

## AREA PLANS SUB-COMMITTEE 'EAST'

Date 12 February 2014

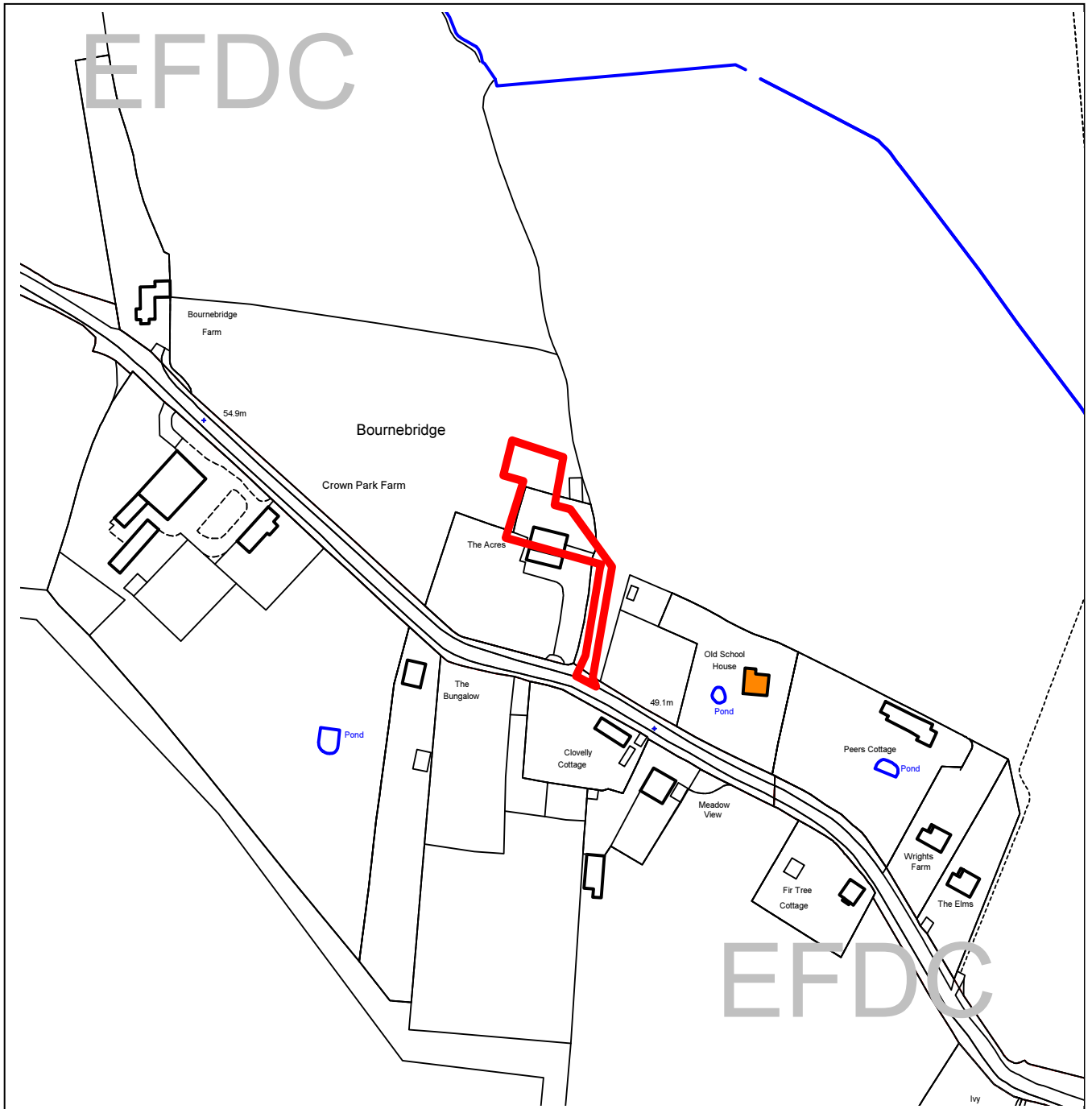
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/1683/13
Site Name:	The Acres, Bournebridge Lane Stapleford Abbots, RM4 1LU
Scale of Plot:	1/2500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1683/13
<b>SITE ADDRESS:</b>	The Acres Bournebridge Lane Stapleford Abbots Romford Essex RM4 1LU
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Mark Moseley
<b>DESCRIPTION OF PROPOSAL:</b>	Retention (with modifications) of agricultural building and erection of agricultural building. *** Revisions to building ***
<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=552731](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552731)

**CONDITIONS**

- 1 The proposed modifications to the existing barn hereby approved including:
  - Replace every second tile with a ventilation tile
  - Knocking out of breeze blocks along the top of the southern wall to increase ventilation along the eaves
  - Replace double doors on northern elevation with a gate
  - Open up the northern wall with a combined feed trough and stock barrier

shall be fully implemented within six months of the date of this decision notice and retained as such in perpetuity unless agreed in writing with the Local Planning Authority. All louvered and/or open elements of the building shall remain open and no glazing shall be inserted at any time.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: KCC1545/04 01/14/cb; KCC1545/01 08/13/cm; KCC1545/02 08/13/cb; KCC1545/03B 01/14/cb.
- 3 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 If within a period of 10 years of this decision the buildings cease to be used for the purpose of agriculture within the site the buildings shall be demolished and all resulting materials removed from the site.

*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 4.86 hectares plot situated to the north of Bournebridge Lane in the rural settlement of Stapleford Abbots. The site presently has two large barn styled buildings positioned back to back approximately 0.3 metres apart. The building nearest to the road is sited approximately 30 metres from the back edge of the road and is described as 'existing stables' and the building directly north of this is one of the two buildings which are the subjects of this application. A fence divides the site and to the east of the buildings.

The character of the area is rural with some sporadic pattern of ribbon development along the Lane. The whole site is within the Green Belt.

At the time of the site visit on the 3<sup>rd</sup> October 2013 there were approximately 10 cattle grazing the land, a further 13 cattle being reared in the existing building and 2 batches of fattening goats totalling 15 being reared in 2 of the existing range of 5 loose boxes in the 'stables' building.

### **Description of proposal:**

#### **Background**

This is a further revised application following two previous refusals under planning refs: EPF/0821/11 and EPF/2005/11 for the retention of a mixed purpose agricultural building that measures 17.6m x 8.52m x 4.7m to its ridge. The barn is to be used for foaling and calf rearing.

The building had already been erected and is nearly complete and for this reason, it was the subject of enforcement action and an enforcement notice was served and appealed against.

The requirements of the notice were to remove the building and all resulting materials from the land with the period for compliance set at three months from the date of the notice which was 1 February 2012.

The enforcement notice was appealed against and the appeal was dismissed on the 18<sup>th</sup> September 2012. The grounds for dismissal were:

- The agricultural justification provided by the appellant did not show that the building was demonstrably necessary for the purposes of agriculture as required by Epping Forest Local Plan policy GB11. The Inspector also felt that in light of that there was a clear risk the building could become redundant thereby leading to pressures for its re-use for other purposes that would not ordinarily justify a new building in this rural location. Therefore it constituted inappropriate development for the purposes of Local Plan policy GB2A

- As the building was not demonstrably necessary it would further erode the openness of the Green Belt and would conflict with Local Plan policies GB2A and GB7A and the NPPF.
- There were no very special circumstances to overcome the harm caused to the Green Belt.

The decision was subject to a High Court challenge, however this was refused and the enforcement notice became effective from the 24<sup>th</sup> May 2013. The building was to be removed from the land along with all materials within three months. The effective date was the 24<sup>th</sup> August 2013.

The current application was received by the Planning Department on the 9<sup>th</sup> August 2013, prior to the date of the building having to be removed. It was considered that sufficient changes had been made to the application in order to register the application. On this basis it was not considered appropriate to move to prosecution for non compliance with the extant enforcement notice until this application had been considered.

The proposal is for the retention (with significant modifications) of agricultural building and erection of an additional agricultural building.

The already erected building is now not to be used for calf rearing and foaling but for the winter housing of cattle. The proposed additional agricultural building would be for the storage of straw, hay/haylage and hard feed and also for the storage of a tractor and Bobcat for mucking out.

The barn to be retained measures 17.5m x 8.5m with a ridge height of 4.6m. This is sited immediately to the rear of the existing stable building fronting the road but approximately 30m back from it.

The site visit undertaken on the 3<sup>rd</sup> October 2013 shows that the building has already been modified to some degree in that black stained weatherboarding has been completed to three of the external elevations; all of the window openings have now been fitted with timber louvered vents and the single door to the northern elevation has been adapted, widened and fitted with a pair of timber framed and side hung doors.

Internally the building has been equipped with four electric fans located within the roof space to assist ventilation through louvered vents located in each gable end.

Internal moveable barriers provide an access and feed area immediately inside the double doors with the cattle loose in the remainder of the open span building.

The retained building (following some additional revisions during the life of the application) would be modified further from what has already taken place as follows:

- Replace every second tile with a ventilation tile
- Knock out some breeze blocks along the top of the southern wall to increase ventilation along the eaves.
- Replace the double doors with a gate.
- The opening of the northern wall with a combined feed trough and stock barrier.

The proposed additional barn would have three bays, measure 18.2m x 8.3 and 4.7m to the ridge and would be located approximately 14.5m to the north of the cattle barn to be retained. It would be constructed from corrugated metal sheeting, plastic coated and dark green in colour. It would be clad on three sides but with the southern elevation left open for ease of access for machinery.

With regards to the nature of the business, following difficulties securing planning permission for a calf rearing business, the scheme has been modified and it is now proposed that the building

would be used for the rearing of older cattle like the batch seen at the time of the site visit. This would form an ancillary part of the applicant's main business as a cattle trader involved in the purchase and selling on of finished and part finished cattle.

According further to the agricultural appraisal by Kernon Countryside Consultants submitted with the application, the majority of the cattle he buys he trades from one farm to another or direct to an abattoir but he also rears-on cattle himself and now wishes to expand that enterprise. He buys in cattle over the course of the year and keeps them at grass April-November and fed indoors November to April.

The buildings would be used in conjunction with this.

### **Relevant History:**

EPF/0193/76 Single storey building comprising 3 stables and hay store. Approved  
EPF/0972/77 Erection of hay store. Refused  
EPF/010/77 Erection of dwelling house. Refused  
EPF/0116/79 Erection of cattle sheds and covered storage area. Refused  
EPF/0856/80 Equipment store and hay store. Refused  
EPF/0272/03 Retention of field shelter for horses. Approved  
EPF/0821/11 Retention of building for calf rearing and foaling. Refused  
EPF/2005/11 Retention of building for calf rearing. (Revised application) – Refused and dismissed on appeal. The grounds are covered in the background section above.

### **Policies Applied:**

#### National Policy

NPPF

#### Local Plan

CP2 Protecting the quality of the built and natural environment  
GB2A Green Belt Policy  
GB7A Conspicuous Development  
GB11 Agricultural Buildings  
DBE1 Design of New Buildings  
DBE2 Effect on Neighbouring Properties  
DBE9 Loss of Amenity  
LL1 Rural Landscape  
LL2 Inappropriate Rural Development  
ST4 Road Safety  
ST6 Vehicle Parking

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

Number of neighbours consulted - 6

Site notice posted: Yes – erected on 22.08.13 but dated 23.08.13

Responses received: None

STAPLEFORD ABBOTTS PARISH COUNCIL: OBJECTION – The two previous Planning Applications EPF/2005/11, EPF/0821/11 mentioned calf rearing on the premises. The present Application uses the term 'agricultural' but is not specific. The land on which the buildings are situated would not warrant their use. Should the buildings be used for calf rearing or the housing of

animals then the Parish Council is concerned regarding 1. The noise and disruption to the nearby properties. 2. The smell and effluent disposal. 3. Security. 4. Lorries would be entering and exiting the entrance to The Acres is on a potentially dangerous and almost blind bend in Bournebridge Lane. 5. The Acres is next to a Grade II listed building - The Old School House.

### **Issues and Considerations:**

The main issues in this application are whether there is an agricultural need for the buildings, impact on the Green Belt, design and impact on the amenities of neighbouring properties.

#### **Agricultural buildings in the Green Belt**

This proposal includes the retention of a replacement barn. Although our records indicate a barn was in place by 2003, the size of the previous barn was smaller and its use was unknown. Planning history for this site does however show an application to erect a barn was refused in 1979 and a subsequent application was refused in 1980 for a barn at a similar location.

From this the assertion is whilst a building notice was approved for the build, planning permission was never approved for this unit and therefore the barn that was demolished never received planning consent, although if in place for more than four years it was immune from enforcement action.

The Council does accept that there was a building at this site because our records indicate a building was in place by 2003. This building has however; been demolished and this new larger building has been erected in its place.

In terms of Local Plan Policy, GB11 – Agricultural Buildings states that planning permission will be granted for agricultural buildings provided that the proposals:

- (i) Are demonstrably necessary for the purposes of agriculture within that unit;
- (ii) would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents;
- (iii) would not have an unacceptable adverse effect on the locality or, with regard to water quality and supply, any watercourse in the vicinity of the site;
- (iv) would not significantly threaten any sites of importance for nature conservation.

As stated above, following difficulties securing planning permission for a calf rearing business, the scheme has been modified and it is now proposed that the building would be used for the rearing of older cattle like the batch seen at the time of the site visit. This would form an ancillary part of his main business as a cattle trader involved in the purchase and selling on of finished and part finished cattle.

The building has already been modified to some degree in order to successfully house cattle although a Land Management Consultant employed by the Council to help assess the application initially felt that the proposal still fell short of the normal criteria for a building designed for the winter housing of fattening cattle due to lack of a sufficient opening, lower eaves and sloping floor.

However, an additional suggestion was made by the Council's consultant in order to significantly improve the suitability of the building for cattle rearing. The suggestion was to:

- Open up the northern elevation of the building which would overcome ventilation issues and provide better light and conditions for the cattle.

This would provide a more satisfactory solution to meet the applicant's objective of using the building for cattle rearing.

A revised drawing was received on the 5<sup>th</sup> November 2013 taking into consideration these concerns. The Council's consultant was shown these revisions and agreed that they were sufficient to meet the majority of the concerns he had raised in his report.

So, in order for the proposal to be demonstrably necessary it is essential that it is fit for purpose. Given the changes made, the Council's consultant considers that it would be better able to meet the appropriate criteria and would be suitable to meet welfare needs of the cattle.

In terms of the proposed hay barn, no objections have been raised to this as it appears more satisfactory in size and is something more akin to storage barns found on agricultural holdings.

The Council's consultant whilst agreeing that the revisions meet the majority of his concerns does point out that no other accounts or detailed information had been provided to identify the viability of either the applicant's main business or the subsidiary enterprise proposed at The Acres.

Local Plan Policy GB11 (Agricultural Buildings) states that

*"Planning permission will be granted for agricultural buildings provided that the proposals;*

*(i) are demonstrably necessary for the purposes of agriculture within that unit."*

Paragraph 5.53a goes further by stating that in order *"to satisfy criterion (i), the Council may require other details of any plan or strategy for the holding, similar to the requirements described in 5.35a above"*

Although paragraph 5.35a relates to Policy GB8A (Change of use or adaptation of buildings) the Local Plan considers it relevant to new agricultural buildings also and states, inter alia, that

*"The Council is aware of the need to protect the character and openness of the Green Belt from the adverse consequences of cumulative changes of use of a large number of agricultural or horticultural buildings typical of the urban fringe. Such proposals therefore must (i) form part of a sound strategy for the holding in which the buildings are located."*

Additional information has been submitted by the Applicant's Agricultural Consultant relating to this, however whilst this information has been provided there is no actual stipulation for this to be demonstrated under paragraph 28 of the National Planning Policy Framework, 'Supporting a prosperous rural economy' which argues that Local Plan policies should promote the development and diversification of agricultural and other land-based rural businesses.

