still being offered. As the development is now for less houses than previously approved, and the NPPF now allows



for the redevelopment of brownfield sites such as this, the current proposal is considered appropriate in this location.

### Effect on the Visual Amenity of the Green Belt and the Character of the Area

The application site is a large plot adjacent to a linear residential enclave within this rural Green Belt location. The existing site is predominantly covered in hardstanding and previously contained unsightly commercial buildings, open storage, and HGV parking. Whilst there is substantial screening along the boundaries of this site it was previously concluded that the existing use and appearance of the site does not complement or enhance the appearance of this Green Belt countryside location.

The reduction in the number of dwellings would be more characteristic to this small built up enclave and the use of a mix of both small terrace properties and larger detached dwellings would be more reflective of the built form of the surrounding area (particularly with regards to the site frontage as shown on the indicative street view). The proposed reduction in the number of houses would result in the density of the scheme dropping from 42 dwellings per hectare to 33 dwellings per hectare, which still falls within the recommended 30-50 dwellings per hectare as set out in policy H3A.

Whilst this application is simply for outline consent and the proposed street view is only indicative, the design currently shown for the properties is similar to that previously approved and adequately reflects the house style of the locality.

Additional landscaping would also be sought as part of this development, which would include boundary planting and trees within the communal parts of the site (i.e. the parking areas). This would help to off-set the extent of built form and hard-surfacing.

### Impact on amenity

As this application is for outline consent the submitted site plan is purely indicative. However, as the site was previously allowed for redevelopment for fourteen houses, ten houses could easily be accommodated without causing any further loss of amenity than that previously approved. Furthermore, the loss of the skip hire company was previously considered to be of great benefit to the neighbouring residents.

Although the redevelopment of the site to ten dwellings would still result in a relatively high level of vehicle movements, this would be domestic activity that would be far less harmful to the amenity of neighbours than the existing lawful usage and would be less than the previously approved fourteen house scheme.

### Highway Issues

The use of the site for ten residential properties instead of the previously agreed fourteen would result in a reduction in vehicle movements over the previously approved scheme. As such, there would be no further impact on the highway as a result of this proposal.

The indicative site plan currently shows 20 parking spaces for the ten dwellings. Whilst this is slightly less than required by the Essex County Council Vehicle Parking Standards (2009), which would also require three visitor parking spaces, it is felt that adequate space exists on the site to accommodate the required parking provision.

### Sustainability

The site is not a particularly sustainable location for new development, in that any residents are likely to be heavily reliant on the private car for their everyday needs, however this application would result in less trips than both the extant permission and the lawful use of the site as a commercial skip site. Furthermore, there are bus stops within the surrounding area with links to the main town centre of Harlow (Monday to Friday every 15 minutes) and the Hastingwood Community Hall is within walking distance.

### Affordable Housing

The proposal does not include any provision for affordable housing on site. Policy H7A states that where the population of a settlement is less than 3,000, and in conjunction with Policy H6A(ii), affordable housing should be sought as follows "a) 50% of the total of new dwellings on a Greenfield site; b) on a previously developed site 33% where an application is made for 3 units and 50% for applications of 4 or more new dwellings". Therefore on a scheme such as this, which is on previously developed land and has a net increase of 10 dwellings, 5 units should be made available as affordable housing. Despite the requirement for on-site affordable housing it was previously agreed that the provision of a £100,000 financial contribution for off-site affordable housing was acceptable on this site. Despite the reduction in the number of units proposed, the applicant is still willing to provide £100,000 financial contribution. As such, this is still considered to be acceptable.

### Other Issues

The Parish Council has suggested that the £100,000 financial contribution should go to them instead of being used for affordable housing, so that Hastingwood Village Hall can be renovated. No further justification regarding this request has been provided. Given that this application is an amended scheme to that approved in 2010, which required the fully justified financial contribution towards affordable housing, this money should remain for this purpose. No additional contribution towards community facilities (or any other purpose) was previously sought for the larger development, and therefore any additional financial contributions requested on this amended application would be unreasonable.

The site, given its previous use, is potentially contaminated and there is a need for additional surveys to be carried out and potential remediation work, but this can be adequately controlled by a planning condition.

The application site has been identified as having potential archaeological implications. Historic Environment Records show that the proposed housing development lies at a short distance to the north of the medieval moated site of Paris Hall, now part of Paris Hall Farm (EHER 3724). The proposed development is also sited close to a former Chapel of Ease, adjacent to Church Farm, and fronts onto the medieval or later Hastingwood Road. Taking into account the disturbance caused by the proposed development and the potential for surviving archaeological remains associated with medieval settlement activity along Hastingwood Road, a condition regarding archaeological work is required.

The development is of a size where it is necessary to avoid generating additional runoff and should improve existing surface water runoff. As such a Flood Risk Assessment is required for these works, which can also be covered by a condition.

The neighbour at Forebury House was not consulted by letter as their residential boundary is nearly 100m from the site. A site notice was erected and they were clearly aware of the application. Their concerns regarding a boundary agreement are not relevant to the determination of this outline application.

**Conclusion:**

The proposed development would constitute the redevelopment of a previously developed (brownfield) site and would be for less houses than the extant planning permission for the site. As the benefits of the scheme are the same as those previously considered sufficient the balance of issues continues to weigh in favour of the proposed development. As such, subject to an appropriate reserved matters application, suitable conditions, and £100,000 financial contribution towards off-site affordable housing, the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval.

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

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

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>11</b>
Application Number:	EPF/1162/13
Site Name:	Threshers, Hastingwood Road Hastingwood, North Weald, CM17 9JS
Scale of Plot:	1/1250