

AREA PLANS SUB-COMMITTEE 'EAST'

23 July 2014

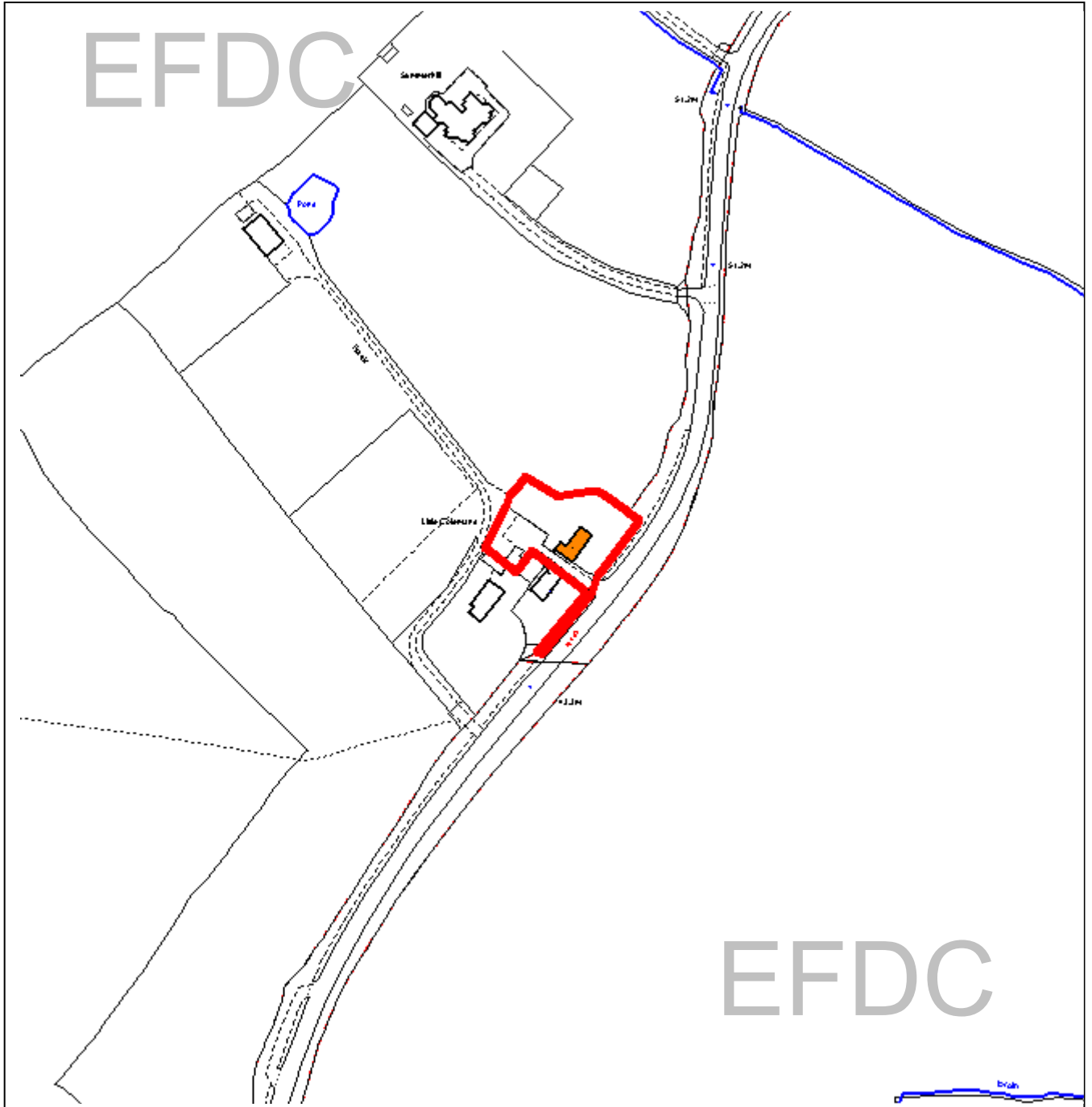
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/1269/12
Site Name:	1 Little Colemans, Romford Road Stanford Rivers, CM5 9PQ
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/1269/12
SITE ADDRESS:	1 Little Colemans Romford Road Stanford Rivers Ongar Essex CM5 9PQ
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mrs Roberta Khan
DESCRIPTION OF PROPOSAL:	Change of use of annexe to separate dwelling house with garden. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538943

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 Additional drawings that show proposed new windows, doors, rooflights and railings shall be submitted to and approved by the Local Planning Authority prior to their installation, within one year of either the separation (by reason of the erection of the boundary treatment) of the annexe from the house, or the first occupation of the new dwelling, unless agreed in writing with the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions or outbuildings generally permitted by virtue of Schedule 2, Part 1, Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 The entire frontage of the site outlined in red shall be maintained clear of any obstruction up to a height of 2 metres, within the visibility splay 2.4 metres back from the carriageway edge.
- 5 Prior to the first use of the building as a separate dwelling the garage, parking and turning areas shown on the approved plan shall be provided. These facilities shall be maintained free of obstruction thereafter for the parking and turning of vehicles of residents and visitors to the site.

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

Background:

This application was considered by this Sub-Committee on 26 September 2012 when it was resolved to grant planning permission subject to the completion, within 12 months, of an agreement under S.106 of the Town and Country Planning Act 1990. The agreement was required to secure the maintenance of a visibility splay 2.4m back from the highway edge for the full length of the frontage of both 1 and 2 Little Colemans. To achieve this, the visibility splay would have to be kept free of obstruction to a height of 2m. Doing so necessitates regular trimming of a hedge at the application site and the immediate neighbour, 2 Little Colemans, which is adjacent to the highway boundary. The purpose of the S106 is to secure the necessary visibility splays in the long term in the interests of highway safety.

The original report to the Sub-Committee is reproduced below. Members will note that Officers did not recommend the use of a S106 agreement and put forward a planning condition as an appropriate mechanism for securing the visibility splay.

The applicant was unable to complete the S106 agreement within the 12 month period or thereafter. The applicant and her solicitors advise the S106 Agreement required its execution by adjoining owners and 4 mortgagees. Unfortunately one of the mortgagees, Lloyds TSB Bank plc did not agree to execute the S106 Agreement.

Subsequently, no 2 Little Colemans was sold and the new owner refuses to sign the S106 Agreement on the basis that although he is happy to trim his hedge, he does not want to allow anyone else to or to be in a position where he could be compelled to do so. The S106 Agreement would have that consequence since it is designed to be enforceable against the owners of both 1 and 2 Little Colemans.

Proposal:

It is clear the applicant cannot deliver the S106 Agreement. The applicant consequently requests planning permission be given without the S106 Agreement. She will accept a planning condition to the same effect and would seek to informally ensure the hedge at her neighbours is maintained such that it does not encroach into the desired visibility splay.

Issues and Considerations:

The main matter to assess is the consequence for highway safety. The personal circumstances of the applicant, while not a material consideration, will also be set out and commented on since they are raised by the applicant.

The Highway Authority has been consulted on the proposal to omit the S106 Agreement and asked for its views on whether the interests of highway safety could be met by a condition alone. It advises that it objects to the proposal if the visibility splay cannot be secured in a way that is enforceable in the long term. The reason for its objection is it finds that the proposed use of the annexe as a separate dwelling would result in an intensification of the use of a substandard access onto a Main Distributor highway with substandard driver to driver sight lines. The Highway Authority maintains that would intensify the conflict between vehicles using the access and those travelling along the highway resulting in deterioration in the efficiency of the road and harm to highway safety.

It is clear that a planning condition can only be enforced against the owner of the application site, 1 Little Colemans. It cannot be enforced against the owner of the adjacent site, 2 Little Colemans. Moreover, the applicant has no way of independently compelling the owner of 2 Little Colemans to trim the hedge if he decides not to. In the circumstances the Highway Authority is considered to object to the development. It is noted that the original report on the application effectively states the Highway Authority would find a planning condition acceptable. It appears that conclusion was based on informal discussion between officers rather than a formal comment as now received.

The applicant has been advised of the objection of the Highway Authority. She draws attention to her personal circumstances. She says she had assumed the S106 would be completed within the period it should have been and consequently took on significant debt in anticipation of that and the planning permission being granted. She states that if planning permission is not given she is very likely to have to sell her home of 27 years to meet her financial obligations. She also states that while she understands the issue of highway safety, in her long experience of living at the property there has never been any difficulty using the access.