However paragraph 28 does state that planning policies should support sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings.

Therefore it is considered that to be policy compliant the current proposal does need to be sustainable and in this context an assessment of the economics of the proposal are both relevant and appropriate.

The additional information submitted advises that cattle will be kept at The Acres typically for about 6 months before being sold on. They would be at grass for as much of the year as possible and only housed in the building when ground conditions are unsuitable or during the winter months. The land owned by the applicant at The Acres extends only to some 4ha and the greater part of



the land used for grazing, an additional 16ha, is rented although no details of the exact location or arrangements for tenure of this land have been given.

As the rudimentary budget indicates that of the 65 cattle it is proposed to finish, only about 25 will utilise the building and the greater number, approximately 40, will be finished off the grass. With only 4ha at The Acres the rented grassland is clearly a major component of the business.

Mr Moseley's main business as a cattle trader is also explained in a little more detail. We are told he buys between 50 and 100 cattle a week selling these on either to abattoirs or farmers for rearing on. Some of these transfers are undertaken directly from the livestock markets to the end user but in other cases, if the cattle are kept for a few weeks or months, they may be held either on land near Brentwood owned by his mother or on land in Dorset where his brother lives. The report states he currently has about 250 cattle spread over these two holdings.

The Council's Agricultural Consultant considers that whilst the overall details of Mr Moseley's main business are relatively sketchy and no accounts are provided, the information given suggests that the trading is on a reasonable scale.

The Acres effectively operates as a small scale 'stand-alone' enterprise which contribute to Mr Moseley's livestock income although operating on a semi-independent basis to his main livestock trading business.

Provided the enterprise performs broadly as indicated in the rudimentary budget The Acres has a reasonable prospect of enduring as a sustainable, if somewhat isolated entity, and as a part of Mr Moseley's overall cattle trading and rearing business.

It would be unlikely, as currently operated, to provide sufficient income to generate a living wage for an agricultural worker without the support of additional income from elsewhere.

Therefore given it is considered that the business has a "reasonable prospect of enduring as a sustainable, if somewhat isolated entity, and as a part of Mr Moseley's overall cattle trading and rearing business" it is considered that the proposal is broadly compliant with both paragraph 28 of the NPPF and criterion (i) of policy GB11 of the Local Plan and Alterations 2008.

Given the size and siting of both buildings and most importantly that it is considered to comply with criterion (i) of the policy it is not felt that either building would be contrary to the character and appearance of the locality or the amenities of neighbouring properties and would therefore comply with criterion (ii) of GB11.

In terms of criterion (iii) it is not considered that either building would have an unacceptable adverse effect on the locality or, with regard to water quality and supply, any watercourse in the vicinity of the site. No objections have been received from the Council's Land Drainage Team, however they state that the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. A Flood Risk Assessment (FRA) is required; therefore a suitably worded condition can be attached to any permission given. Although this condition wasn't suggested as part of the previous application (EPF/2005/11), given that this proposal now includes the erection of a new barn the condition is now considered necessary.

The applicant has no proposal to dispose of foul sewage. Further details are required. This can be dealt with by a suitably worded condition seeking the approval of foul drainage details.

In terms of criterion (iv) there are no known sites of importance of nature conservation in the vicinity that would be affected by the proposal.

Therefore, the proposal is considered to comply with the relevant criteria laid out in policy GB11 of the adopted Local Plan.

### Design and Landscape

The modifications already taken place and the proposed adaptations proposed as part of this application would mean that the barn would appear as, notwithstanding the tiled roof, a barn more akin to those used for cattle raising.

The proposed hay barn is of a more traditional form and would not appear out of keeping within a rural location.

The proposal is considered to comply with policies DBE1 and GB7A of the adopted Local Plan.

### Neighbours Amenity

The nearest neighbouring dwellings are:

Clovelly Cottage and The Bungalow: Approximately 60m from the buildings

Old School House: Approximately 90m from the buildings

Crown Park Farm: Approximately 100m from the buildings and

Bournebridge Farm: Approximately 180m from the buildings.

The existing and proposed buildings are set too far from neighbouring dwellings to materially impact on their living conditions in terms of loss of outlook, privacy, overshadowing, sense of enclosure or appearing overbearing.

The associated smell and noise that may be generated by the enterprise has not been objected to by the Council's Environmental Health Team and did not form a reason for refusal by the Council previously.

It is not considered that the neighbouring occupiers would be significantly adversely affected by any smell or noise from the proposal.

### Impact on Listed Building (Old School House)

The building is sited a considerable distance away from the listed building (approximately 90m) and as such it will not result in any harm to its setting. It has not formed a reason for refusal previously.

### Highways

Although the Parish Council object, inter alia, on the grounds that the site is on a potentially dangerous and almost blind bend, no objections have been received from the ECC Highways Engineer. The access already exists. The site can lawfully be used for agricultural purposes and it is not considered that the proposed development would result in a significant increase in traffic movements over and above that which could currently take place.

In addition, the applicant's Agricultural Consultant states that cattle related traffic will be, and is, very limited as the cattle are usually kept for many months.

The proposal is considered to comply with Local Plan policies ST4 and ST6.

Response to Stapleford Abbots Parish Council comments

Stapleford Abbots Parish council objects on a number of grounds as follows:

1. The noise and disruption to the nearby properties – this has been considered above.
2. The smell and effluent disposal – This has been partly considered above but in terms of the effluent disposal no objections have been raised by the Council's Land Drainage Team subject to a condition being added relating to the requirement for foul drainage details to be submitted and approved.
3. Security - The applicant's Agricultural Appraisal submitted with the application states that the cattle would need feeding once a day on average. They would need extra bedding once every 2-3 days on average. They would need checking for welfare at least daily and to check that water supplies remain good. The onus for any additional security measures is on the applicant and refusal on this basis could not be justified.
4. Lorries would be entering and exiting the entrance to The Acres is on a potentially dangerous and almost blind bend in Bournebridge Lane – this has been considered above
5. The Acres is next to a Grade II listed building - The Old School House – this has been considered above.

**Conclusion**

For the reasons laid out above it is considered that the development as amended and justified, on balance, meets the requirements of the adopted policies and is therefore recommended for approval 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:***

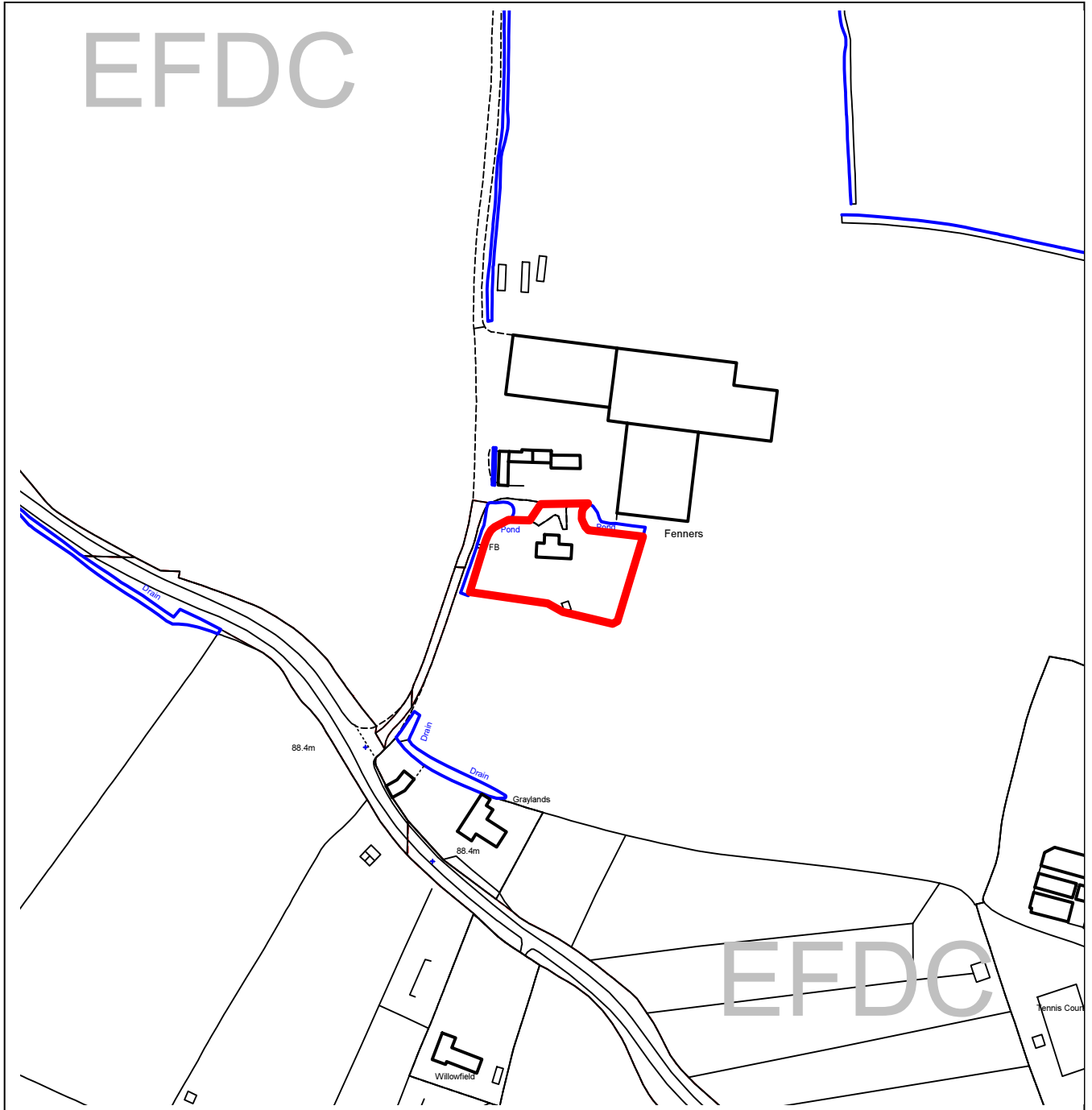
***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564109***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/1967/13
Site Name:	Fenners Farm, Workers Road Threshers Bush, CM5 0EB
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1967/13
<b>SITE ADDRESS:</b>	Fenners Farm Workers Road Threshers Bush Harlow Essex CM5 0EB
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Tom Padfield
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of side and rear extensions, addition of two storey extension and internal alterations. Outbuilding removed and driveway created.
<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=554233](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554233)

**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 area on the ground floor annotated as 'study', and 'porch/boots', shall only be used for purposes associated with agriculture, and shall not be used for residential purposes.
- 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 Class A, B, and E, of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee because the recommendation for approval is 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:**

An empty farmhouse located in a tree screened plot. The house lies in a rural location on an active farm known as Fenners Farm in Threshers Bush. A complex of large agricultural buildings, with yard, associated with this farm lie to the immediate north of the house. This section of Fenners

Farm covers 332 hectares, and together with other land parcels at Ongar and Stanford Rivers the total area of the agricultural unit is 861 hectares.

**Description of Proposal:**

Demolition of side and rear extensions, addition of two storey extension, and internal alterations to include a farm office and associated facilities. Outbuilding removed and driveway created.

**Relevant History:**

None.

**Policies Applied:**

GB2A – Development in the Green Belt  
DBE9 - Loss of amenity.

Policy DBE9 is compliant with the NPPF, and policy GB2A is generally compliant.

**Summary of Representations:**

MORETON, BOBBINGWORTH, AND THE LAVERS PARISH COUNCIL – The Parish Council initially objected to this application on grounds of overdevelopment in the Green Belt, as per NPPF policy para 89. However, at the time of writing this report the Parish have submitted revised comments which are - 'following a site visit by several Parish Councillors, and having been shown the slightly amended plans, this Parish Council wishes to amend its view to NO OBJECTIONS to the application.

NEIGHBOURS – 1 property consulted and no reply received.

**Issues and Considerations:**

This farm house has been previously occupied by a tenant farm worker for over 40 years and is now empty and in somewhat poor repair. It is proposed to refurbish and extend the house so that the farm manager and his family can live on the farm – they currently live in Ongar. This farm complex is a busy one with the growing and sale of potato crops being the main arm of the business.

The extensions to the house represent a 70% increase over the existing floor areas of the property. However part of the ground floor (27 sq.m) would be given over to a farm office and associated second porch and 'boot room'. This accommodation will not therefore be used for residential purposes and when this is taken into account the increase in residential floorspace is 55% over that of the existing house. The farm at present does have a general office but the proposed office will provide a more private space for meetings. The applicant is prepared to accept a condition that that this 27 sq m of floor area is used only in connection with the farm business.

There are other factors also that mitigate in favour of allowing this sizeable but not excessive 55% increase in the size of this dwelling. Firstly, the house will be occupied by the farm manager and his proximity to the farm will help in ensuring that a very large area of land will be maintained for agricultural use thus retaining the open character of the Green Belt. Secondly, the house lies in a position well screened by trees in a plot set back from Workers Road by a distance of 250m. Thirdly, the house would lie very close to larger agricultural buildings and hence would not be a conspicuous building. For these reasons, therefore, the enlargement of the dwelling will have a limited impact on the openness of the Green Belt.

The extended house will have an appearance appropriate for its rural context with prominent gables, steep roofs, and a mixture of facing brick and render on the elevations.

**Conclusion:**

For the reasons given above it is recommended that planning permission 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:***

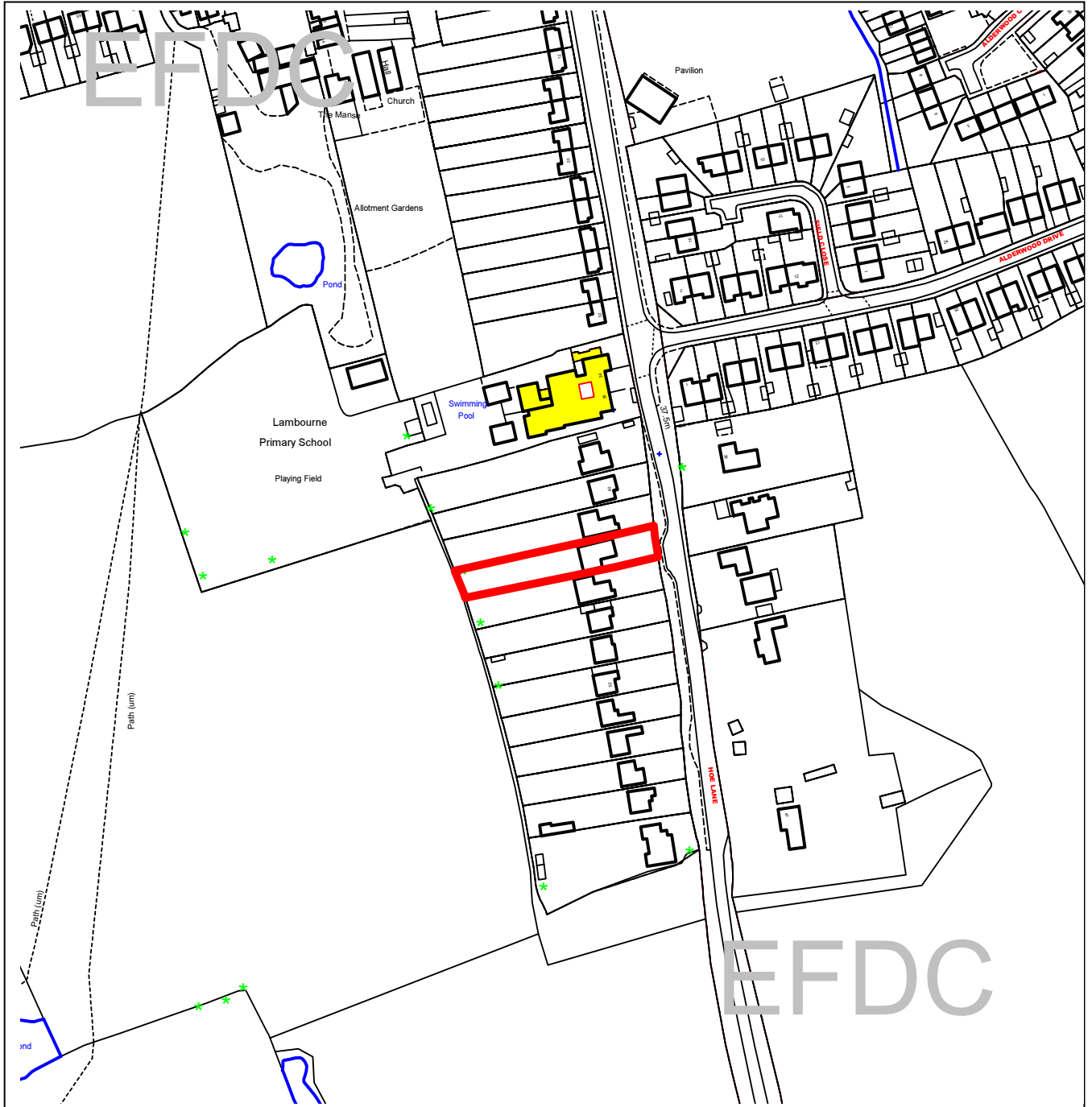
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/2322/13
Site Name:	44 Hoe Lane, Abridge RM4 1AU
Scale of Plot:	1/2500



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2322/13
<b>SITE ADDRESS:</b>	44 Hoe Lane Abridge Essex RM4 1AU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Matthew Phillips
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and erection of replacement dwelling (Revised application to EPF/0803/13)
<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=556331](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556331)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the following drawing numbers : 13-001/01 rev A, 13-001/02 rev A, 13-001/03 rev A, 13-001/04 rev A, 13-001/05 rev A and 13-001/06 rev A
- 3 The proposed window openings in the south facing elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition. The glazing of any external door in the south facing elevation that is glazed or partially glazed shall be obscure and shall be permanently retained in that condition.
- 4 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on the roof of that part of the ground floor which projects beyond the first floor rear and side elevations. That roof shall not be used for sitting out and no tables, chairs or other furniture shall be placed on that roof.
- 5 The railings and balustrades of the Juliette balconies indicated on drawing no. 13-001 03 rev A shall be fitted to the window openings they are shown to enclose within 6 months of the substantial completion of the development. Thereafter those window openings shall be permanently enclosed by the railings and balustrade hereby approved or alternative railings and balustrade of identical overall size in an identical position.

- 6 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 rear extension permitted by Class A of Part 1, Schedule 2 to the Order AND no addition to or enlargement of the roof generally permitted by Class B of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 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 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*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).)*

### **Background:**

This application was deferred from the meeting of this Committee held on 15 January 2014 in order that an inspection of the site by the Committee could take place prior to a decision being made. The inspection was arranged for 8 February 2014. The Officers report to the January meeting is reproduced below.

### **Description of Site:**

The site is situated on the west side of Hoe Lane and views of it are partially obscured by trees at the site boundary together with an elevated position in relation to the road. The site includes a bungalow with an L shaped plan sited close to the site boundaries with 42 and 46 Hoe Lane. The front main wall of the house is set back from the carriageway of Hoe Lane by some 17m. The land is set approximately 1m above the level of Hoe Lane. Levels rise to the south and fall to the north of the site, with no 42 Hoe Lane some 500mm lower and 46 some 500mm higher than the site. No. 42 is a substantial two-storey house as is no 40, further to the north. Both houses were recently constructed with the relevant planning permissions being given between 2008 and 2012.

No 46 is a bungalow situated on higher land that has been extended across its entire rear elevation such that it projects considerably beyond the rear elevation of the bungalow at the application site. It has also been extended to the front on the boundary with the application site. The front addition provides a covered car parking area.

The street scene comprises a mix of individually styled bungalows and two storey houses. Land beyond the rear garden boundary is in the Green Belt. The locality is not part of a conservation area.

### **Description of Proposal:**

It is proposed to redevelop the site to provide a 5 bedroom 2 storey detached house.

The house would be set a minimum of 1m from the boundary with both neighbours.

The front elevation would be set some 4.5m rear of the front elevation of the recently constructed house at 42 Hoe Lane. In relation to no. 46 Hoe Lane, the front elevation at ground floor would be

7m forward of the principal front elevation of 46 Hoe Lane and just under 8m forward of its covered parking area on the site boundary. At first floor, however, the flank elevation adjacent to the boundary with 46 Hoe Lane would be set a minimum of 4.5m from the site boundary for a distance of 5.6m rear of the principal elevation of the proposed house.

The rear elevation of the house would be set 6m forward of the rear elevation of no. 46 and 3.3m beyond the rear elevation of 42 Hoe Lane. The upper level rear elevation would be recessed a further 1.5m.

A parking/vehicle turning area would take up the front garden area with boundary treatment remaining as existing. The parking area would provide convenient off-street parking for at least 6 cars

In terms of its appearance the proposed house would have a hipped roof with a large front dormer at the apex of the front roof slope over the principal elevation. Since the first floor to the front of the house would be set much further off the boundary with 46 Hoe Lane than the ground floor, the principal elevation of the house would be off-set towards the boundary with 42 Hoe Lane. The rear elevation would be dominated by a central gable feature at roof level. At first floor inward opening patio doors to bedrooms. Juliette balconies in front of the patio doors would prevent egress onto a flat roofed ground floor rear projection extending 1.5m from the first floor wall. A low parapet would enclose the area of flat roof.

The main roof would be hipped but would terminate in a large area of flat roof 9m above ground level.

First floor windows to the flank elevations facing both neighbouring houses would serve bathrooms. No flank windows are proposed at ground floor. A door in the northern flank would serve a kitchen.

### **Relevant History:**

EPF/0803/13 Demolition of existing dwelling and erection of replacement dwelling. Refused on the basis that the degree of projection of the two-storey flank forward of the front elevation of 46 Hoe Lane in close proximity to the common boundary would result in the house having an over-dominant relationship to no. 46 that would appear excessively overbearing.

Recent history for the locality is also a material consideration with recent planning permissions being given for houses of similar scale, design and siting in relation to neighbouring houses at nos. 40, 42 and 54 Hoe Lane. The consents have all been implemented.

### **Policies Applied:**

The NPPF sets the primary policy context for assessing the proposal. The following Local Plan and Alterations policies are relevant and consistent with the policies of the NPPF. Accordingly, they are given full weight.

CP1, CP3 – CP5 & ST1 Sustainable development policies  
CP2 Protecting the Quality of the Rural and Built Environment  
CP7 Urban Form and Quality  
H2A Previously Developed Land  
DBE1 New developments required to respect their setting.  
DBE2 Effect on Neighbouring Properties.  
DBE3 Design in Urban Areas.  
DBE8 Provision of private amenity space.  
DBE9 Amenity considerations on neighbouring residents.

LL10 Retention of trees  
LL11 Landscaping  
ST4 Road safety  
ST6 car parking.  
GB7A Conspicuous development within or adjacent to the green belt

### **Summary of Representations:**

NEIGHBOURS: 8 consulted and responses received from 3, summarised as follows.

46 HOE LANE: Objection – reasons summarised as follows:

- The size of the proposed two-storey building will be overbearing in comparison to the size of our bungalow. This will result in a cramped appearance in the street scene and would be detrimental to our residential amenities by reason of overshadowing, loss of light and outlook.
- The increased size of the footprint of the house will be too imposing on our property.
- The revised plans have not reduced the size of the development. In fact they show the development further back and the front of the development further forward than the existing property. The visual impact on 46 would be the same as the previously refused proposal.
- The side wall of the house would be out of scale to the appearance of the bungalow and the building will look bulky compared to our house.
- Loss of light to the bungalow. Please note, our side hall window by the car port, which is not shown on the submitted plans, allows light into our house and the proposal would greatly reduce the light received.
- When 42 was developed, to reduce impact on the bungalow at 44 the entire side of the new house was stepped back. We should be given the same consideration. Such a solution would mitigate the impact of the proposal.
- Much of the flank adjacent to 46 would be 2-storey. Only the front part has been reduced to single-storey.
- A previous proposal for a 2-storey extension to 48 Hoe Lane was refused permission – EPF/0162/96. The subsequent approved extension was single-storey – EPF/0765/96.
- The development would make our property look out of place as the remaining bungalow in this part of Hoe Lane.

Martyn Pattie Architects, acting for the occupant of 46 Hoe Lane repeated the above objections more formally. Further comments are:

- The new application also introduces a gabled glazed dormer to the front giving it very much a three storey appearance, which is not an improvement over the previous application and emphasizes the height more particularly in relationship to the adjoining bungalow at No.46.
- We are also concerned that with the design of the new house, it is shown with a flat roofed section at first floor level, and whilst the French doors to the rear are shown with Juliet balconies, it is clear that if these are not installed then the flat roof will give rise to being used as a balcony and will directly overlook our clients' garden. There should be a condition to any consent stating that the flat roof should not be used for any purpose other than maintenance.

58 HOE LANE: Objection: "Having reviewed the plans we feel that the development still encroaches on the occupants of 46 Hoe Lane. The front of the building has been reduced, however the roof and side elevation remains virtually unchanged and we would again suggest a building more in keeping with number 42 Hoe Lane would be appropriate."

62 HOE LANE: Objection:

1. The size of the development will be overbearing and result in a loss of light to 46 Hoe Lane.
2. The development will be detrimental to the amenities of 46 Hoe Lane.
3. 46 Hoe Lane will look cramped, out of scale and out of place in the street scene.
4. We previously owned 48 Hoe Lane and had planning permission refused for a 2 storey extension on the basis that it would be harmful to the amenities of 46.
5. The footprint for the proposed development is too large and imposing. It needs to be scaled down.

LAMBOURNE PARISH COUNCIL: No Objection.

**Issues and Considerations:**

The site is previously developed land within the urban area of Abridge therefore the principle of the development is acceptable. Because of its size and the size of the plot in which it would be situated the proposed house would provide a good standard of accommodation for its occupants with car parking provision in excess of the adopted Vehicle Parking Standards. It would not appear conspicuous from the adjacent green belt. The main issues to consider in assessing this proposal are its consequences for the character and appearance of the locality and the living conditions enjoyed by the occupants of neighbouring houses. In giving these matters consideration it is necessary to assess whether this proposal overcomes the reasons for refusal of a previous proposal.

Character and Appearance:

The design of the proposed house is of similar scale to recently constructed houses at 40 and 42 Hoe Lane and its bulk would not be inconsistent with the character of the locality.

The combination of its bulk and siting in relation to the neighbouring bungalow at 46 Hoe Lane would give it a very dominant appearance. The consequences for the street scene would be mitigated by a number of factors including the siting of no. 46 at somewhat higher level than the application site, the distance the proposed house would be set back from the carriageway and the degree of screening from trees on the boundary with Hoe Lane. As a consequence, the visual impact of the proposed house would be acceptable when seen from the street.

When seen from within the front garden of 46 Hoe Lane and, to a lesser extent, from the front garden of 48 Hoe Lane, its significant projection forward of the nearest corner of no 46 would be very apparent. It would be less noticeable when seen from the street due to screening on the site boundary with the highway together with the elevated position of the front garden level in relation to the highway. The visual impact of the proposal when seen from the houses to the south, and particularly no. 46, would be significantly mitigated by the distance the forward part of the first floor would be set in from the site boundary, at least 4.5m, together with the fact the site is set at lower level than 46 Hoe Lane.

Those facts would achieve a relationship would respect the setting of 46 Hoe Lane and consequently safeguard the character and appearance of the locality.

Amenity:

At its rear elevation the proposed house would have an acceptable relationship to the neighbouring houses. A narrow flat-roofed ground floor projection could give rise to excessive overlooking of neighbours if used as a balcony but that can be resolved through the imposition of a

condition preventing such use and requiring the installation and permanent retention of proposed Juliet balconies guarding first floor French windows opening onto the flat roofed area.

At the front elevation, the degree of proposed projection forward of the nearest corner of no. 46 together would not result in it appearing excessively overbearing. That is because the first floor would be set well away from the common boundary with no 46, at least 4.5m. That set in would be for a distance of 5.6m rear of the front elevation, a distance that would ensure that part of the first floor adjacent to the site boundary would not appear overbearing to a degree that would cause excessive harm to the living conditions of 46.

The loss of light to a hall window pointed out by the neighbour would arise, however, since that window does not serve a habitable room and other habitable rooms have their own windows that would not be affected by the proposal, little weight can be given to that matter.

**Conclusion:**

The revised proposal overcomes the objections to the scheme previously refused. It would safeguard the character of the locality by respecting the setting of 46 Hoe Lane and it would not cause excessive harm to the living conditions of 46 Hoe Lane. It is therefore recommended that planning permission be granted.