The matter for Members to decide, therefore, is how much weight to be given to the applicant's own experience of using the access and the consequences for her personally if planning permission were refused.

Officers assessment is the main potential difficulty for drivers is looking right as they manoeuvre from the existing vehicular access onto the highway. Provided the hedge is trimmed back from the edge of the highway there is no actual difficulty for drivers. If it is not maintained, however, over time the available visibility splay will be lost creating a danger. That situation will continue even if planning permission is refused. The particular length of hedge that has the potential to cause that obstruction is at 2 Little Colemans, on land outside of the applicant's control. Moreover, the access does not serve 2 Little Colemans so the owner of that property has no direct interest in maintaining the hedge. Therefore only a S106 agreement can provide a mechanism that the Council can use to enforce the maintenance of the hedge.

If consent were given without the S106 agreement then the existing informal arrangement between neighbours would continue. Since the new house would be formed within what is already a lawful residential annexe the degree of intensification of the use of the access that would arise is open to question. Arguably it would be low. However, the intensity of the use of the access could happen as a result of a more intensive use of the existing house in any event. Moreover, the owner of 1 Little Colemans and the proposed new house would be likely to have a private law recourse available to them should the owner of 2 Little Colemans fail to maintain the hedge such that a visibility splay is harmfully reduced. In the event of a disagreement they may be able to bring a claim to a court that it causes a nuisance.

In the circumstances, Officers find that a S106 agreement, while ideal, is not absolutely necessary in this particular case. It is also likely that the harm that would be caused to the personal interests of the applicant as a result of a decision to refuse planning permission would be disproportionate in relation to the risk to highway safety. However, as indicated above, although the applicant draws attention to her personal circumstances, weight cannot be given to them when assessing the planning issue.

Conclusion:

The degree of intensification in the use of the vehicular access that is reasonably likely to arise as a consequence of the proposed development is small. It could arise in the context of the existing use of the site as a single dwellinghouse with large residential annexe. The applicant's long personal experience of using the access is that neighbours cooperate sufficiently to ensure there is no difficulty in using the access. That is backed up by the private law recourse of both the owner of 1 Little Colemans and, if consent were given, the owner of the new house formed in the

existing residential annexe. On balance, therefore, it is recommended that planning permission be given without the S106 agreement previously sought.

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

ORIGINAL REPORT TO COMMITTEE

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

Description of Site:

The application site comprises a detached dwelling and its garden area, which is located mainly to the side of the house. It also includes a courtyard area within which is a large detached 2 storey annexe and garage. The building which was originally a barn has been converted so it is capable of being used as a residential annexe with the benefit of planning permission, although the actual use as an annexe has not commenced. The site is accessed via gated entrance from London Road.

The annexe was not built strictly in accordance with the approved plans and was then subsequently extended without the benefit of express planning permission. However, last year a certificate was issued in respect of the works confirming that they were lawful, as more than 4 years has passed since their substantial construction. The building, as it stands, is therefore lawful.

The site is located within the Metropolitan Green Belt and 1 Little Colemans is a Grade II Listed Building.

Description of Proposal:

This application seeks planning permission for the division of the site into two, to allow the existing annexe building to be occupied as an entirely separate 3 bed dwelling.

Both properties would be accessed via the existing access onto London Road and a courtyard area, surrounded by 1.5m high railings, would be created to the front of the barn/annexe. The annexe would have its integral garage reinstated and would have a second car parking space to the front of the garage.

Amenity space for the three bed dwelling created would be provided both within the courtyard and on the existing roof terrace to the side. Whilst these areas would not be overlooked from neighbouring dwellings, they would be exposed to users of the parking area retained to the rear of 1 Little Colemans. However, should occupiers of the converted barn wish for a greater level of

privacy in the courtyard area, this may be secured by the planting of landscaping behind the proposed railings.

In order to satisfy a highway safety concern regarding the likely intensification of the existing substandard access onto London Road (by reason of additional use by the occupiers of the new dwelling) the application also proposes the ongoing trimming maintenance of the conifer hedge along the highway boundary by the Applicant, to improve existing visibility splays.

Alterations to the elevational detail of the building, including new/enlarged windows are also proposed.

Relevant History:

EPF/1519/02. Rebuilding of barn to provide residential annexe for elderly relative. Approved 29/11/2002.

EPF/0003/11. Certificate of lawful development for existing side extension and roof terrace over, velux windows and internal partitions and carport conversion. Lawful - 08/03/2011.

Policies Applied:

CP2 - Protecting the Quality of the Rural and Built Environment
CP3 – New Development
DBE1 - Design
DBE 2, 9 – Amenity
DBE6 – Car Parking
DBE8 – Private Amenity Space
LL10, 11 – Landscaping
HC12 – Development Affecting the Setting of a Listed Building
GB2A – Inappropriate Development in the Green Belt
GB7A – Conspicuous Development in the Green Belt

Summary of Representations:

Notification of this application was sent to Stanford Rivers Parish Council and to 2 neighbouring residents.

The following representations have been received:

STANFORD RIVERS PARISH COUNCIL. Strong Objection. This is a change to green belt policy opening flood gates for similar applications. Annexe in green belt only allowed in 'special circumstances' ancillary to the main dwelling house for the personal enjoyment of that existing dwelling. Highways cannot prove 90m x 2.4 sight line due to the existing hedge the 90m sight line toward Ongar sub standard. Although agreement to keep conifer hedge at a height of 2.00m not only is this hedge tight and parallel to the road and brick screen wall is constructed within the hedgerow. OBJECT on highway grounds. The parking standard area achieved by car port with visitor parking in front the amenity space reached under Town Planning made up by railing area and a balcony over the car port resulting in overlooking, no screening in this location. Object to overlooking issues involved with first floor balconies.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on residential amenity, on the Green Belt, on the character and appearance of the area, on the setting of the listed building and in relation to highway safety.

Residential Amenity

When considering the impact that this proposed development would have on the amenities enjoyed by the occupiers of neighbouring dwellings, it must be borne in mind that the building may presently be lawfully occupied as an annexe. This would permit its full time occupancy by individuals or a family related to the occupiers of 1 Little Colemans. Therefore, for the purposes of this application, it is the relationship between the occupiers of the barn and 1 Little Colemans which is most significant, as there would be no material change in relation to impact upon the occupiers of the neighbouring 2 Little Colemans. Notwithstanding this, it is considered that the relationship between the barn and 2 Little Colemans would be acceptable.

In terms of the relationship between the barn and 1 Little Colemans, the greatest issue (if the dwellings were occupied by unrelated households) would be the levels of privacy within their garden areas. However, whilst low level boundary treatment is proposed, this may be reinforced by additional landscaping in the future, should the occupiers so desire. This would afford greater levels of amenity. The issue would be greater for the occupants of the barn, as it would be their main amenity area that would be subject to overlooking. For the occupants of 1 Little Colemans, more private areas of the garden would be retained to the side and front. On balance, it is considered that the relationship would be satisfactory. Anyone considering living in the dwelling would be fully aware of the overlooking issues.

All habitable rooms within the barn would have acceptable levels of light, outlook and privacy. Bedroom 3 is, somewhat unusually, served by a roof light and a very low level window. However, it has adequate levels of light and a tolerable level of outlook (and as discussed previously, it could presently be occupied as a permanent bedroom and there is therefore no material worsening of the existing situation).

Character and Appearance

The proposed physical works (i.e. to boundary treatment separating the two plots) will have limited visibility from any public vantage point and will not, therefore cause any material harm to the character and appearance of the wider locality. The minor elevational alterations to the building would enhance its appearance. The more significant issues in respect of character and appearance are those in relation to the Green Belt and the setting of the listed building. These matters are addressed elsewhere in this report.

Impact on Setting of Listed Building

The Historic Buildings Advisor at Essex County Council has been consulted on this application and has commented as follows:

In particular, the landscape to the rear of the listed house remains unchanged – previously the hard landscaping was extended onto the garden space – the extent of the yard remains unchanged and it remains legible as an entity, with the subdivision given a simpler treatment (though metal post and rail might be more appropriate).

The principle of subdivision is still contentious, as the listed house will be deprived of an asset. However, the house retains an outbuilding, so the proposal should not result in additional outbuildings being required for the house. The appearance of the annex would also be drastically improved, to make it more in keeping with the traditional context and finer detail of the listed building.

Given the reduction in harm to the setting of the listed building and the benefit of improving the appearance of the annex, I have no further objection to the subdivision of the curtilage provided that it is ensured that the improvement works take place.