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

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

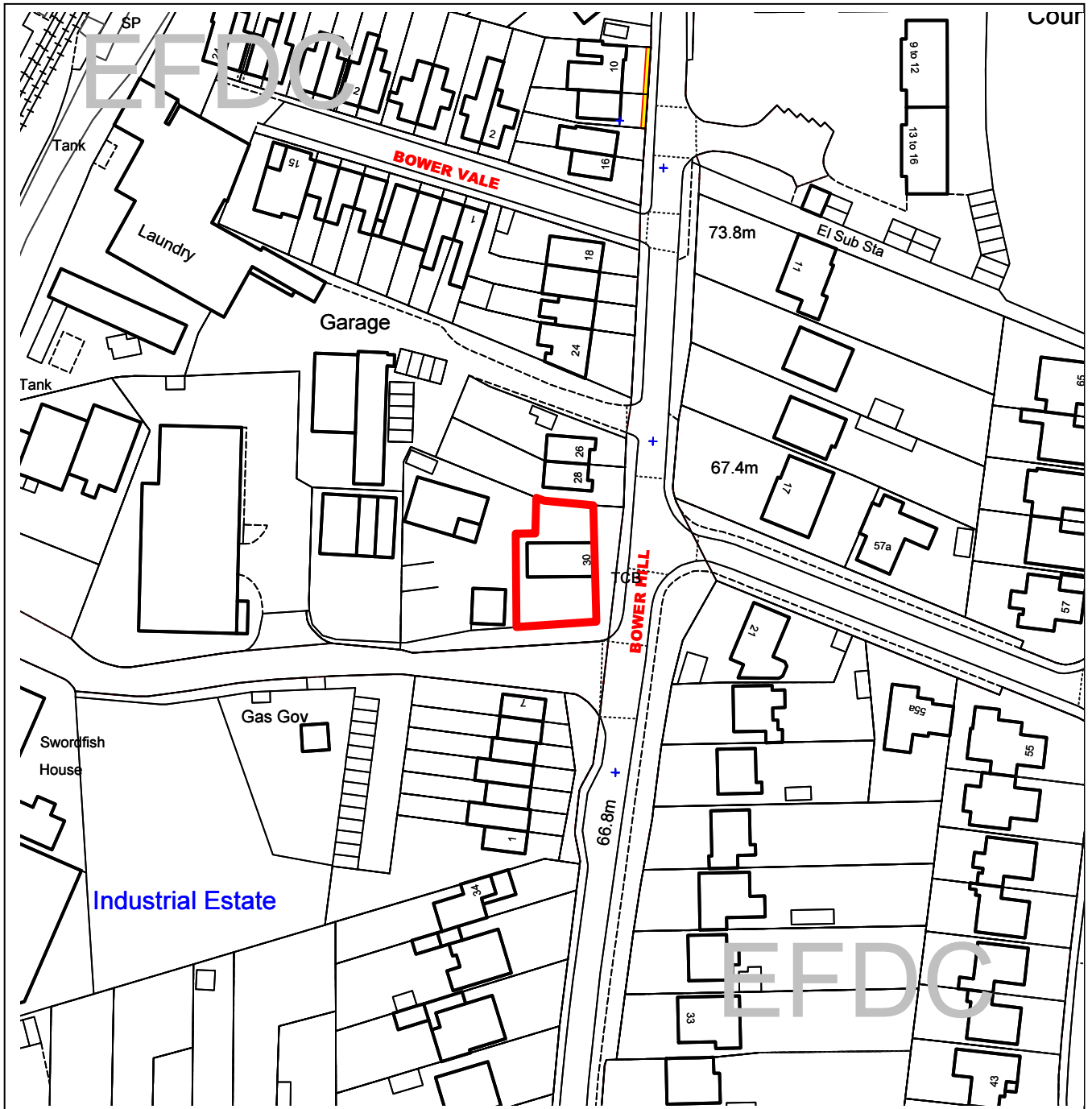
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/2544/13
Site Name:	30 Bower Hill, Epping CM16 7AD
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2544/13
<b>SITE ADDRESS:</b>	30 Bower Hill Epping Essex CM16 7AD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Sukhi Takhar
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of shop and offices (Use Class A1 and B1) to a single five bedroom family house (Use Class C3)
<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=557437](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557437)

**CONDITIONS**

- 1 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 2 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model

Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 3 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 4 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 5 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.
- 6 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

- 7 Within three months of the date of this decision a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 8 Within three months of the date of this decision notice details of new boundary treatment shall be submitted to the Local Planning Authority for approval. The agreed boundary treatment shall be implemented on site within three months of the date of such an agreement.

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

**Description of Site:**

The wider site (both the red line and blue line on the submitted site plan) is located on Bower Hill and is situated on the corner with the access road to a number of industrial units to the rear of the site. The back section of the wider site has a lawful use as a car wash and this is currently in operation. The site rises steadily from front to rear and contains a number of disused commercial buildings towards the rear and adjacent to the car wash. A former farm supplies shop fronts Bower Hill. This is a two storey building with a gabled roof. The site is surfaced with hardstanding and there are two entry points, one from Bower Hill and one from the access road. The entry point from the access road serves the car wash. The property is surrounded by a palisade fence. A number of residential units are located on the eastern boundary and opposite the site. The red line site comprises the former farm supplies shop and land to either side of that building.

**Description of Proposal:**

The applicant seeks consent to convert the former farm supplies unit to a residential dwelling. The works will involve some minor alterations to the structure including the filling in of some windows. Two parking spaces are shown located in the front entrance to the wider site with a bin storage area and some planting. A revised plan indicates an area for amenity space to the side of the building.

**Relevant History:**

EPF/1391/12 - Change of use of part of a farm supplier's yard into a manual car/vehicle valet wash facility. (Revised application). Grant Permission (With Conditions) - 31/10/2012.

**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  
LL11 – Landscaping Schemes  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H4A – Dwelling Mix  
RP5A – Adverse Environmental Impacts

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

### **SUMMARY OF REPRESENTATIONS:**

17 neighbours consulted and site notice displayed: 1 reply received.

**EPPING SOCIETY:** Objection. A residential scheme has been submitted therefore the application for signs should be withdrawn or refused for being out of character. The large sign facing the roadside should be refused for being too large and would have a negative impact on the amenity of the surrounding residential area. In relation to the twinned application for the residential dwelling, committee object to this application as the amenity space is a concrete yard area and the parking spaces are in the entrance area to the commercial yard. The very large signs are not appropriate on or around a domestic dwelling.

**TOWN COUNCIL:** Objection. Committee felt that this application should be considered together with the application for the residential unit as they both relate to the same site. Committee were of the opinion that the two applications were incompatible and as an application has been submitted for residential the application for signage should be withdrawn or refused as it relates to another site. Committee felt signage on a separate commercial unit would prejudice future attempts to bring this building into use. The large advertising sign near the roadside is also considered too large and would have an adverse affect on the amenity of the area. .

### **Issues and Considerations:**

The main issues to consider relate to the principle of the development, design, amenity and the comments of consultees.

#### **Principle of the Development**

The more efficient use of brownfield land is a key planning objective of Central Government and a local aim enshrined in Policy H2A. The wider site has been under utilised for some time and the occupation of the rear section by the car wash is the first sign of activity for some years. In discussions with the applicant at this time the Local Planning Authority advised that the reuse of the entire site was the ultimate objective. Such a scenario however is not in the gift of the Authority. This proposal would bring another building at the site into beneficial use with two

remaining buildings in B1 use located between this site and the car wash. Whilst the piecemeal redevelopment of the site is not ideal this is to be preferred to the under utilisation of a fairly large commercial site.

### Amenity

The one concern with regard to amenity is noise and disturbance from the car wash and its impact on the amenity of occupants. The building is separated from the car wash by some 25.0m and the remaining yard area has a lawful use for B1 purposes, which is by definition a use that can operate in a residential area. It is not therefore considered that this is a conflict in land uses. It is understood that employees of the car wash are resident in the building and there may be business benefits in having staff on site, such as with security. There are also sustainability advantages in having staff members on site. In this regard the reuse of the building for residential purposes is considered justifiable.

Concern has been expressed that the proposed residential use provides no amenity space for occupants. In fact the revised layout does indicate over 150 sq m of the yard area to the south of the building which, although a concrete yard area at present would provide adequate, useable amenity space. Details agreeing a landscaping scheme and suitable boundary treatment can be secured by conditions.

### Parking

Two parking spaces are shown which in provision terms would be policy compliant. The one concern is that the parking is shown in the entrance way to the B1 element of the wider site. However as the entire site is under one ownership it is considered that if the redevelopment of the rear buildings was achieved access would not be an issue. The Highways Authority has no objection to the proposal.

### Contaminated Land

Owing to former uses at the site and the proposed residential use of the building the full set of contaminated land conditions are necessary.

### Permitted Development Rights

Recent appeal decisions advise that permitted development rights should only be removed in exceptional circumstances and there appears to be no clear justification in this case.

### Conclusion:

The proposed use of the building for residential purposes is considered acceptable. It is therefore recommended that consent is 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:***

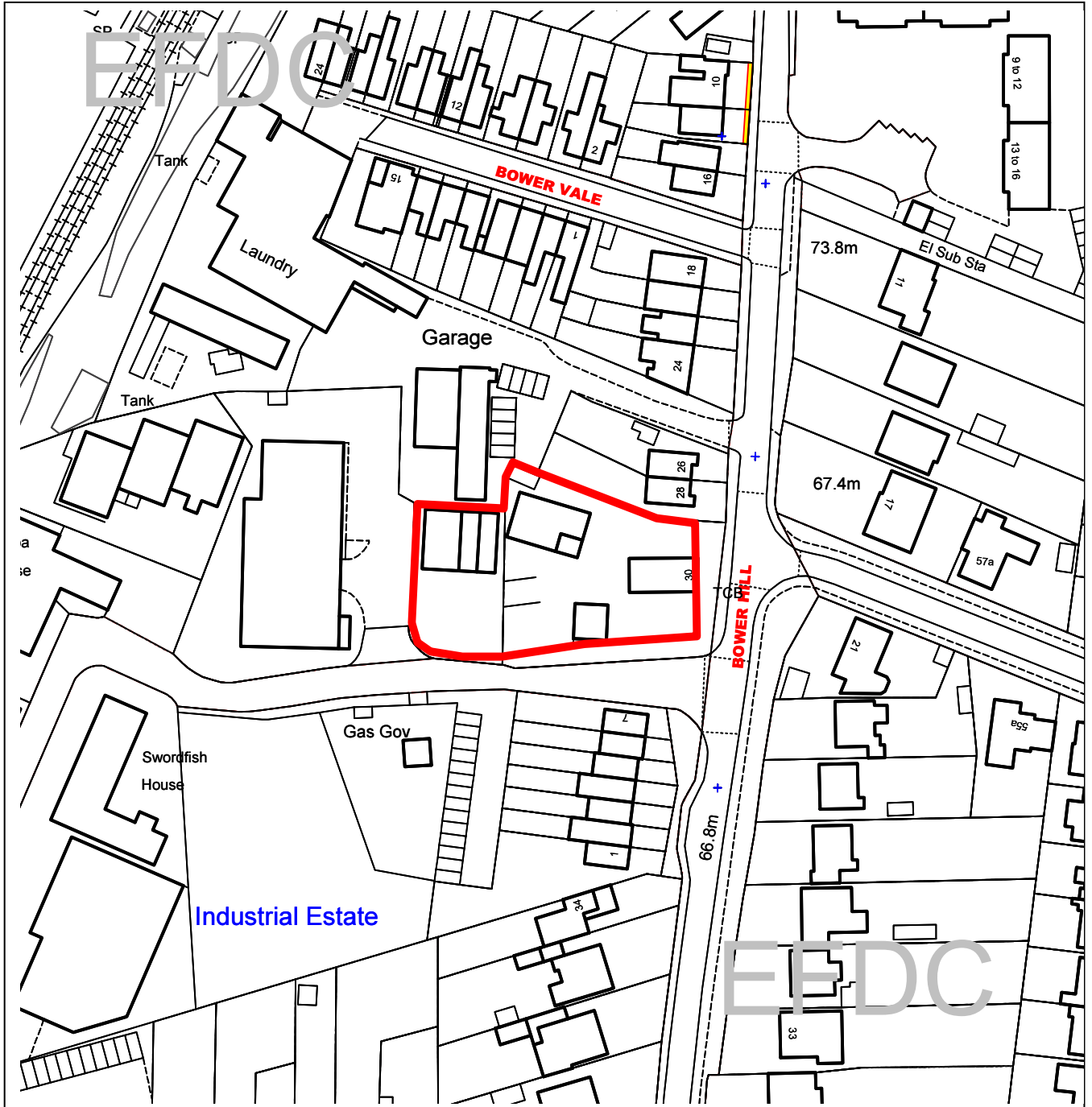
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/2417/13
Site Name:	30 Bower Hill, Epping CM16 7AD
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2417/13
<b>SITE ADDRESS:</b>	30 Bower Hill Epping Essex CM16 7AD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Sukhi Takhar
<b>DESCRIPTION OF PROPOSAL:</b>	2x non illuminated boundary signs and 2x non illuminated fascia signs.
<b>RECOMMENDED DECISION:</b>	Split Decision: Locations 1, 2 and 3 – Grant Permission Location 4 – 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=556797](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=556797)

**CONDITIONS – Locations 1, 2 and 3**

- 1 Standard Advertisement conditions only.

**REASON FOR REFUSAL – Location 4**

- 1 The proposed free standing signage by reason of its positioning, size and height above the fencing would appear incongruous and overly prominent having a detrimental impact on the character of the streetscene contrary to policies DBE13 and CP2 of the adopted Local Plan and Alterations.

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

**Description of Site:**

The application site is located on Bower Hill and is situated on the corner with the access road to a number of industrial units to the rear of the site. The back section of the site has a lawful use as a car wash and this is currently in operation. The site rises steadily from front to rear and contains a number of disused commercial buildings towards the rear and adjacent to the car wash. A former farm supplies shop fronts Bower Hill. This is a two storey building with a gabled roof. The site is surfaced with hardstanding and there are two entry points, one from Bower Hill and one from the access road. The entry point from the access road serves the car wash. The property is surrounded by a palisade fence. A number of residential units are located on the eastern boundary and opposite the site.

### **Description of Proposal:**

The applicant seeks consent to display a number of advertisements within the wider site, all advertising the car wash facility to the rear. The following signs are proposed.

Location 1: A banner sign within the site on the rear fence. This would measure 6.4m wide x 1.2m deep.

Location 2: A sign on the building to the rear of the site facing the car wash area. This would measure 6.7m wide x 600mm deep.

Location 3: A fascia sign on the former farm supply shop to the front of the site, facing Bower Hill. This would be 6.7m wide x 600mm deep and located above the ground floor windows and would replace an earlier sign.

Location 4: A sign to the front facing Bower Hill which would be fastened to supporting poles. The sign would measure 2.4m wide x 1.0m deep and would be 3.1m above ground level at its highest point.

None of the signs would be illuminated and all would be finished in the company logo and advertising the hours of operation and service provided at the car wash to the rear of the site.

### **Relevant History:**

EPF/1391/12 - Change of use of part of a farm supplier's yard into a manual car/vehicle valet wash facility. (Revised application). Grant Permission (With Conditions) - 31/10/2012.

### **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment

CP6 – Achieving Sustainable Urban Development Patterns

DBE13 – Advertisements

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

### **SUMMARY OF REPRESENTATIONS:**

5 neighbours consulted and site notice displayed: 2 replies received.

EPPING SOCIETY: Objection. A residential scheme has been submitted therefore the application for signs should be withdrawn or refused for being out of character. The large sign facing the roadside should be refused for being too large and would have a negative impact on the amenity of the surrounding residential area. In relation to the twinned application for the residential dwelling, committee object to this application as the amenity space is a concrete yard area and the parking spaces are in the entrance area to the commercial yard. The very large signs are not appropriate on or around a domestic dwelling.

21 BOWER HILL: Objection. Bower Hill is a residential area and the proposed signs to the front are very brash and out of keeping. The signage will be clearly visible from our house and will be a clear intrusion into our lives. The applicant has already installed a number of signs and any more



would be overkill. I note an application has been received for residential use of the building to the front of the site and commercial signage is wholly inappropriate on such a building.

TOWN COUNCIL: Objection. Committee felt that this application should be considered together with the application for the residential unit as they both relate to the same site. Committee were of the opinion that the two applications were incompatible and as an application has been submitted for residential the application for signage should be withdrawn or refused as it relates to another site. Committee felt signage on a separate commercial unit would prejudice future attempts to bring this building into use. The large advertising sign near the roadside is also considered too large and would have an adverse affect on the amenity of the area. .

### **Issues and Considerations:**

The only issues that can be considered in the determination of signage applications are public safety and amenity. Policies not relating to these issues cannot be grounds for refusal.