Highway Safety

Highways officers at Essex County Council have also been consulted on the planning application. The use of the barn as an independent dwelling would cause an intensification of the existing vehicular access onto London Road which has in the past had poor visibility, due to the overgrowth of a large conifer along the frontage of the site and the adjacent cottage (2 Little Colemans). However, the Applicant has cleared the visibility splays both sides of the access to the benefit of all users of the highway and has agreed to maintain them as such with the agreement of the neighbouring landowner. A condition can be applied to require the site line to be maintained. On this basis, the Highways officer is satisfied that there would be no harm to highway safety caused by the additional use of the access.

Green Belt

The site is located within the Metropolitan Green Belt. The proposed development would entail the re-use of an existing building and the proposed works (primarily the erection of the new boundary fencing) would not result in materially greater harm to the openness of the Green Belt. Accordingly, following the definition with the National Planning Policy Framework, the development would not be inappropriate within the Green Belt.

The building already exists and any harm to the Green Belt would be limited to the provision of additional boundary treatment. The site is not visible from London Road due to the existing hedge screen. From the fields to the rear of the site there would be only limited views of the additional boundary treatment within site.

Conclusion:

In light of the above appraisal, it is considered that the proposed use of the building as an independent dwelling would not be inappropriate within the Green Belt and would not cause significant other harm. It is, therefore, recommended that planning permission be granted.

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

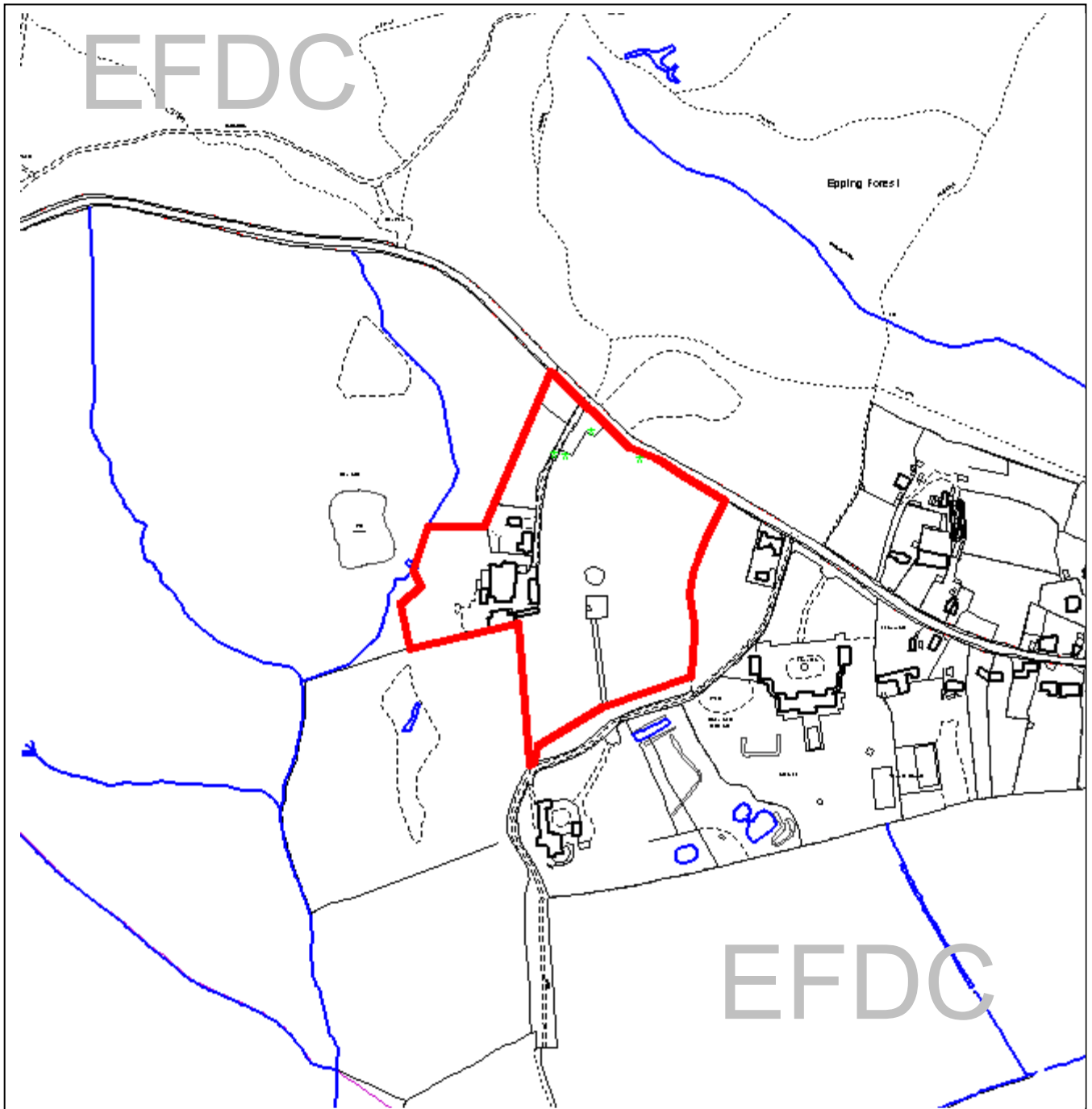
***Planning Application Case Officer: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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



Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/0670/14
Site Name:	Oak Hill Farm, Coppice Row Theydon Bois, CM16 7DR
Scale of Plot:	1/5000

Report Item No: 2

APPLICATION No:	EPF/0670/14
SITE ADDRESS:	Oak Hill Farm Coppice Row Theydon Bois Epping Essex CM16 7DR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr R Rai
DESCRIPTION OF PROPOSAL:	Proposed replacement perimeter fence. (Revised application) - 1.8 m high chain-link fence.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=561515

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 002 rev C, ESB PF 005 rev A and ESB PF 010
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 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 variety of fence types 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. 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 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, initially under planning permission EPF/1345/10 and finally under planning permission EPF/1352/12. The latter planning permission is presently being implemented and consequently the earlier consent is not relevant.

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 reference EPF/0850/12 was given for the erection of new entrance gates and associated walls and fence at the entrance to the site of the dwellinghouse.

A proposed 1.8m high fence around the largely residential western part of the site has 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.

Application EPF/1626/12 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.

Application EPF/2659/13 proposed 2m high 6mm gauge steel fencing around the entire site. It was refused by this Sub-Committee for the following reason:

“The proposed fence due to its height, industrial design and positioning, including adjacent to a public footpath, fails to respect or enhance the character and appearance of the landscape and would have an excessive adverse impact upon the openness, rural character and visual amenities of the Green Belt contrary to policies LL2 and GB7A of the Adopted Local Plan and Alterations.”

The minutes of that meeting state: *“Members considered whether there was a way forward and suggested that a lower fence of a less industrial design (perhaps a narrower gauge chain link style fencing) would be more appropriate, but that such fencing should be restricted to the boundary of the approved residential curtilage of the site, which would be sufficient to ensure security of the house and garden and would not introduce an inappropriate feature into the agricultural land.”*

Policies Applied:

GB2A	Development in the Green Belt
GB7A	Conspicuous Development in the Green Belt
HC5	Epping Forest
NC1	SPAs, SACs and SSSIs
NC4	Protection of Established Habitat
DBE1	Design and Appearance of New Buildings
DBE 4	Design in the Green Belt
LL1	Rural Landscape
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, at the access to the site

Responses received: None from immediate neighbours but one letter of objection was received from a resident of Theydon Bois as follows:

23 DUKES AVENUE, THEYDON BOIS: Objection

I would like to register my objection to this revised application for a perimeter fence around the ENTIRE Oak Hill Farm site. This is important Green Belt land and to fence off the entire site will affect the openness of the Green Belt, enclosing a large area of forest and farmland.

I also object to the height of the fence which will look very obvious - it will take a long time for shrubs to grow that high!

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.

The Action Group expresses disappointment that the fence is not proposed around the residential curtilage of the new house presently under construction and maintains this Sub-Committee found that would be a way forward.

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: “on this occasion the Conservators would have no observations to make.”

NATURAL ENGLAND: No objection

THEYDON BOIS PARISH COUNCIL: Objection.

We note the change of height and materials of the proposed fence. However we are disappointed that the way forward as suggested by the Plans East Committee, when this application was last refused, has been ignored. We are in strong agreement with the views of the Plans East Committee which suggested such fencing should be restricted to the boundary of the approved residential curtilage of the site, which would be sufficient to ensure security of the house and garden and would not introduce an inappropriate feature into the agricultural land.

Main Issues and Considerations:

Natural England makes 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. 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 this application and advise it has no objection to the proposals provided appropriate conditions are imposed on any consent given in order to ensure the development is implemented satisfactorily. On the basis of that advice, and having regard to the advice of the Conservators of Epping Forest, it is concluded that the proposal is acceptable in terms of its consequence for adjacent preserved trees, the landscape and Epping Forest.

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 with a variety of means of enclosure 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. Most importantly, the applicant has responded to the Sub-Committee's decision to refuse application EPF/2659/13 by reducing the height of the proposal from 2m to 1.8m and changing its design to chain-link to match previously approved fencing around the western site boundary in planning permission EPF/1352/12.

The sensitive design of the proposal which includes the careful siting of the fence together with its incorporation within existing and new landscaping will ensure its visual impact is negligible. For that reason it is concluded the proposal would not be harmful to the openness of the Green Belt and would not undermine the purposes of including the land in the Green Belt.

Parish Council Comments:

The comments of Theydon Bois Parish Council are particularly pertinent to the matters of landscape and openness of the Green Belt. Rather than have an open boundary between the residential curtilage of the dwellinghouse and the field the Parish seems to prefer the erection of a fence on that boundary instead of the current proposal. The desirability of ensuring the field retains the character and appearance of an agricultural field is understood and the applicant states his intention is to use the field for grazing animals, an agricultural use which does not require planning permission. Regardless of the applicants' intentions, it is a matter of law that any material change in the use of the field from agriculture would be development requiring planning permission. Consequently the District Council has control over any such proposal. Whether there is a need to erect a fence on the boundary between the house and the field to ensure it retains the character and appearance of an agricultural field is a matter that merits consideration.

The appearance of the field is primarily a consequence of its use. Its means of enclosure also has an impact. The current proposal for fencing around the site as a whole is found to be acceptable in terms of the appearance of the field, as detailed above. There is no enforceable planning condition on the permission for the house that requires the erection of a fence on the boundary of its curtilage with the field so there is no mechanism that can be used to secure that. More importantly, however, the erection of a fence in that location would certainly be much more visible than the current proposal whatever its materials of construction and would consequently affect the landscape and openness of the Green Belt in a way that the current proposal would not. Although there is no proposal for such a means of enclosure, it is likely that it would be harmful to those interests.

It is therefore concluded that there is no need for a fence on the boundary between the curtilage of the house and the field, that any such fence would have a much more significant impact on the landscape and openness of the Green Belt than the current proposals and in any event, no such fencing is proposed and there is no mechanism to secure such fencing even if it were found desirable.

Conclusion:

No objection is raised to the proposal by Natural England, the Conservators of Epping Forest or the Council's Tree and Landscape Team. 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.

There is no need to secure an alternative proposal enclosing the boundary of the house with the field in order to safeguard the appearance of the field as an agricultural field. Indeed, any such

proposal is likely to be harmful to the landscape and openness of the Green Belt. Furthermore, no such proposal is before the Council and there is no mechanism for securing one even if it were found to be desirable.

Having regard to the above assessment, it is concluded the proposed fence which is less visually intrusive than the previously refused fence, is a sensitive and appropriate way to meet the reasonable security needs of the applicant since it would safeguard the character and appearance of the field as an agricultural field. 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:

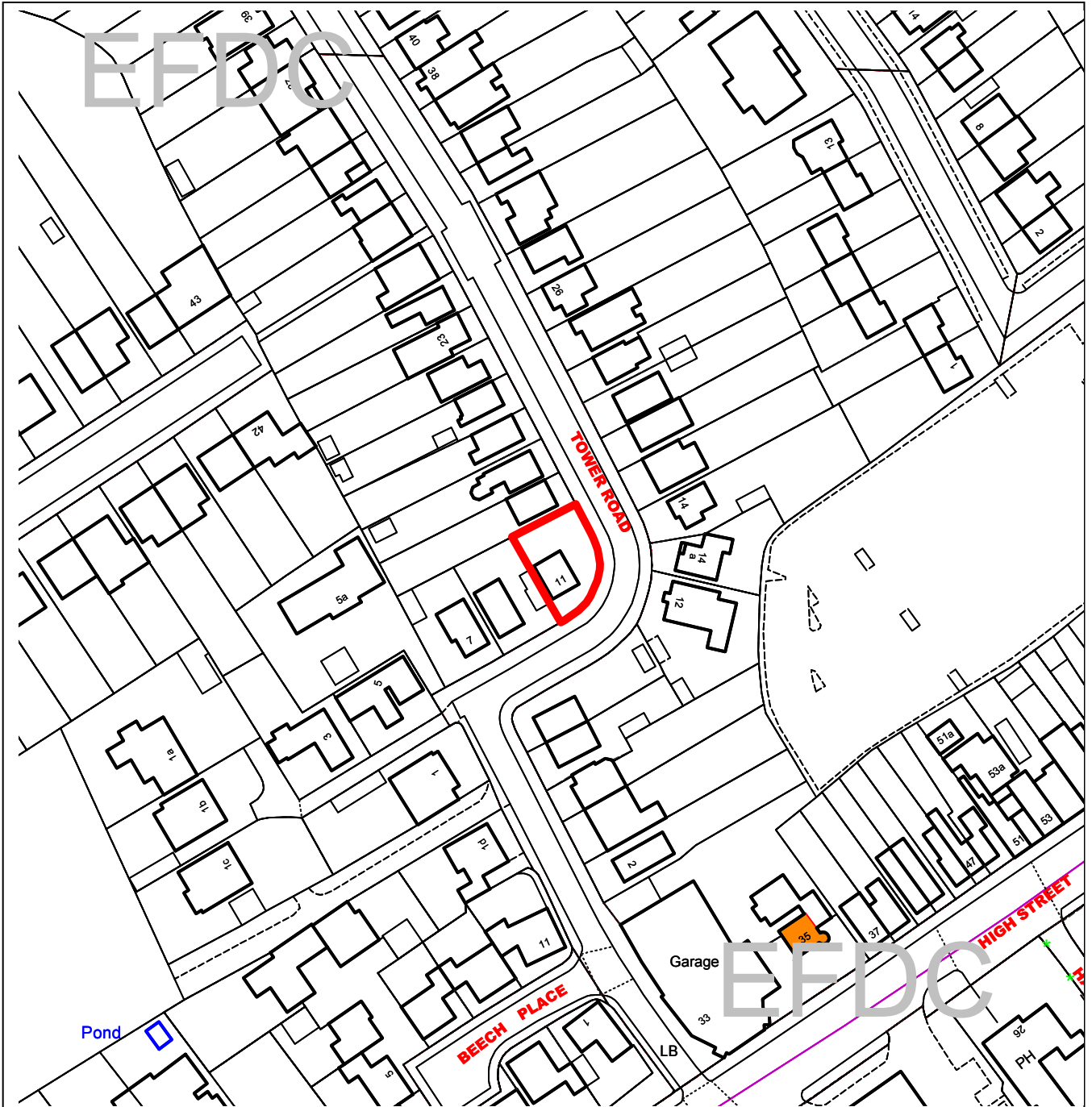
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/0879/14
Site Name:	11 Tower Road, Epping CM16 5EL
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0879/14
SITE ADDRESS:	11 Tower Road Epping Essex CM16 5EL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr & Mrs Jones
DESCRIPTION OF PROPOSAL:	Two storey rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562318

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed window openings in the southern and west elevations at first floor level shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No further window openings shall be installed in the southern elevation (rear elevation) of the house without the prior written approval of 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))

This application was deferred from the last Plans East Sub Committee to enable members to view the site and neighbouring properties. The original report is reproduced below.

Description of Site:

The application site is located on a corner of Tower Road and as such has no immediate neighbour to the east as the road curves around this boundary. The house is detached, two storey, with a front facing gabled roof. There is a garden area to the side and rear serving the house and a paved area for the parking of vehicles on the back boundary.

The immediate neighbouring property to the west (No9) is also occupied by a two-storey dwelling with a side facing gabled roof. This property has a garage on the common boundary and is separated from the application site by a close boarded fence.

Owing to the sites position on a corner a residential property is located on the rear boundary (No13). As such the flank wall of this dwelling runs parallel to the rear boundary of the site. There is a fall in land levels of approximately 0.50m from the application site to No13. The house has a number of side facing windows and is also separated from the application site by close boarded fencing.