It is not considered that there are any public safety issues with the signage, which is set on private land, does not impact on sight lines and is not illuminated.

The only consideration therefore is amenity.

The two signs within the approved car wash site to the rear of the larger application site are viewed within the context of the employment site, are set away from the road and are not excessive in size in relation to their setting and as such are considered appropriate. Whilst there is concern from the Epping Society that the signage on the rear building may prejudice the use of this building for alternate commercial purposes, this is not valid grounds for refusal as it does not relate to amenity issues.

The proposed fascia sign on the building fronting Bower Hill will replace an earlier fascia sign and is of suitable size and design such that it will not be excessively prominent or harmful to the street scene. While advertising of this kind would not normally be granted on residential properties and a proliferation of such signage within a residential area would certainly be considered out of character and harmful to visual amenity, given the history of this site, the past usage, the previous signage that was attached to the building and the allocation of the property within an identified employment site, it is difficult to argue that the continued positioning of a fascia sign is in itself harmful to the amenity of the area.

Assuming the accompanying application for change of use of the building from farm supplies to a dwelling is granted, whilst it may appear incongruous that the "dwelling" will have a fascia sign for a business to the rear of the site, it is officers view that the signage is not in itself harmful to the character and amenity of the area, indeed it maintains the existing character, and on this basis the sign is not harmful to amenity or public safety and is recommended for approval.

The fourth sign is the free standing sign proposed to be located above the front fence facing Bower Road. It is considered that this sign, due to its size, positioning and in particular its height above ground (3.178m) would be excessively prominent within the street scene adjacent to the footway, and out of character with the surrounding street scene, such that it would be harmful to amenity and therefore contrary to policy. This sign is therefore recommended for refusal.

### **Is there a way forward?**

It is accepted that, given the location of the car wash away from the road, it is necessary for some signage to be provided on the Bower Hill frontage, and it is considered that a suitably designed smaller sign, attached to the fronting fence rather than above it, would have less adverse impact on amenity, and this may be an appropriate way forward.

**Conclusion:**

It is considered that the signs adjacent to the car wash and the replacement fascia sign are acceptable. However the free standing sign above the fencing fronting Bower Hill is inappropriate and harmful to amenity. A split decision is therefore recommended with three signs recommended for approval and fourth recommended for refusal.

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

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

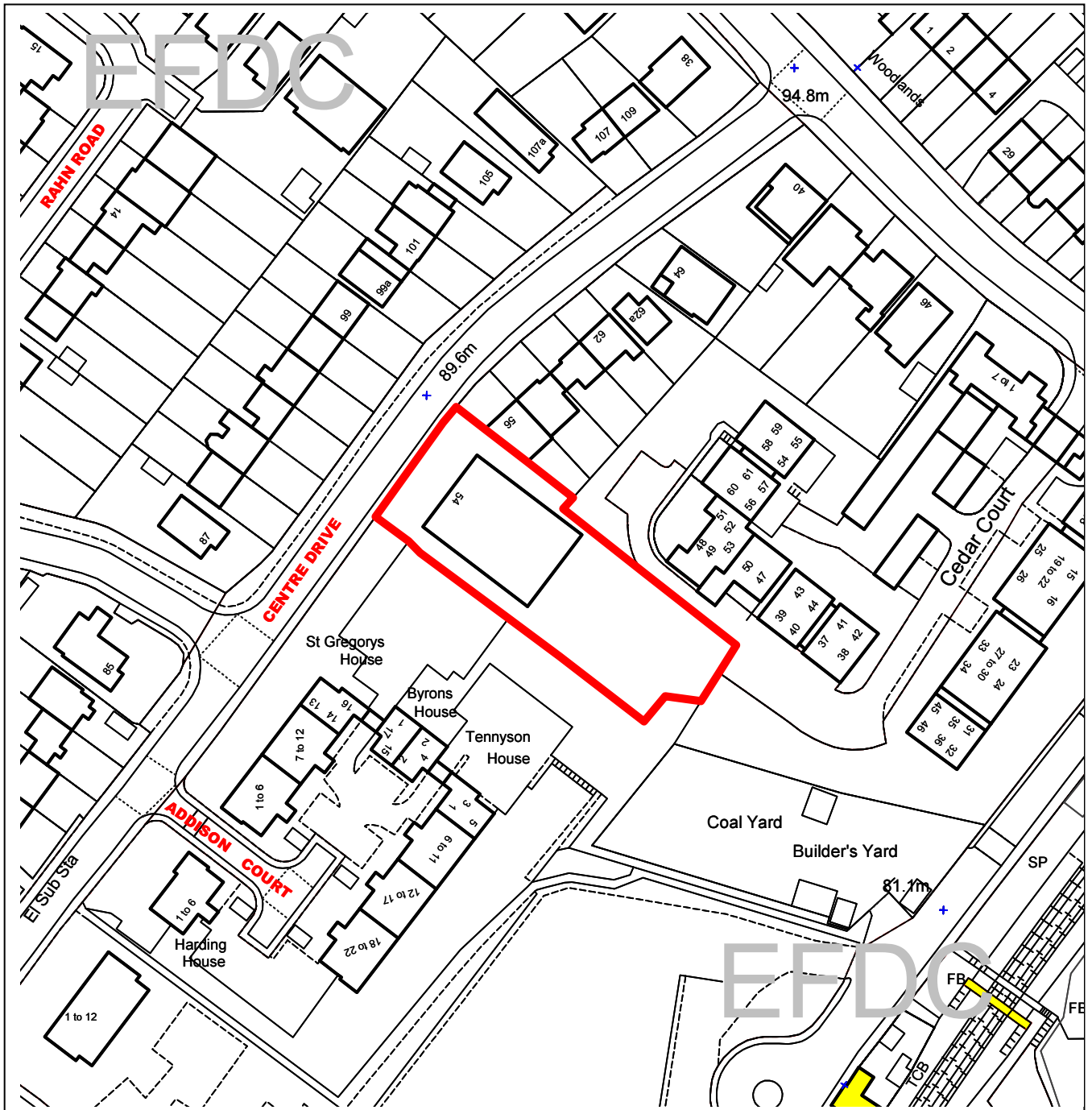
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/2565/13
Site Name:	54 Centre Drive, Epping CM16 4JF
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2565/13
<b>SITE ADDRESS:</b>	54 Centre Drive Epping Essex CM16 4JF
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Chelsteen Homes Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of commercial/industrial premises and construction of 14 no. two bedroom apartments and associated works.
<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=557530](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557530)

**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: 7759/01, 7759/02, 7759/03, 7759/04, 7759/05, 7759/06 Rev: A, 7759/07 Rev: A, 7759/08 Rev: A, 7759/09 Rev: A, 7759/10, 7759/DS01, 7759/DS02, 7759/DS03, 7759/DS04, 7759/DS05, 7759/DS06, 7759/DS07, 7759/DS08, 01
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevations of units 5, 8, 10 and 13, and the living room window of units 8 and 13, as shown on plan ref: 7759/05, 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 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 development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 10 Prior to occupation of the development, there shall be no obstruction above ground level within a 2.4m wide parallel band visibility spay as measured from and along the nearside edge of the carriageway across the entire site frontage (excluding existing trees). Such vehicular visibility splays shall be retained free of any obstruction at all times (excluding existing trees).
- 11 Prior to the first occupation of the development, the access road shall be constructed to a width of 5 metres for at least the first 6 metres from the back of the footway and provided with an appropriate dropped kerb crossing of the footway. No unbound material shall be used in the surface treatment of this first 6 metres of vehicular access.
- 12 Prior to the first occupation of the development, details incorporating the reinstatement to full height of the footway and kerbing within the redundant vehicle crossover to the north of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented and retained in accordance with the approved details.

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

- 17 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 18 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.
- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 20 The development shall be carried out in accordance with the recommendations contained within the approved bat survey, including the use of bat bricks in the build and the stated mitigation measures if bats are found during demolition/construction.

**And the completion by the 5<sup>th</sup> March 2014 (or such later date as may be agreed in writing with the Local Planning Authority prior to the 5<sup>th</sup> of March 2014) of a legal agreement under section 106 of the Town and Country Planning Act to secure a contribution of £21,895 (index linked to April 2013 costs) towards the provision of primary education within the area, to secure highways works to existing bus stops, and to ensure that Residential Travel Information Packs are provided to future residents. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would cause harm to local education service and to the capacity of existing transport services by generating additional demand that cannot be accommodated within existing capacity.**

*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 currently contains a large detached office building and associated car park that has been vacant for a number of years. The site is located on the south eastern side of Centre Drive and is surrounded on most sides by existing residential properties, including Addison Court to the southwest and Cedar Court to the east. To the rear (southeast) of the site is a builder's yard, with Epping Train Station beyond this.



The site slopes down from west to east and contains a group of preserved trees along its road frontage. The site is also within a designated employment area, however Local Plan policy E1 (employment areas) is no longer compliant with the National Planning Policy Framework and therefore will not be provided any weight in this application.

### **Description of Proposal:**

Consent is being sought for the demolition of the existing office building and the erection of a new block of 14 no. two bedroom apartments with associated works. The proposed apartment block would be a U shaped block arranged around a court yard amenity area and would measure a maximum of 22m in width and 32.3m in depth. The proposed building would be three storeys reaching a maximum height of 11m above existing ground level. The building would be of a contemporary, modern appearance with a multi-levelled flat roof that builds up to its highest point in the westernmost corner.

### **Relevant History:**

Whilst there are several applications in the 1950's and the 1970's regarding the employment premises on site, and a single application in 1998 for the installation of air-conditioning units, there are no applications relevant to this proposal.

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U3A – Catchment effects  
RP4 – Contaminated Land

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:**

65 neighbours were consulted and a Site Notice was displayed on 23/12/13.

After consulting neighbours it was highlighted that the dotted outline of the existing building as shown on the proposed plans (to indicate the difference between the two) was incorrect and showed the existing building higher than it actually is. This was corrected and neighbours were reconsulted on the amended plans to ensure that nobody was misled as a result of this mistake.

TOWN COUNCIL – Object for the following reasons:

1. The proposed development, due to its inappropriate size and scale would cause an excessive loss of amenity for neighbouring properties due to its visual impact, overlooking from new flats and loss of daylight, contrary to policies CP7 and DBE9.
2. The proposed development, by reason of its inappropriate size, scale and siting in close proximity to the neighbouring property number 56, would result in an unneighbourly relationship. The existing building is sited 5.5m from number 56 and is two storeys high whereas the proposed scheme is 1.8m from number 56 and 3 storeys high, contrary to policies DBE9, DBE2 and DBE1.

56 CENTRE DRIVE – Object due to the visual impact on neighbouring residents, loss of privacy, loss of light, and would suggest that the access road be relocated to between the new block of flats and the neighbouring house to increase the distance between the properties.

58 CENTRE DRIVE – Object as the plans are incorrect and misleading, as the height and contemporary style of the building is out of character with the street scene, and due to the loss of privacy and overdominance to neighbours.

1 BYRONS HOUSE – Object due to the overlooking and loss of privacy. Suggest a solid fence is erected or landscaping planted to protect neighbouring residents.

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

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, impact on the preserved trees, and regarding highway and parking concerns.

#### **Suitability of site:**

The application site is a former industrial premises with ancillary offices located within the urban area of Epping. The site is within a predominantly residential area and is well served by public transport and local facilities as it is within walking distance from both the designated town centre and Epping Underground Station. There are also various bus routes serving the local area. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of further development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. Both the NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites; however applications still need to be assessed on their individual merits.

Although the site is located within a designated employment site, and Local Plan policy E1 resists the loss of such sites without suitable justification, this policy does not comply with the NPPF and as such no weight is attached to this policy. Notwithstanding this, it is understood that the existing industrial premises has been vacant for a number of years and significant marketing has taken place to attempt to bring the site back into employment use.

Furthermore, given its location in close proximity to residential dwellings, it is considered that the use of the site for residential purposes would be more in line with the character of the area than the existing business use. To the immediate southeast and west of the site are large residential apartment buildings, which are more intensely developed and a greater scale than this proposal. As such, it is considered that the principle of redeveloping the site for housing is acceptable.

### Amenity considerations:

The existing building is a part three storey office block and part two storey 'warehouse' type building that is set approximately 5m off the shared boundary with No. 56 Centre Drive, which is a two storey residential house. The three storey front part of the building ranges in height from 8.3m at the front and 9.1m at the rear, and the two storey rear part of the building has a shallow pitched roof to a ridge height of approximately 6m.

The proposed new residential building would be 3m deeper than the existing building and would be significantly higher with a full three storeys across the entire building. However, due to the proposed shape of the new building, the courtyard would mean that the central section of the building would be 'removed' where it is adjacent to No. 56 Centre Drive. Although the front part of the building would be closer to this neighbouring property (1.6m from the shared boundary) this would predominantly be in line with the neighbouring dwelling, extending just 1m beyond the neighbour's ground floor rear wall. Whilst this would extend approximately 3.5m beyond the neighbour's first floor rear wall there would be a distance of around 3.7m between the new building and the neighbour's first floor and, as a result of this, the new building would not encroach within 45 degrees of the closest first floor rear window.

The increased height of the replacement building would have an impact on the level of light reaching the neighbour's garden however, given the distances involved and the shape of the proposed building, it is not considered that this would be unduly detrimental to this neighbour's amenity.

The existing building has a number of upper storey windows within the flank and rear windows of the front three storey block that overlook the neighbouring gardens to the northeast and face the windows of flats in Cedar Court (albeit at a distance of around 30m). The proposed apartment building also proposes flank and rear upper storey windows, however these have been specifically laid out to reduce the overlooking of the neighbours to the northeast.

Within the front section of the U shaped building there would be a single small secondary window on each floor, which would predominantly overlook the roof of the neighbour's single storey side/rear extension, although it may offer some views into the rear garden. As a secondary window these can be conditioned to be obscure glazed. Within the central section of the new building there would be a number of habitable (kitchen/dining room) and non-habitable (bathroom) windows that face the neighbouring property and overlook the courtyard. Whilst there would be some overlooking of the neighbour's rear garden as a result of these, they would be located some 13m from the shared boundary and therefore would not result in any excessive loss of privacy.

The biggest concern regarding loss of privacy would result from the rear section of the building. Whilst this would only incorporate a single small bathroom window on each floor within the flank wall it would introduce two large habitable windows (serving the combined living/dining room) and a balcony on each of the upper storeys. The balcony and the furthest windows would effectively be screened by the building itself and therefore would not detrimentally overlook the neighbour's property. Whilst the originally submitted plans showed windows that directly faced towards the rear of No. 56 Centre Drive and would have resulted in overlooking (unless suitably conditioned to be obscure glazed with fixed frames), an amended plan has been submitted to address this issue. The amended plans now incorporate an asymmetrical projecting bay window to the living rooms of apartments 8 and 13. This would result in the windows being angled at thirty degrees so they face more inwards to the new block. The 'return' side of the bay would face towards the neighbour but would be constructed in render to match the proposed materials of the block. There would be no openings in this return element and therefore no prospect of direct overlooking to No. 56 Centre Drive. As such, this amended plan would adequately address the issue of overlooking and would ensure that these windows would not result in undue loss of privacy to the neighbouring residents.