Description of Proposal:

The applicant seeks consent to extend the dwelling on the rear elevation over two storeys. The extension would follow the form of the dwelling by continuing the existing ridge and eaves level. The proposed addition would be 4.0m deep and would include new window openings in all three elevations including at first floor level.

Relevant History:

EPF/0716/86 – Extensions and Alterations. Grant Permission - 18/07/1986. (Never constructed).

Policies Applied:

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation Carried Out and Summary of Representations Received:

TOWN COUNCIL – Objection. Committee noted that two objections had been received from neighbours. Committee object to this scheme as there would be an excessive loss of amenity to neighbours through overlooking.

7 neighbours consulted – 3 replies received.

9 TOWER ROAD: Objection. Concern about visual impact from the extension when viewed from our property. The extension will be overbearing and bulky. Concern about loss of light to our property. Concern that the proposed extension will result in the loss of our holly tree. The proposed extension would have a side facing door facing our property and we feel this is unnecessary. Concern that the two first floor side facing windows will lead to overlooking.

13 TOWER ROAD: Objection (2 Letters). Concern that the extension is two-storey and will encroach on my property. Concern that there will be overlooking of my kitchen and garden.

Concern about loss of daylight if this extension is built. Concern about a funnelling effect from the wind between the extension and the holly tree. Concern about overlooking from both the first floor window and the two ground floor windows, owing to the drop in ground levels.

There is a mistake in the plans as they suggest that my property is two-storey the entire way back when in fact the first floor at the rear is set back 1500mm from the ground floor. I have a concern that there will be a loss of privacy to my rear facing bathroom window.

15 TOWER ROAD: Objection. Concern about loss of light to our property and that the extension and rear facing window will lead to overlooking. Concern about impact on the amenity of our neighbours.

Issues and Considerations:

The main considerations relate to design, impact on the streetscene and neighbour amenity.

Design/ Streetscene

The site is on a corner plot and as such plays a fairly prominent role in the streetscene as both the front and flank walls are open to views. The road contains a mix of styles although it largely consists of detached dwellings and around this corner they are set on more spacious plots than the surrounding area. In design terms the extension would follow the existing form of the building and raises no significant issues. At 4.0m the depth is not considered particularly excessive. Furthermore the addition would be set reasonably well back from the road and as such would not significantly alter the existing streetscene. It is unusual for a rear extension to play any role in the character or appearance of a streetscene but this is the case here owing to the corner plot. However this extension could proceed without serious detriment to the character of the area. From a design/streetscene perspective what is proposed is considered acceptable and the use of matching materials would ensure a suitable finish.

Amenity

Objections have been received from three neighbouring properties and the Town Council which state that this proposal would have a material impact on the amenity of residents should it proceed.

Concern has been expressed from the occupants of No9 that the extension would have an adverse impact on amenity. It is firstly stated that the extension will be overbearing and result in a loss of light. The proposed extension will extend the flank wall for some 4.0m along the common boundary and it will be clearly discernable from the garden area. It was noted on site that the garden serving the house was shallow. However it is also quite wide and this would reduce any potential overbearing impact to some degree. Furthermore the extension would retain a gap of 1.0m to the common boundary. Although there will be some impact from the extension when viewed from the garden area it is not considered to be excessively overbearing. Owing to the distance from the extension to the house there would be no serious loss of light to windows.

The occupants at No9 also express concern that the proposed side facing windows would result in overlooking. It is noted that these windows serve a bathroom and an en-suite and these can reasonably be conditioned as obscure glazed. Furthermore they are high set. It is not considered that overlooking would result. Further concern is expressed about the fact that a side facing door is proposed but it is difficult to envisage any serious impact on amenity from this arrangement of the ground floor. It is also stated that the proposed scheme will result in the loss of the holly tree in the garden of No9. However there is no clear evidence that this would be the case and the tree is not protected or of significant public amenity value and as such this is not grounds for refusal.

Objections have also been received from the occupants of No15 which is located just to the north of No13 (the property at the northern common boundary). This house is separated from the application site by another property and such an existing scenario will ensure that there will be no serious loss of amenity to occupants of this dwelling or that serious overlooking would occur.

Two objection letters were received from the occupants of No13. Concern is firstly expressed that the proposed extension will be overbearing when viewed from No13. It was noted on site that the side facing wall of No13 is served by a number of windows. Although the extension will bring the wall closer to the common boundary it will not appear excessively overbearing. Although there will be an increase in overshadowing of the kitchen window in the early part of the day it would not be highly material. The existing fence is already relatively close to the kitchen window and serious loss of amenity would not occur.

Concern is also expressed that the two windows on the ground floor will be moved closer to this kitchen window. While this may be the case, it is a regular occurrence for properties to have side facing windows in close proximity to each other. The difference in this case is that as opposed to having side facing windows facing each other, one set of windows will be rear facing. In truth the applicant could exercise permitted development rights to extend the ground floor by 4.0m and this would not require planning consent. Although this concern from No13 is noted it is not considered a valid reason to withhold consent in this instance.

The plans include a first floor window in the rear elevation and this will be positioned closer to the common boundary than the existing first floor window in the rear wall. It is accepted that if this window was to be glazed with clear glass there would be a material loss of amenity, particularly to the rear garden of No13. It is noted that the submitted plan from the applicant has indicated the option of obscure glazing the window if the Council considered this necessary. This would have to be the case and another condition ensuring that no further windows were installed in the rear elevation would also be necessary. It is considered that such provisos would render this element, on balance, acceptable. An obscure glazed window already faces No13 and it must be assessed whether the moving of a similar window closer to the boundary would result in a material loss of amenity, bearing in mind it would be similarly obscure glazed. It is not considered that such a scenario would excessively impact on the amenity of occupants of No13. Members should be aware that the perception of overlooking is a valid material consideration even if it is concluded that no direct overlooking would result. However, it is not considered that in this instance perceived overlooking would be so great as to warrant refusal. As stated, any serious impact can be controlled by appropriate conditions.

It is stated that the proposed plans are erroneous in that they indicate that No13 is entirely two-storey. The submitted plans indicate the footprint of the neighbouring properties and this is acceptable. Owing to the tight angle between the proposed window and the rear facing bathroom window on No13, and the fact that both would be obscured glazed, it is not accepted that the construction of this extension would result in a loss of privacy to the bathroom window at No13.

The proposal retains 2 parking spaces and adequate private amenity space to the side of the property.

Conclusion:

The proposed design of the extension is considered acceptable and it would have no serious impact on the character of the streetscene. The concerns of neighbours and the Parish Council are noted and have been given appropriate weight. However it is considered that from an amenity viewpoint the extension is acceptable, and any material impact can be controlled by condition. 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



Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/0934/14
Site Name:	66 Bower Hill, Epping CM16 7AW
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0934/14
SITE ADDRESS:	66 Bower Hill Epping Essex CM16 7AW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs S Barron
DESCRIPTION OF PROPOSAL:	Proposed dwelling to rear of 66 Bower Hill, Epping.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562476

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall 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.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) on the first floor of the western flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.
- 7 No development, including works of demolition or site clearance, shall take place until foundation details have been submitted to the Local Planning Authority and approved in writing. These shall consist of piles and an above ground beam design. 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.
- 8 No development, including works of demolition or site clearance, shall take place until driveway details have been submitted to the Local Planning Authority and approved in writing. These shall consist of an above ground, no dig construction with a porous finish and included an Arboricultural supervision timetable. 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.
- 9 No services shall be installed within the root protection area of the Monterey Cypress unless the Local Planning Authority gives its prior written approval.
- 10 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.
- 11 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.
- 12 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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 the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

This application was deferred from the last Area Plans Sub Committee to enable members to visit the site. The original report is reproduced below.

Description of Site:

The application site is located on the corner of Bower Hill and Allnuts Road within the town of Epping. The site is rectangular in shape and has a gradual slope that falls away from the rear towards the front and across it from north to south. The site is one of the larger sites within the surrounding area consisting of approximately 1044 square metre.

Located towards the front of the site and facing onto Bower Hill is a double storey detached dwelling house externally finished from facing brickwork. Vehicle access to the site is via the existing crossover along Bower Hill which provides off street parking on the hard standing area in front of the dwelling house. Located along the side and rear boundaries is a medium size timber paling fence and mature vegetation that provides screening for a private garden area to the rear of the site. The site contains three well established trees that are protected by tree preservation orders. Two of the protected trees are located in the front garden along the southern boundary whilst the third is located in the north western corner of the site within the rear garden.

The site is located in a well established built up area that comprises a mixture of residential buildings that vary in styles and size. A block of residential units adjoins the southern boundary of the site, pairs of semi-detached buildings are located to the rear and opposite it and detached buildings are located to the north. Principal elevations of buildings generally have consistent setbacks from the highways with small open aspects. The site is not located within the green belt or a conservation area and it is not within the setting of any listed buildings.

Description of Proposal:

Planning permission is sought to subdivide part of the existing rear garden area to the rear of the site and construct a double storey detached dwelling house.

The dwelling house, including its single storey side element, would have maximum dimensions measuring 8m wide by 8.3m in depth. It would have a gable roof form with a maximum height to its ridge of 7.7m. It would be externally finished from facing brickwork and plain roof tiles.

The dwelling would be set back 9m from the highway, 5m from the southern rear boundary and 6.1m from the western side boundary that it would share with number 1 Allnuts Road.

A new crossover along Allnuts Road is proposed to provide vehicle access to the site. Two off street parking spaces would be provided on the hard standing area towards the front of the dwelling. Approximately 114sqm of private amenity space is proposed to the rear and side of the new dwelling house.

Relevant History:

EPF/0679/91 - Outline Application for erection of dwelling and garage (refused and dismissed at appeal 3/1/92)

EPF/1185/92 - Outline application for erection of detached dwelling and garage (refused 26/1/93)

EPF/0471/93 - Outline application for the erection of a detached house and garage (refused and dismissed at appeal 19/4/94)

EPF/0047/98 - Detached chalet bungalow (refused 9/6/98)

EPF/1591/08 - Two storey side extension and single storey rear extension (approved 2/10/08)

EPF/1960 - Single storey side extension and replacement rear dormer (approved 23/12/09)

EPF/1186/13 - Proposed dwelling in the rear garden of No. 66 Bower Hill, Epping (withdrawn 29/7/13)

EPF/2289/13 - Proposed dwelling to rear of 66 Bower Hill, Epping. (Revised application to EPF/1186/13) (withdrawn 22/1/14)

Policies Applied:

Local Plan policies relevant to this application are:

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment
- CP3 New development
- CP5 Sustainable buildings
- CP6 Achieving sustainable urban development patterns
- CP7 Urban form and quality
- DBE1 Design of new buildings
- DBE2 Detrimental effect on existing surrounding properties
- DBE6 Car parking in new development
- DBE8 Private amenity space
- DBE9 Loss of Amenity
- LL10 Protecting existing landscaping features

LL11 Landscaping scheme
ST1 Location of development
ST2 Accessibility of development
ST4 Highway safety
ST6 Vehicle parking
H1A Housing Provision
H2A Previously developed land
H3A Housing density

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

Summary of Representations

EPPING TOWN COUNCIL - Object

Committee objects to this application because it does not address the issues of overlooking and overdevelopment of the site which were a significant feature in the previous application.

NEIGHBOURS:

Adjoining neighbours notified by mail. Three objections received from the occupiers of the following properties:

4 ALLNUTS ROAD, EPPING – Object

- The building would not reflect the space and layout of properties that are established within the locality and therefore result in an overdevelopment and intensification of the site.
- The proposal would result in another example of garden grabbing and a form of backland development.
- The design and appearance of the proposed development is out of keeping with the character and appearance of the surrounding locality.
- Due to the excessive size and scale and the position of the proposal, it would result in excessive harm to amenities enjoyed by adjoining property occupiers in relation to visual blight, overshadowing and overlooking.
- The proposal would have a detrimental impact to the protected cypress tree and bring added pressure to its future survival if the development is allowed
- Additional vehicle in the locality would result in addition pressure on parking within surrounding highways.

6 ALLNUTS ROAD, EPPING – Object

- The arboricultural report and tree schedule submitted are inaccurate.
- The proposal would have a detrimental impact to the future of the protected cypress tree towards the front of the property.
- The proposal by reason of its inappropriate size and siting would result in harm to the amenities of adjoining property occupiers, particular in relation to overlooking, and visual blight.
- It would result in a loss of existing open views from adjoining properties.
- The proposal is inappropriate and unsympathetic to the appearance and character of the surrounding locality.
- Inadequate provisions for private amenity space and parking.

- The proposal would result in further kerbside parking on surrounding highways and create a new vehicle crossover that would be detrimental to highway safety and increase traffic congestion.
- The proposal is an unacceptable overdevelopment of the site involving in a loss of garden area and the open aspect of the neighbourhood.

8 ALLNUTS ROAD, EPPING - Object

- The proposed would result in direct overlooking of properties opposite the site.
- The proposed is not in keeping with the character of the surrounding locality as its roof form is higher than number 1 Allnuts.
- The height, position and depth of the proposal will have a detrimental impact on adjacent properties and looked squashed in appearance.
- The proposal would be detrimental to the protected cypress tree.
- It would have a lack of useable amenity space to meet the needs of future residents.
- The proposal is a three bedroom house if you include the study and not a two bedroom house as indicated within the submission.
- The proposal would add to the already difficult parking and traffic movements within the surrounding locality.
- The proposal would be out of keeping with the character and appearance of the street scene and the surrounding locality.

Issues and Considerations:

The main planning issues are considered to be:

- Principle of development
- Design and appearance
- Amenity space & living conditions
- Highway and parking impacts
- Landscaping
- Neighbouring amenities

Principle of development:

The site lies outside the Metropolitan Green Belt, Employment Area and Commercial Areas and is, therefore appropriate for residential development. The principle of residential development is therefore considered acceptable in land use terms and the provision of additional housing is consistent with Policy H1A and HC2A as the application site is within an established urban area and would result in the re-use of previously developed land. In addition it should be noted that the NPPF does not preclude development within garden land and permits such development provided that the character and appearance of the area is respected.

The development site is located within a very built up, predominantly residential area that is close to Epping town centre and other local facilities. Furthermore there are very good transport links within this area with the Epping Underground Tube Station (Central Line) within walking distance from the site.

As such, it is considered that the development of this site would constitute a sustainable development in transport/location terms which is in accordance with Local Policies CP1 and ST1. The principle of residential development for the site is in accordance with the Adopted Local Policies and the National Planning Policy Framework.

Design and appearance:

Paragraph 58 of The Framework states that development proposals should respond to local character, reflect the identity of their surroundings, and optimise the potential of sites to accommodate development. Local policies DBE1 and CP2 are broadly in accordance with the above requiring that a new development should be satisfactorily located and is of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

In relation to the siting of the development, the new dwelling house would be set back further from the highway than the adjoining property of No. 1 Allnuts however it would still be relatively consistent with front building line within the Road. The area to the front of the dwelling would be hard paved to allow for parking. Whilst this would inevitably give this part of the street scene a more built up appearance, the proposal would not appear out of place in the context of surrounding development, as in several cases other dwellings in the locality have large areas of hard standing to the front of properties. In addition, the dwelling house would also maintain a sense of visual separation with properties either side and avoid a terrace effect within the street scene.

It is noted that the height of the proposed dwelling would be approximately 0.7 of a metre higher than the ridgeline of the adjoining property of No. 1 Allnuts. Although it would be preferable for the height of the proposed ridge to be identical to the adjoining ridge height to provide a better transition within the street scene, on balance it is considered that the overall height of the new dwelling house would be acceptable. It is considered that the difference in height would not be highly noticeable given the separation distance of over 8m between the two dwellings and that the new dwelling would be further setback from the highway than the adjoining dwelling. In addition the large protected cypress tree which is between both properties would dwarf both dwellings drawing the eye away from the difference in height levels between the buildings.

The building has been designed to complement the surrounding locality incorporating local features and materials. The overall scale and proportion of the dwelling is considered appropriate

Taking these factors into account, it is considered that on balance the proposed dwelling house would not appear unduly cramped in comparison with surrounding development and would not cause material harm to the appearance of the street scene or the character of the area generally.

Amenity space and living conditions

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting. The supporting text within local policy DBE8 suggests that 20sqm for each habitable room should be provided.

Approximately 114sqm of amenity space has been provided to the rear and side of the dwelling. The amount, size and shape of the space provided are considered to meet the recreational needs of future occupants.

The proposal would be consistent with the objectives of the Framework to ensure that a new development achieves a good standard of amenity for future occupants of the building.