The introduction of rear windows closer to Cedar Court than the existing upper floor rear windows is not considered to be unduly harmful to the residents of this neighbouring apartment building, as the windows that would be overlooked are visible from the road and parking area serving Cedar Court along with the parking area that serves the existing site. Therefore the privacy of these windows are already compromised and visible from (semi) public view and any additional overlooking resulting from this development would not be considered any more harmful.

Whilst an objection has been received from a resident at Byrons House, which is part of a large flatted development to the southwest of the application site, this is located 34m from the closest part of the new building and therefore is sufficient distance to not be unduly impacted from overlooking as a result of the new windows and balconies within the proposed development.

#### Design:

The proposed apartment block would be a more contemporary and modern building that would replace a somewhat dated, part flat roofed office block that is of no architectural merit. There are several large three storey flatted developments within the immediate surrounding area that are similar in bulk and scale. The flat roofed nature of the building reduces the overall height of the proposed development and also echoes the design of the existing building which it will replace. The height of the building would be stepped to both reflect the change in levels of the site and to act as a transition between the two storey dwellings to the northeast of the site and the three storey apartment block to the southwest of the site. Whilst the modern design of the building would not mirror the surrounding properties, which are more traditional in appearance, it is considered that the proposal would be acceptable in terms of its impact on the character and appearance of the street scene.

Each of the fourteen apartments would be served by a private balcony or terrace area, and there would be a communal courtyard along with a grassed area to the front of the site. These amenity areas are considered sufficient to serve the needs of future residents of the site.

#### Landscaping:

There is a Tree Preservation Order (TPO/EPF/25/93) which protects 4x lime trees along the road frontage of the site. The front wall of the proposed new building would be in roughly the same location as that of the existing building and therefore there would be little additional impact on these trees. The proposed access road and delivery/visitor parking spaces to the front of the site would replace the existing access road and large area of hardstanding and therefore would not be any more harmful to the preserved trees than existing.

Some non-preserved existing trees would be removed as part of the proposed development, all of which have little amenity value, and additional planting and landscaping will be undertaken. Therefore, subject to suitable conditions, this proposal is considered acceptable with regards to landscaping.

#### Parking provision/Highways:

The Essex County Council Vehicle Parking Standards require two parking spaces for every 2+ bed residential unit, plus 0.25 visitor spaces per unit (rounded up). The proposed development would provide 27 resident parking spaces plus 2 visitor parking spaces to the front of the site. Whilst this is slightly under the standard requirement (which would be 30 resident spaces and 4 visitor spaces), the Parking Standards states that "*reductions of the vehicle standard may be considered if there is development within an urban area that has good links to sustainable transport*". Given the proximity to Epping Underground Station and Epping Town Centre it is considered that this slight reduction in parking provision would be acceptable in this instance.

The proposed residential development would be served by the existing access and would provide a sufficient parking/turning area to the rear of the site. As such the proposal would not be detrimental to highway safety or the free flow of traffic on Centre Drive. However the introduction of additional residential accommodation of this scale would necessitate the need for bus stop improvements to the two existing bus stops located in the vicinity of the site and the provision of Residential Travel Information Packs for future residents. These issues can be dealt with by way of a S106 agreement.

#### Other Matters:

##### Flooding:

As the proposed development is of a size where it is necessary to avoid generating additional runoff, and where the opportunity should be taken to improve existing surface water runoff. A flood risk assessment was submitted with the application, which is considered acceptable and therefore, subject to the development being carried out in accordance with this FRA, the proposal would not result in any additional flood risk on or off of the site.

##### Education:

As the proposed development would provide 14 two bedroom properties this would potentially impact on the existing education service of the area. According to the latest information available to Essex County Council's Early Years and Childcare Team there is likely to be sufficient pre-school places available to serve the needs of the proposed development. With regards to primary school provision the Priority Admission School for the development would be Ivy Chimneys Primary School, which has permanent capacity for 315 pupils. The latest forecasts to be published shortly show that by the academic year 2017/18 there is likely to be 314 pupils on roll, and the wider Epping Group 2 Forecast Planning Group shows that there is likely to be a deficit of over 100 places by 2016/17. Forecasts indicate that there is likely to be sufficient places at secondary school level to meet the needs of secondary school children generated by the proposed development.

Due to the above, a financial contribution of £21,895, index linked to April 2013 costs, would be required in order to mitigate the impact of the proposed development on primary education provision. Such a contribution can be secured through a S106 agreement.

##### Contaminated Land:

Due to the application site's former uses as a timber yard, vehicle repair workshop, plant hire depot and rubber factory, along with the presence of Made Ground and Infilled Ground, there is the potential for contaminants to be present on this site. This has been confirmed within the submitted Phase 1 and exploratory investigation report undertaken by Wisser Environmental Ltd in July 2013. Notwithstanding the submitted report, further detailed research is required in order to identify all potentially contaminating uses and potential pollutant linkages under Phase 1 and a detailed Phase 2 site investigation will also be required. These can be dealt with by condition.

##### Ecology:

A bat survey undertaken by JD Ecology was submitted which makes recommendations concerning what must be done if bats are found during construction. Furthermore, this document recommends the use of bat bricks in the build to increase biodiversity. These recommendations should be followed, which can be controlled by way of a condition.

#### Conclusion:

In light of the above the proposal would constitute a sustainable development that makes more efficient use of a currently vacant, brownfield site and although the design of the proposed development would be contemporary and modern in appearance, this would not be detrimental to the character and appearance of the street scene. Whilst the proposed development would result

in a degree of overlooking to the neighbouring property to the northeast, and would cause some additional loss of light, it is not considered that this would be excessive or unduly detrimental to neighbouring residents. Due to this, it is considered on balance that the proposal complies with the relevant policies and guidance and as such 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***

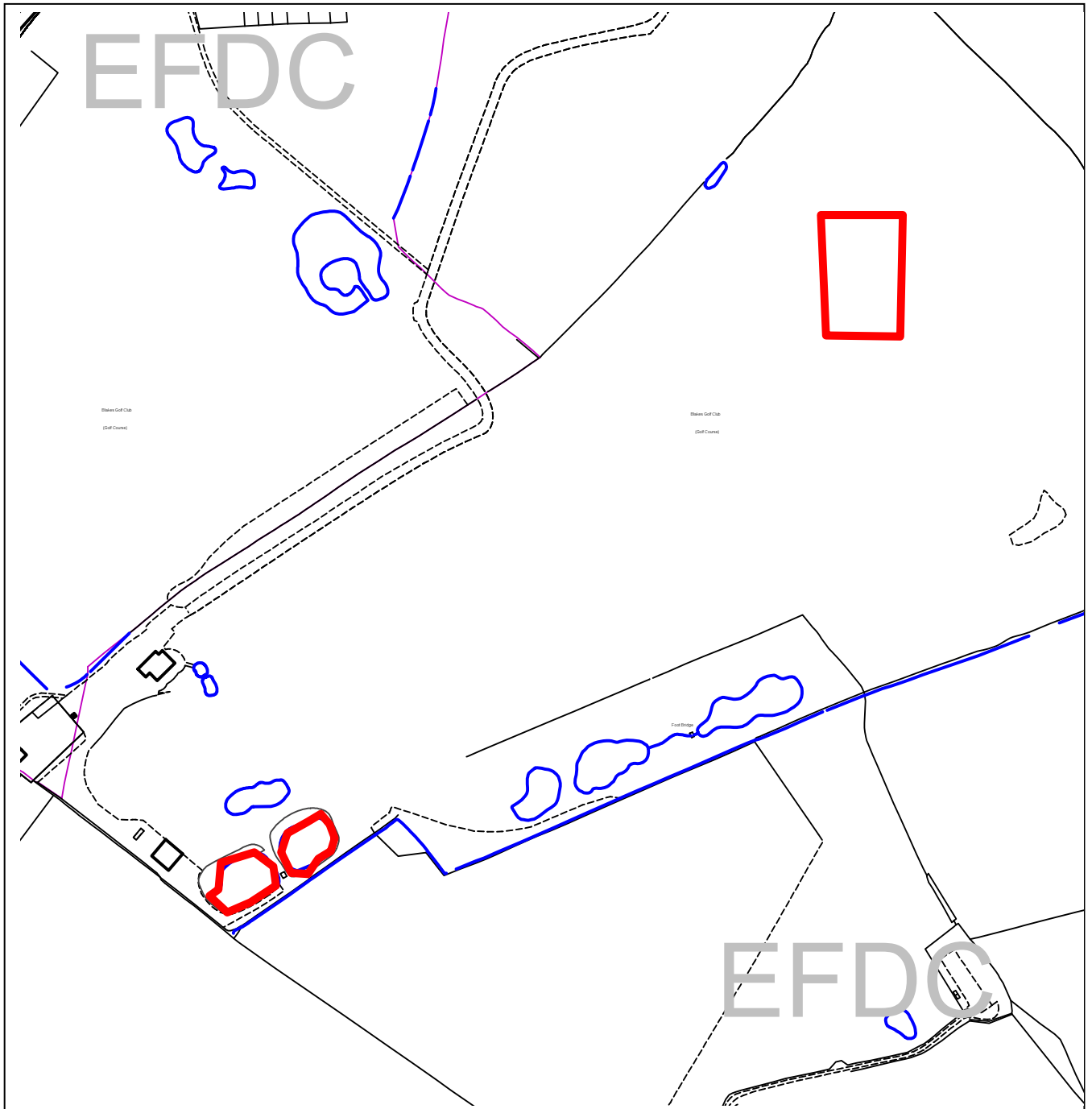
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 7



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Application Number:	EPF/2570/13
Site Name:	Blakes Golf Club and Restaurant Epping Road, North Weald Bassett CM16 6RZ
Scale of Plot:	1/5000



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2570/13
<b>SITE ADDRESS:</b>	Blakes Golf Club and Restaurant Epping Road North Weald Bassett Epping Essex CM16 6RZ
<b>PARISH:</b>	North Weald Bassett  Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr George Dilloway
<b>DESCRIPTION OF PROPOSAL:</b>	Importation of clay in order to line existing irrigation ponds.
<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=557572](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557572)

**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 Location Plan and Cross Section drawing.
- 3 Prior to the commencement of the development hereby approved a timetable of works, including the number of lorry movements for each stage of the development, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed timetable, unless a variation is agreed in writing by the Local Planning Authority.

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

**Description of Site:**

The application site is an established golf club to the east of North Weald that is located within the Metropolitan Green Belt. This application relates to three existing irrigation ponds, two of which measure 20m x 30m and are located in the southern most corner of the site, the third of which is 30m x 80m and located towards the east of the course.

### **Description of Proposal:**

Consent is being sought to line the existing irrigation ponds with imported clay in order to make them more efficient for water retention. The development would involve the importation of a total of 858 cubic metres of engineering blue clay to be laid within the three ponds. The clay will be laid to a thickness of 300mm until just below the retention level. There would be no ground level changes outside of the ponds.

### **Relevant History:**

EPF/0863/96 - (1) Change of use of 45 hectares of agricultural land to a pay and play golf course and for the change of use of 5.7ha of agricultural land to a pocket park; (2) Outline application for the construction of residential development on 3.6 hectares of agricultural land and for the construction of a clubhouse associated with the golf course – approved/conditions 28/07/98  
EPF/1310/05 - Provision of surfaced maintenance tracks as an integral part of the existing golf course – approved/conditions 08/03/06  
EPF/0095/07 - Construction of 3 irrigation ponds within existing golf course 'rough' – refused 28/02/07  
EPF/1050/07 - Construction of an irrigation pond (below existing ground level) within existing golf course 'rough' (revised application) – approved/conditions 05/07/07

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP5 – Sustainable building  
GB2A – Development in the Green Belt  
RP5A – Adverse environmental impacts  
RST1 – Recreational, sporting and tourist facilities  
U3A – Catchment effects  
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.

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

Due to the location of the golf course and irrigation ponds, no properties were directly consulted on the proposal. Whilst a Site Notice has been displayed, as a result of the holiday period this was not put up (and dated) until the 17/01/14. As such, the expiry date of the consultation period is after the date of this report and therefore any further representations received will be verbally reported to Members.

PARISH COUNCIL – Objects to this application on the grounds that the importation of soil would be detrimental to local residents and unsympathetic to the site.

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

Blakes Golf Course has a fairly complex history with regards to importation of material, however the existing course is now completed and well established. The existing irrigation ponds are on site however they are currently leaking and therefore holding less than 10% of the capable storage area. As these ponds are specifically on site to provide suitable irrigation to the golf course, and at present they are not holding sufficient water for this purpose, the applicant is having to 'top up' with water from the tap each year.

### Sustainability:

Local Plan policy CP5 seeks to refuse planning permission for proposals that (amongst other factors) do not do enough to “*make the most efficient use of water*” and states that “*where possible, proposals for new development, or for the conversion or re-use of sites and buildings should incorporate measures which:*

*(iii) encourage efficient use of water and recycling of waste*”

The presence of irrigation ponds that have water retention of less than 10% capacity is not making efficient use of water and results in a greater strain on the piped water resources. Therefore, the proposed improvements to the ponds would comply with the above policy and would be sustainably beneficial.

There would be no other alterations to ground levels outside of the ponds, and therefore no impact on the character and appearance of the site as a whole. Given this, it is unclear why the Parish Council considers the proposed works to be ‘unsympathetic to the site’.

### Flood risk:

Land Drainage consent has already been granted for the proposed works. Due to this, Land Drainage Officers have no objection to the proposed works as this would not result in any detrimental impact on ground water flooding and would make the existing irrigation ponds more water efficient. As the approved Land Drainage Consent is subject to conditions set out and enforced by the Land Drainage team, there are no further conditions required on the planning consent with regards to this.

### Highways:

The proposed development would require the importation of a total of 858 cubic metres of engineering blue clay, which is broken down to the following:

Pond 1 – requires 528 cubic metres of lining material = 50 lorry loads.

Pond 2 – requires 120 cubic metres of lining material = 10 lorry loads.

Pond 3 – requires 210 cubic metres of lining material = 20 lorry loads.

The applicant states that they would receive no more than 10 loads a day and estimate that the works to Pond 1 would be completed within 5 days and the works to Pond 2 would be completed within 2 days. Whilst there is no specified estimated time for completion of Pond 3 given, it is likely that this would take no more than 3 or 4 days.

Given the relatively low level of vehicle movements and very short time duration for completion, it is not considered that the level of vehicle movements would have a detrimental effect on highway safety, efficiency or capacity at this location. As such, there has been no objection from Essex County Council Highways.

### Amenities:

Given the location of the irrigation ponds, the relatively low level of importation, and the short duration for completion of the works, it is not considered that the proposed development would result in any detrimental impact to surrounding residents. The access to the Golf Course is from the A414, which carries heavy vehicle traffic, including large lorries. As such, the additional small number of lorry loads resulting from these works would not result in an excessive increase in vehicle traffic that would have a detrimental effect on local residents.

A timetable of works can be agreed by way of a condition to ensure that the development is undertaken within a short time period as proposed, and also to suitably control the level of importation and number of vehicle movements relating to the proposal.

### **Conclusion**

The proposed works would make the existing irrigation ponds more water efficient that would be of benefit to both the established golf course business and the sustainability of the site. The level of importation and vehicle movements would be fairly low and therefore would not detrimentally impact on the highway or local residents, and there would be no other ground changes as a result of this proposal. As such, the development complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and therefore the application is recommended for approval.