Highway safety, traffic impact & vehicle parking

The Adopted Council parking standards recommends that for a two or more bedroom dwelling, a minimum of 2 vehicle spaces are required. The level of parking may be reduced if the site enjoys a good location in terms of a range of services and public transport.

In addition, the Adopted Council parking standards state that the preferred parking bay size for a parallel parking space should be 5.5m by 2.9m.

Two off street parking spaces of a sufficient size have been proposed on the hard standing area in front of the dwelling. As such the proposal meets the required standards and therefore would not lead to undue kerbside parking. The development would not result in further traffic congestion or have a detrimental impact upon highway safety.

Landscaping:

As already mentioned within this appraisal, the large cypress towards the front of the site is protected by a TPO, and has significant amenity value. The new house, driveway and potentially, new services will be within and around the rooting area of the tree.

Council's landscape officer has considered this and has no objections to the proposed development subject to a number of conditions requiring further details to be submitted before the carrying out of any works on site. Such information includes showing further details of the foundations of the building, materials of the hard standing area and tree protection measures in order to ensure the future survival of the protected tree during and after the construction of the dwelling.

Neighbouring amenities:

Due consideration has been given to the potential harm the proposal would have on the amenities enjoyed by adjoining occupiers.

Firstly, in respect to a loss of privacy through overlooking, it is considered that no excessive harm would be caused. No flank windows facing the host dwelling or on the first floor of the rear elevation are proposed and as such there would be no direct overlooking of habitable rooms or private garden areas to either the host dwelling or the residential units to the rear of the site. It is noted that flank windows are located on the first floor facing No. 1 Allnuts Road that will serve a landing area and a bathroom. These windows would be obscured glazed via way of planning conditions to prevent any direct overlooking to No. 1 Allnuts Road.

In addition to the above, there is an approximate distance of 25m between the principal elevation of the new dwelling and the dwellings adjacent the site on the opposite side of Allnuts Road. Given this distance, and the fact that the Essex Design Guidance allows for dwellings to front one another, it is considered that the dwelling house would not result in excessive overlooking of the properties opposite it.

The relative position, orientation and the separation of the proposed dwelling house in relation to the adjoining properties are such that there would not be excessive overshadowing to private garden area or habitable room windows.

In relation to the concerns raised about impact upon view lines, it should be noted that there is no right to view lines and that a development can only be refused if it is considered to be visually intrusive. It is considered that the proposal would not be visually intrusive, overbearing or an unneighbourly development.

The development would not result in excessive harm to the amenities enjoyed by adjoining property occupiers.

Other issues:

The application was referred to Council's drainage officer who had no objection to the proposal however stated 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. Therefore a planning condition should be added if permission was to be granted requesting further details of surface water runoff.

Conclusion:

The proposal is considered to be appropriate in terms of its design and appearance within the street scene. In addition it would not result in excessive harm to the amenities of adjoining property occupiers. The application is in accordance with the local policies contained within the Adopted Local Plan and Alterations and the National Planning Policy Framework and is therefore recommended for approval.

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

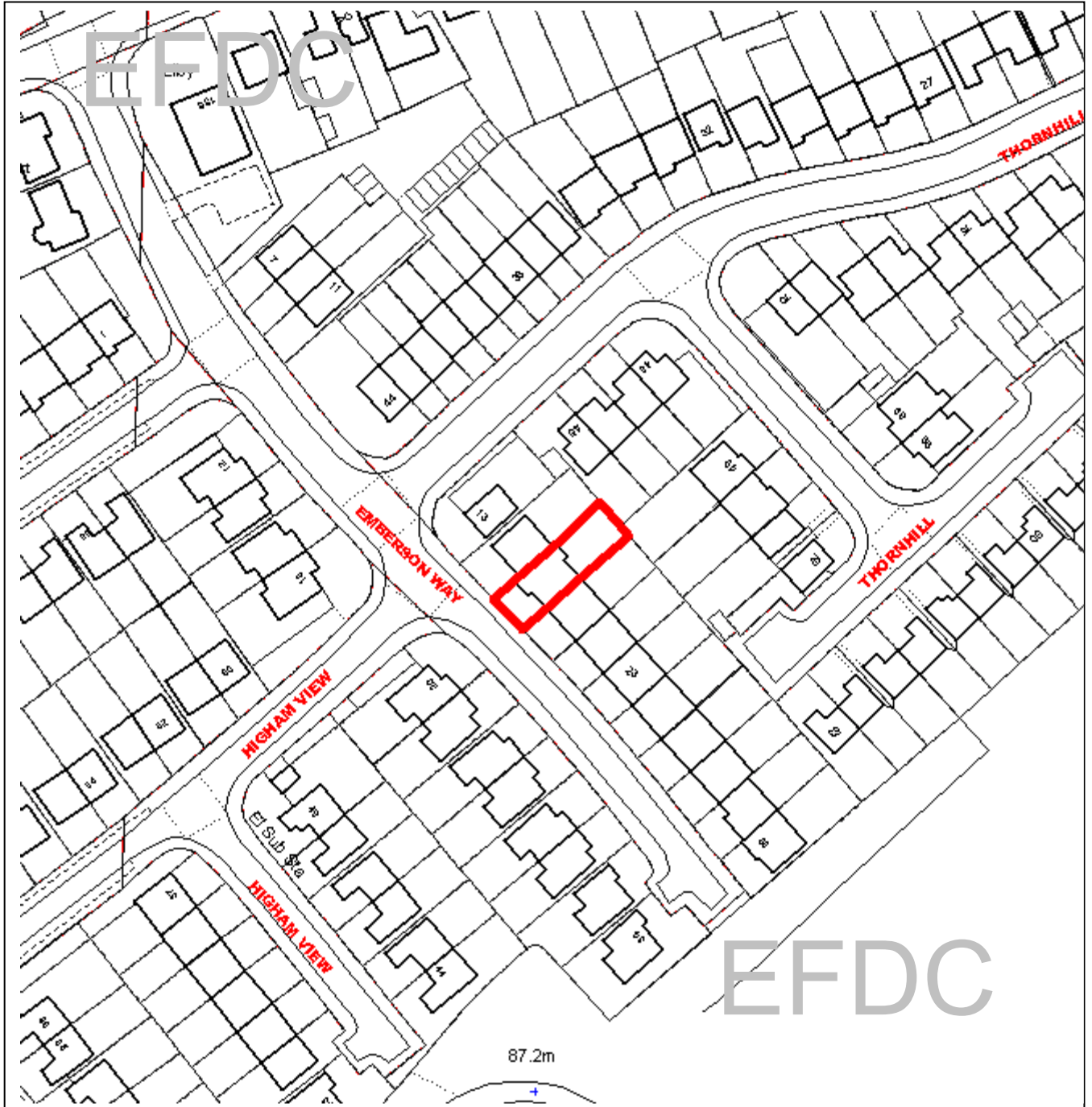
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/1052/14
Site Name:	17 Emberson Way, North Weald Epping, CM16 6DL
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1052/14
SITE ADDRESS:	17 Emberson Way North Weald Epping Essex CM16 6DL
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr & Mrs Biren Patel
DESCRIPTION OF PROPOSAL:	Two storey extension to rear of property together with first floor extension built over existing garage to side (Revised application to EPF/0431/14)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563010

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 Prior to first occupation of the development hereby approved, the proposed window opening on the first floor of the side extension serving the bathroom 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.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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 has been 'called in' by Councillor Anne Grigg (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site is located on the north eastern side of Emberson Way approximately 30 metres south of Thornhill within the parish of North Weald. The site itself is relatively level, rectangular in shape and comprises of 260 square metres.

Located towards the front of the site is a linked double storey detached dwelling house externally finished from facing brickwork and white painted render. The existing garage linked to the adjoining property of number 15 is too small to accommodate a modern day size vehicle and as such off street parking is located on the driveway in front of the garage. A medium size timber paling fence is located on the side and rear boundaries and provides screening to the private rear garden area located towards the rear of the site.

The subject site is located within a well established residential area that mainly consists of linked detached dwelling houses on the north eastern side of Emberson Way and bungalows on the south western side. Front setbacks are generally consistent from the highway and space/gaps between buildings add to the character of the area. The site and the surrounding area are not located within the green belt or a conservation area and are not within the setting of any listed buildings.

Description of Proposal:

Planning permission is sought for the construction of a double storey side extension and a first floor side extension over the existing single storey garage/utility room.

The double storey rear extension at both ground and first floors would project 3m from the original rear façade of the dwelling house and extend across the width of the dwelling house.