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

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

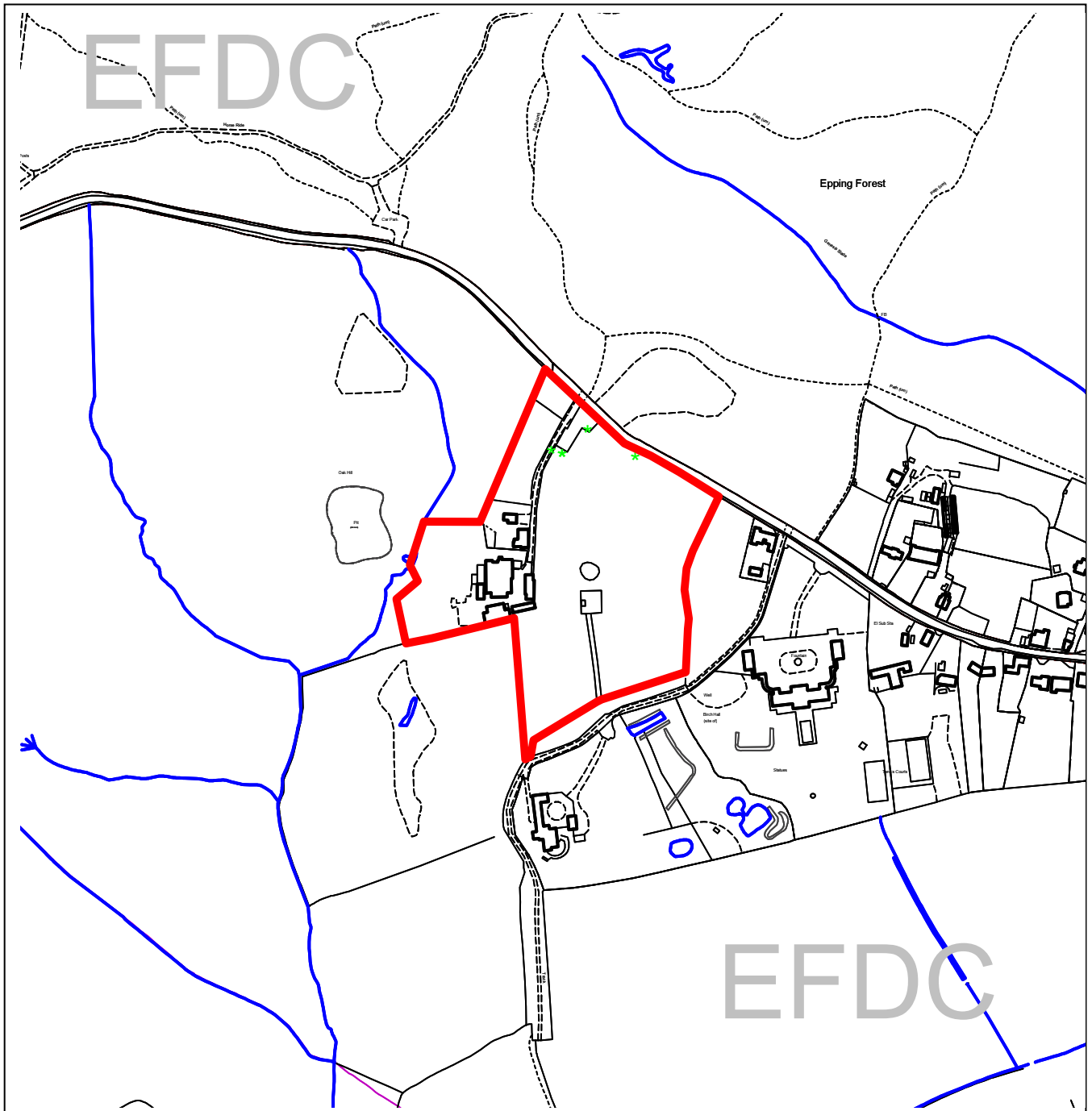
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 8



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Application Number:	EPF/2659/13
Site Name:	Oak Hill Farm, Coppice Row Theydon Bois, CM16 7DR
Scale of Plot:	1/5000

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2659/13
<b>SITE ADDRESS:</b>	Oak Hill Farm Coppice Row Theydon Bois Epping Essex CM16 7DR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr R Rai
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed replacement perimeter fence
<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=557954](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557954)

**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: ESB PF 001, ESB PF 002 rev. A and unnumbered front elevation drawing.
- 3 The external finish of the entire fence structure that is above ground, including all supporting structure, shall be powder coated green, colour RAL 6005, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development, including works of site clearance, shall take place until an Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. This shall include details of all tree works necessary to facilitate the proposal. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 5 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by

another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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

### **Description of Site:**

The application site comprises two distinct areas. The first is the site of former farmhouse with considerable adjacent farm buildings that is in the very advanced stage of being redeveloped to provide a large detached house. The second is an agricultural field to the east that is on lower lying ground. The entire site is enclosed by a chain link fence of varying height up to approximately 1.8m. It is in poor condition, particularly on the site boundary with Coppice Row.

The site is in the Green Belt with Epping Forest Land to the north on the opposite side of Coppice Row and to the west and south. Epping Forest Land to the south is “buffer land” owned by the Conservators. The land to the north and west is within the Epping Forest SSSI and SAC. The north, east and southern boundaries of the agricultural field are enclosed by woodland that is the subject of a woodland tree preservation order, ref EPF/03/89/W1. Immediately beyond the southern field boundary is a public footpath that starts at Coppice Row and follows the route of a private drive serving dwellinghouses known as West Lodge, at its junction with Coppice Row, together with Birch Hall and Birch Hall Farm further to the south. Fields immediately south of Birch Hall and Birch Hall Farm are a deer sanctuary.

The dwellinghouse under construction at the application site is accessed off the south side of Coppice Row, a short distance west of the 30mph speed limit area within Theydon Bois. The field within the application site is accessed via a field access off the drive opposite Birch Hall Farm.

### **Description of Proposal:**

It is proposed to erect 2m high 6mm gauge steel fencing around the entire site and an electricity substation adjacent to the entrance to the site off Coppice Row to replace various existing chain link fencing which is in a poor state of repair. The fence would be set between 7m and 15m from the carriageway of Coppice Row. East of the site entrance the fence would be set on land significantly lower than the carriageway. The fence would be under the canopies of trees between it and Coppice Row. The fence would be set 5m from the eastern site boundary for its first 45m south of Coppice Row. Elsewhere the fence would be on the site boundary. The proposal includes the removal of all existing chain-link fencing around the site.

All the fencing, including that which is not adjacent to the highway requires planning permission as a consequence of the removal of permitted development rights for the entire site when planning permission was given for the house. The proposal does not supersede previously approved proposals for entrance gates and adjacent walls. It is designed to incorporate the previously approved development which is confined to the vehicular access to the site.

The application is accompanied by an Arboricultural Method Statement and Habitat Survey Report. The stated purpose of the fence is to provide security for the dwellinghouse and the



application is accompanied by a statement from the Senior Architectural Liaison Officer of Essex Police in connection with a Secured by Design Application.

**Relevant History:**

Consent was given for a new dwelling house at the western part of the site under planning permissions EPF/1345/10 and EPF/1352/12. Consent has also been given for the formation of a pond in the field that comprises the eastern part of the site under planning permissions EPF/1841/11 and EPF/1420/13.

Details pursuant to conditions on the dwellinghouse consent have been approved and works are at a very advanced stage. Condition no 17 of planning permission EPF/1352/12 removed permitted development rights for the erection of boundary fences enclosing the north, east and south field boundaries. The condition states:

*“Notwithstanding the details shown on drawing number OHF003 Rev 11b and the provisions of Class A of Part 2 to Schedule 2 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 gates, fences, walls or other means of enclosure that at any point exceed a height of 1 metre above ground level shall be erected on the land outlined in blue on drawing numbers ESB GE 01 and ESB GE 003 without the prior written permission of the Local Planning Authority.”*

The stated reason for the condition is: *“In the interests of maintaining the openness of the Green Belt and the visual amenities of the locality and since the circumstances of the application site and adjoining land in the ownership of the applicant warrant the control of the Local Planning Authority over this form of development.”*

Planning permission was given for the erection of new entrance gates and associated walls and fence under consent reference EPF/0850/12.

A proposed 1.8m high fence around the largely residential western part of the site have been approved as part of a landscaping scheme for the approved dwellinghouse under decision references EPF/0151/11 and EPF/0091/12, both of which are incorporated into the decision on planning permission EPF/1352/12.

The current application replaces application EPF/1626/12, which proposed a 1.8m high fence around the entire site to be sited on the site boundary. That application was withdrawn following discussion with Officers over a considerable period of time regarding how a revised proposal could overcome objections to that proposal.

**Policies Applied:**

GB2A	Development in the Green Belt
GB4	Extensions of Residential Curtilages
GB7A	Conspicuous Development in the Green Belt
HC5	Epping Forest
NC4	Protection of Established Habitat
DBE1	Design and Appearance of New Buildings
DBE 4	Design in the Green Belt
NC1	SPAs, SACs and SSSIs
NC4	Protection of Established Habitat
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL8	Works to Preserved Trees

LL10 Adequacy of Provision for landscape Retention

NPPF

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

Number of neighbours consulted. 3  
Site notice posted. Yes  
Responses received: None from neighbours.

THEYDON BOIS ACTION GROUP: Objection.

The proposal would effectively bring about enclosure of a large area of Green Belt land adjacent to Epping Forest, would be harmful to the openness of the Green Belt and out of keeping with its surroundings. The need for security could be addressed by erecting a fence around the residential curtilage of the new house rather than erecting a fence around the entire site. A hedgerow around the agricultural field would be more appropriate and provide adequate security.

Concern is expressed about the impact of the fence on wildlife since it would prevent them from crossing the field. Concern is also expressed that the application site layout plan does not distinguish between the residential curtilage of the house and land outside of the curtilage.

THEYDON BOIS & DISTRICT RURAL PRESERVATION SOCIETY: Objection.

The proposed fencing will be detrimental to the openness of the Green Belt and visually intrusive when viewed from the public right of way. The fence will also restrict access by animals to the field which can be used as a food source. It may also disturb badgers. Once the house is occupied security will not be a material consideration as a previous consent provides for permanent resident security personnel. It should be demonstrated that the Conservators of Epping Forest have been consulted and do not object before any decision is made on the application.

CONSERVATORS OF EPPING FOREST: Objection

The proposal is contrary to Local Plan and Alterations policies dealing with the Green Belt, heritage and nature conservation. The proposal will be harmful to the openness of the Green Belt and be visually intrusive when viewed from the public right of way. It could obstruct wildlife gaining access to the field and use it as a food source.

THEYDON BOIS PARISH COUNCIL: Objection.

We object to this application which is consistent with our earlier objection to the very similar application EPF/1626/12.

Our main and fundamental objection is that an extensive perimeter fence of this height and extent would constitute conspicuous and inappropriate development in the Green Belt. Specifically, the fence would be visually intrusive and detrimental to the openness of the Green Belt in this sensitive location abutting Epping Forest. Also, the presently enjoyed views from the Public Footpath adjacent to the site would be interrupted and adversely affected by the erection of this fencing.

We are aware that the City of London registered clear objections to the previous application citing specific grounds including the following:

1. Concerns about the access and welfare of wildlife presently using this agricultural land as a

- food source – particularly with reference to the southern boundary.
2. Concerns about the welfare of Badgers given the likelihood of Badger setts by the southern boundary.
  3. Breaches of Policy Guidance outlined in the NPPF and in the District Council's own policies GB2A, GB7A, HC5 and NC4 for the protection of the Metropolitan Green Belt and Heritage and Nature Conservation.

We cannot see that the above concerns of the City of London have been met by this application and cannot imagine that they are satisfied by the minimal amendments which have been made. We trust that City of London have been specifically re-consulted on this application given their previous concerns.

We are not persuaded by the arguments justifying the development on the grounds of the need for greater security. We recall that a recent application was granted for ancillary accommodation for Security Staff and surely onsite permanent Security should be sufficient. If however security remains an issue then we would recommend that the perimeter fence be limited to the extent of the previously agreed residential curtilage only. The fencing should not extend to enclose the entirety of the site including what is presently open agricultural land.

Our attention has been drawn to a similar application EPF/1361/08 which related to a nearby site and which also involved proposed boundary fencing around a Green Belt site. The land off Debden Lane which includes a woodland area covered by a TPO and adjacent to a Local Nature Reserve. The reasons for refusal included the adverse impact on the openness of the Green Belt and also the adverse impact on fauna using the land as corridor to gain access to the Nature Reserve. We believe that the same circumstances arise in this case and that for consistency this precedent should be followed.

Finally, we would mention that the application is described as comprising 'New entrance gates and associated wall and fence'. In fact the application deals with the proposals for perimeter fencing only.

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

In relation to the previous application for a 1.8m high fence enclosing the entire site Natural England made clear there is no need for the Council to undertake an assessment of the proposal on the site's nature conservation objectives and that the proposal is not likely to have an adverse effect on the adjacent Epping Forest SSSI. This proposal is for a 200mm higher fence that, although set well away from the northern site boundary with Coppice Row, would also enclose the entire site. There has been no material change in the site and neighbouring land since Natural England gave their advice and Countrycare has confirmed it has no objection to the proposals. Furthermore, the proposal would not prejudice the value of Epping Forest for providing open space for the purposes of recreation since it is not part of the Forest. It is therefore found that the main issues raised by the proposal are its consequences for preserved trees, the rural landscape and the Green Belt. The consequence for the landscape includes the setting historic nature of Epping Forest. All these matters will be considered with reference to the interests of achieving reasonable security for the dwelling house under construction at the site.

### **Impact on Preserved Trees, Landscape and Epping Forest:**

The preserved trees on the site boundary with Coppice Row make a very important contribution to the visual amenities of the locality and, although not part of Epping Forest, visually they appear as part of it. Together with trees on Forest Land on the north side of Coppice Row, the preserved trees provide a unified form of enclosure of this part of Coppice Row, whose character adjacent to the site is of a road passing through the forest. Consequently a key planning objective for any

development at the site is to safeguard the preserved trees in the interests of the landscape character of the locality and the visual context of Epping Forest as well as the amenity value of the trees themselves. Local Plan and Alterations policies HC5, LL1, LL2, LL8 and LL10 provide policy support for that position.

The Council's Tree and Landscape Team were consulted on both this application and the previously withdrawn application. In relation to the withdrawn proposal very serious concerns were raised in relation to the siting of that fence in close proximity to the site boundary with Coppice Row since that placed it in the most sensitive parts of the root protection area for preserved trees on the site boundary. The risk of harm to the roots of the trees was found to be very high and, despite a methodology statement from the applicant, the Team was not satisfied that excessive harm to the trees could be prevented. Consequently it maintained an objection to that proposal. Clearly, if the trees on the boundary with Coppice Row were significantly harmed that would seriously undermine a key planning objective.

Planning Officers, together with Officers of the Tree and Landscape Team have given informal consideration to pre-application proposals from the applicant to overcome the objections to the previous proposal and advised the applicant that it is necessary to ensure any fence is sited away from the site boundary with Coppice Row. However, in order to ensure the visual impact of such a fence is acceptable, the applicant was also advised that within the field that forms the larger eastern part of the site, any fence should be sited under the canopy of trees and landscaped so that, visually, it would be absorbed by the landscape. Such siting would remain within the root protection areas of the trees but be in a much less sensitive part of it where the risk to the trees could be properly managed.

The Tree and Landscape Team has given careful consideration to the application proposal and makes clear it overcomes its objection to the previous proposal. It states it has no objection to the grant of planning permission subject to the imposition of conditions to secure the protection of the trees and implementation of soft landscaping. The advice of the Team is set out below:

*Whilst the applicant has provided a tree report and / or an Arboricultural Method Statement, the above conditions do need to be included in full, and new reports will need to be submitted for approval prior to commencement. This is because at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees. Following permission being granted the information that will be required to be submitted will include;*

- o Tree protection plan to include the alignment of utility apparatus (including drainage and ground source heat pumps), and the site set up i.e. locations for site huts, temporary toilets, contractor parking, storage of materials, cement mixing etc. This information is not yet known.*
- o A detailed Arboricultural Method statement including a list of contact details for all relevant parties. This information is not yet known.*
- o Schedule of works to retained trees e.g. works required to facilitate demolition / construction activities. This information is not yet known.*
- o Arboricultural site monitoring schedule, A detailed schedule of visits is required.*

*Please therefore, do not condition the Tree Report / Arboricultural Method Statement that has been submitted with the application, but include the condition un-amended.*

*What is particularly important in this application, is that the tree work necessary to implement this proposal, is highlighted. Any other works recommended in the accompanying Tree Reports, where the trees are TPO'd would either need an application for works to be submitted for approval or 5 days notification where works are exempt"*

The above advice applies to the proposal as a whole and is not tightly focused on the boundary with Coppice Row. In the light of that advice it is found the proposal could be implemented without causing harm to the preserved trees. Consequently the amenity value of the preserved trees, their contribution to the landscape character of the locality and the setting of Epping Forest would be safeguarded. Furthermore, the fence as a whole is found to be capable of implementation in a manner that would safeguard the visual amenities of the locality more generally and would not have any greater impact than the existing fence enclosing the site. The recommended planning conditions are reasonable and necessary to achieve the successful implementation of the development.

### Green Belt:

The development is not inappropriate in the Green Belt therefore the main matter to consider under this heading is impact on openness. The proposed development would serve to physically contain the residential and agricultural part of the site as a single entity. Since the site is already enclosed as a whole that aspect of the proposal does not amount to a material change. The greater part of the fence would not normally require planning permission and the applicant has recognised the Council's concerns in both the design of the proposal and the discussion his agent had with Officers over a long period of time. The sensitive design of the proposal which is open with narrow supporting posts allowing views through it, together with the careful siting of the fence and its incorporation within existing and new landscaping, will all ensure its visual impact is negligible. For that reason it is found the proposal will not be harmful to the openness of the Green Belt and would not undermine the purposes of including the land in the Green Belt.

### Conclusion:

It is a fact that the site is presently enclosed as a whole. The advice of Natural England in relation to the previously withdrawn proposal makes clear the principle of erecting a new fence around the site would not be harmful to the value of Epping Forest as a SSSI and that there is no need to carry out any assessment of such a proposal on the site's nature conservation objectives. In relation to this specific proposal the Council's own expert advisor within Countrysidecare states there is no objection to the proposal in terms of its consequence for biodiversity.

Careful design, with particular attention to siting, has overcome the Tree and Landscape teams objections to a previous proposal that was withdrawn. The current proposal would safeguard preserved trees and be well integrated into the landscape. It would therefore safeguard the landscape character of the locality and setting of Epping Forest as well as the amenity value of preserved trees.

The proposal is not inappropriate development in the Green Belt and would not be harmful to the openness of the Green Belt or the purposes of including the land in the Green Belt.

Having regard to the above assessment it is found appropriate to meet the reasonable security needs of the applicant in the manner proposed. Accordingly, it is recommended that conditional planning permission be granted.

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

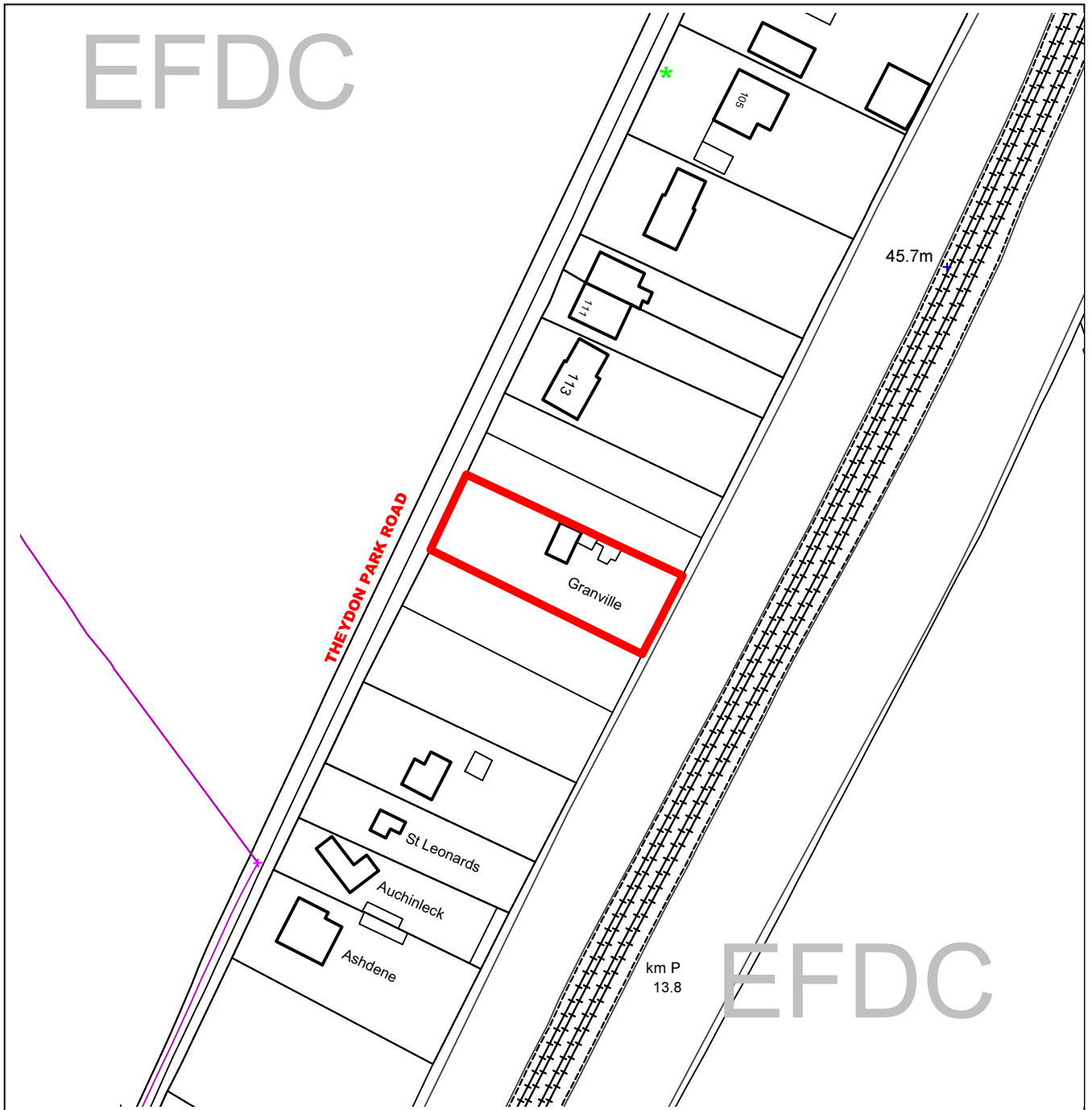
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 9



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Application Number:	EPF/2660/13
Site Name:	119 Theydon Park Road, Theydon Bois, CM5 9AR
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2660/13
<b>SITE ADDRESS:</b>	119 Theydon Park Road Theydon Bois Epping Essex CM5 9AR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Mohamed Vankad
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of section 52 Agreement relating to EPF/1127/82 (Continued use of dwelling for residential purposes).
<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=557970](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=557970)

**CONDITIONS**

NONE

*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:**

Theydon Park Road is located within an area of sporadic development within the village of Theydon Bois. The existing building is a single storey chalet style dwelling which is located within the centre of a relatively modest plot. The surrounding area is formed of a mixture of single storey and two storey dwellings, many of which are used for permanent residential purposes. The application site is located within the boundaries of the Metropolitan Green Belt and it is not located within a conservation area.

**Description of proposal**

The application is to remove an extant section 52 legal agreement, which is attached to planning permission ref EPF/1127/82. The terms of the agreement require the permanent residential use of the dwelling only be undertaken by specific named individuals, who have since passed away. The removal of the agreement will allow the dwelling to be used freely by persons other than those named within the legal agreement.

**Relevant History**

The site has a long and complex history. The structure that exists on site at the moment has a current lawful use as a permanent dwellinghouse.

EPR/0020/48 – Erection of Bungalow – Refused

EPO/0262/56 – Erection of Bungalow – Refused

EPO/0040/59 – Erection of additional structure – Refused

Planning Enforcement Notice issued 6 October 1980 requiring the discontinuance of the buildings on the land for residential purposes.

EPF/1127/82 - Continued use of dwelling for residential purposes. – Approved

EPF/0822/01 - Restoration of residential use to existing dwelling. – Refused

### **Policies Applied:**

CP1 Achieving Sustainable Development Objectives

The site in question has been designated by the Epping Forest District Council's proposals map as an area for leisure plots rather than for permanent residential use. However, it is a fact that planning permission EPF/1127/82 is for use as a dwellinghouse on a permanent basis since it does not include any condition requiring its use to change back to leisure use in any circumstance or after any specific period of time. Since the lawful use of the site is as a dwellinghouse it is found that policies RST11 and RST12, which seek to control leisure uses in the locality, are not applicable. Furthermore, since the proposal to remove the planning obligation does not involve any actual development it is found that no Green Belt or Highways policies are applicable.

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

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

Site Notice Displayed – No neighbour comments received

THEYDON BOIS PARISH COUNCIL - OBJECTION We note that the existing Section 52 Agreement provides for residential use personal to the named applicants and your comment that this Agreement was given on the basis that the then applicant had demonstrated 'Very Special Circumstances' to overcome the harm within this area of Theydon Park Road. We have not had the benefit of seeing the Agreement and are not privy to the reasons put forward at the relevant time. We can only deduce however that the particular personal circumstances of the then applicant must have been such as to satisfy you on that occasion. We see no reason why the Section 52 Agreement should be overturned based on this application; no 'Very Special Circumstances' have been put forward by this applicant to justify not following recent precedent. Accordingly, our reasons for objection (with the exception of the first point) and for ease of reference repeated below still stand and we do not consider that change of use to permanent residential use is appropriate for the following reasons:

1. It is apparent that the property does not meet modern day living standards and would be unsuitable as a permanent home.

2. We are concerned that a permanent change of use would lead to an encroachment of residential development in this sensitive location. The area of Green Belt between Theydon Bois and Debden has been designated as a 'strategic buffer zone' in the preparatory documentation for the new Local Plan. This recognises the desire to avoid any further development 'sprawl' leading to the loss of the individual and rural character of the village of Theydon Bois.



3. The access comprises an unmade unadopted road. The surface is in very poor condition and would not meet the demands of further intensification of use which an additional permanent dwelling would bring.

Please note that historically the property has also been known as 116 Theydon Park Road and 'Grandville'.

For consistency we would also draw your attention to the recent application concerning 121 Theydon Park Road and to our objection to that application which is repeated below:

*'This property is situated in a sensitive location and forms part of an area of special designation under the Local Plan (RST 11 and RST 12). These policies clearly state what is allowable in this Green Belt location. This proposal does not comply with these policies. Directly adjacent to this plot lies Auchinleck and St Leonards both of which are subject to the above designation and both of which have been subject of applications for extension that have been refused by Epping Forest District Council and upheld by the Planning Inspectorate on Appeal.*

*We see no distinction with this application and thus there is no reason why this application should be granted when clear precedents apply as detailed above. The National Planning Policy Framework is also consistent in that it states that the Green Belt should maintain its openness and this proposal would harm and reduce said openness. Our views are consistent with those expressed in relation to the recent application EPF/2110/13 RE 119 Theydon Park Road.*

*We would also comment that this is a sensitive area of the Village and the new Local Plan contains a recommendation that this area should be designated as a 'Strategic Buffer Zone' in which no development should take place. The rationale behind this is to maintain the clear distinction between the 'urban conurbation' of Loughton/Debden and the distinctive and unique character of the village of Theydon Bois, surrounded as it is by Green Belt and Forest land.*

Theydon Bois and District Rural Preservation Society – OBJECTION – This part of Theydon Park Road, know colloquially as 'Tin Town', falls under a section of the present Local Plan that restricts these holiday chalets to seasonal occupation from the months of April to October and then only if kept in a good state of repair. The NPPF states that the Green Belt should retain its openness in this part of Theydon Park Road which forms a buffer between Theydon and Debden. The new local plan currently under preparation has earmarked the site as a strategic gap in which no development should take place.

### **Issues and Considerations**

The Council's solicitor has advised that, as a consequence of the 1982 planning permission, ref EPF/1127/82, the lawful use of the building is for permanent residential purposes. As the application site enjoys a lawful permanent residential use, the main issue to consider is maintaining the restriction on occupation of the dwellinghouse serves any planning purpose and whether allowing the occupation of the dwelling by persons other than those named in the S.52 agreement would be in the interests of securing sustainable development. Members should note that since the lawful use of the site is as a dwellinghouse the 2001 application that was essentially for use as a dwellinghouse, ref EPF/0822/01, was unnecessary.

The dwelling is currently unoccupied as the persons named on the extant section 52 agreement have passed away. The effect of the S.52 agreement is the dwelling cannot be occupied by any other persons. The NPPF seeks to ensure development is sustainable. It is unclear what planning purpose was intended to be secured by the 1982 planning permission in limiting the occupation of the dwelling to named persons only. It appears that consent for the use as a dwellinghouse was given solely on the basis of weight attached to the personal circumstances of the then applicants. However, without any corresponding requirement that the use as a

dwellinghouse cease the site is now in a position where its lawful use is a dwellinghouse but the requirements of the S.52 agreement prohibit its occupation but do not require its removal. The terms of the agreement do not cause the planning permission and the lawful use given by it to cease to exist.

Such a requirement in a planning obligation does not meet the test of reasonableness. Moreover, since it results in a house not capable of lawful occupation it also results in an unsustainable situation in circumstances where there is an acknowledged general need for housing. Consequently the obligation also does not serve any planning purpose and, indeed, works against the purposes of the planning system.

Policies RST11 and RST12 relate to existing leisure plots and cannot be applied to this site which is lawfully a permanent dwelling.

### **Conclusion**

The removal of the section 52 legal agreement which restricts the permanent residential use to named persons does not involve any development. The reasons for imposing the planning obligation do not appear to have anything to do with a planning matter and were solely to avoid making homeless those occupants of the house in 1982. Since the lawful use of the application site is as a dwellinghouse the effect of the planning obligation restricting occupancy to named persons is to prohibit the occupation of a lawful dwellinghouse. That serves no planning purpose and is in fact counter to the interests of achieving sustainable development. Removal of the planning obligation would free a house for general occupation where there is a general need for housing and is therefore in the interests of sustainability. As such the proposal complies with the provisions of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework. It is therefore recommended to the committee that the legal agreement is removed.

***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: James Rogers  
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)***