The first floor side extension would be set back 5.3m behind the front façade of the dwelling house and set of the side boundary shared with number 15 by 1m. It would have a width of 1.6m by a depth of 6.3m and would form part of the rear extension.

The eaves and ridge height along with the roof form (gable) would match that of the existing dwelling house. In addition, the extension is to be externally finished from materials matching that of the existing building.

Relevant History:

EPF/0431/14 - Two storey extension to rear of property together with first floor extension built over existing garage to side (withdrawn 6/5/14).

Policies Applied:

Local Plan policies relevant to this application are:

CP2 Protecting the quality of the rural and built environment
DBE9 Loss of Amenity
DBE10 Residential extensions

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

Summary of Representations

NAZEING PARISH COUNCIL:- No objection.

NEIGHBOURS:- Six adjoining neighbours notified. Two representations were received from the following occupiers:

13 EMBERSON WAY, NORTH WEALD – Object

- The proposed development would not be in keeping with the houses in the road.
- It would result in visually intrusive development and reduce the light to my garden.
- The addition of a bathroom would increase pressure on the drains.

15 EMBERSON WAY, NORTH WEALD – Object

- The proposed development would result in a loss of light to my landing, toilet, kitchen and patio area as a result of overshadowing.
- Extra bathrooms/toilets would increase the pressure on existing infrastructure and increase the risk of flooding.
- The proposal is out of character of the area and not suitable for this type of property.
- It would appear bulky and overbearing and completely out of scale to all other properties in the road.
- If allowed, the use of heavy lorries and construction vehicles would result in noise and disturbance and damage to pathways.
- The proposal would impact upon my foundations and no party wall notice has been approved.

The concerns raised above in relation to construction methods, impact on existing foundations and drainage issues are dealt under the building regulations and other separate legislation and are not valid material considerations in the assessment of this application.

Issues and Considerations:

The main issues to be addressed regarding the proposed development are as follows:

- Design and appearance
- Neighbouring amenities

Design and appearance:

Policies CP2 and DBE10 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

From a street scene perspective, it is considered that on balance the development, particularly the first floor side extension, would not result in harm to the character and appearance of the street scene and the surrounding locality.

It is noted that the style, size and form of the dwellings within this row of housing are very similar to one another in terms of their appearance and as such form their own distinct character within this part of the street scene. In addition it is also noted that none of the dwellings within the row of housing have been developed at first floor level to the side.

By way of the first floor side extension being setback over 5 metres behind the front façade of the dwelling, the majority of it would be hidden from most public vantage points up and down Emberson Way with only limited views of the extension from directly opposite the site itself. In addition, the extension would be set 1 metre off the side boundary ensuring that spaces/gaps between buildings are maintained and that the appearance of a terracing affect is avoided.

Turning to the double storey rear extension, the projection of it extending outwards by 3 metres at both ground and first floors are not considered to be excessive in terms of its size or be out of proportion with the existing dwelling house. The development as a whole would not be excessive in terms of its massing or bulk and it would be sympathetic to the architectural rhythm of the existing building.

The proposal on balance is considered to be in keeping with the character and appearance of the existing building and not cause excessive harm to either the street scene or the surrounding locality.

Neighbouring amenities:

Due consideration has been given in respect to the potential harm the development might have upon the amenities enjoyed by adjoining property occupiers.

Concerns were raised by the adjoining occupiers of number 15 that the proposal would result in a loss of light to internal rooms and the rear garden area. It is noted that there are windows on the flank elevation of the adjoining neighbour that provides light to a landing area and a toilet.

The relative position, orientation and the separation between the proposal and the adjoining property are such that it is considered that there would not be an excessive loss of light that would cause harm to the living conditions of the adjoining occupiers. It should be noted that the flank windows do not serve habitable rooms and although some weight has been given to the impact on amount of light to the landing area and toilet, they are not considered to be of a priority. In addition it is considered that it would not result in an excessive loss of light to the rear garden area or the kitchen window.

Furthermore it is also considered that it would not result in excessive loss of light to habitable room windows or private open space areas of other adjoining dwellings including that of number 13.

The proposed development would not result in an excessive loss of privacy to the occupiers of adjoining properties. The first floor window that serves the bathroom on the side extension would be conditioned to be obscured glazed to prevent any direct overlooking into the adjoining property of number 15. Apart from that, there would not be a significant material change in relation to overlooking from that of existing conditions.

The proposed double storey rear extension would not infringe upon the imaginary 45 degree line from the first floor rear windows of adjoining properties due to the development's appropriate size and adequate separation distance between the buildings. It is considered that the proposal would not be overbearing or visually intrusive that would lead to an unneighbourly development when viewed from adjoining properties.

Other concerns raised by the neighbours such as noise, dust, disturbance and damage to footpaths during construction are dealt under separate legislation.

It is considered that no excessive harm to the amenities of adjoining occupiers would come about as a result of the proposal in relation to loss of light, privacy and visual blight.

Conclusion:

The proposal is appropriate in terms of its design and appearance and it would not cause excessive harm to the amenities enjoyed by adjoining property occupiers. The proposal is in accordance with the policies contained within the Adopted Local Plan and Alterations and the National Planning Policy Framework. Officers therefore recommended that the application be approved 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: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

AGENDA ITEM NUMBER 6



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Application Number:	EPF/1173/14
Site Name:	175 High Street, Epping CM16 4BL
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1173/14
SITE ADDRESS:	175 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Robert Bell
DESCRIPTION OF PROPOSAL:	Variation of condition 2 of planning permission EPF/1256/06 (Change of use from hairdressing salon to mixed use as coffee shop/wine bar/ hairdressing salon) to enable the consent to inure for persons other than Mr R Bell.
RECOMMENDED DECISION:	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=563593

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:

Ground floor unit known as Speakeasy, located on the western side of Epping High Street outside the key retail frontage. The unit has a mixed use of A1 (hairdresser), A4 (bar) and A3 café use and there are offices above. The site is within the conservation area.

Description of Proposal:

The mixed use was approved in 2006 subject to condition 2 which states “This permission is for a mixed use of A1 with A3 and A4 or A1 with A3 or A4 and shall inure solely for the benefit of the applicant, R Bell, and for no other person or persons.” Mr Bell is now seeking to potentially sell the business and would therefore like to remove the element of the condition which makes the use personal to him.

Relevant History:

EPF/1256/06 Change of use from Hairdressing salon to a mixed use as coffee shop/wine bar/hairdressing salon. Approved 21/09/2006

Summary of Representations

5 Neighbouring properties were notified and a site notice was erected no responses were received by the time of the report being completed.

TOWN COUNCIL – Committee Object to this application. Committee feel that the original reasons for placing the condition on the approval for the mix of uses in 2006 is still valid; ie “In view of the unusual mix of uses and to enable the LPA to consider any change in the management of the use”.

Policies Applied:

Epping Forest District Local Plan and Alterations Policies

TC3 Town centre function

RP5A Environmental impacts

CP6 Sustainable development

The above policies are considered to be in accord with the National Planning Policy Framework and are therefore to be afforded due weight.

The National Planning Policy Framework.

Issues and Considerations:

The only issue to be considered is whether the restriction within condition 2 is reasonable and necessary to make the mixed use in this location acceptable.

The original application in 2006 was recommended for approval by officers without the restrictive condition 2, however the condition was added by Members at committee, for the reason set out above.

Since that decision the Government has sought to enable greater flexibility of uses of premises within town centres to help ensure their continued vitality and viability and the NPPF has been introduced, with greater emphasis on the importance of town centres to economic growth.

If the condition is amended as requested the use will remain a mixed use as described, and retain an A1 element. Whether this A1 element is hairdressing (as at present) or a retail sales element, the mixed use is appropriate and will not be harmful to the Town Centre. As such it is not considered that the consent needs to be personal to Mr Bell. The management of the use is not normally a planning matter and if the concern is over the way in which the licenced premises is run then this is dealt with under licensing legislation and is not something that should be controlled by planning condition.

Conclusion

The mixed use of the premises is appropriate to the Town Centre location, no matter who owns or runs the business and the condition is overly restrictive and not in accordance with the intentions of current planning policies. The application is therefore recommended for approval.

A copy of the original report to committee in 2006 is reproduced below for information.

Report Item No: 4

APPLICATION No: EPF/1256/06
SITE ADDRESS: 175 High Street
Epping
Essex
CM16 4BL
PARISH: Epping

APPLICANT: Mr R Bell

DESCRIPTION OF PROPOSAL: Change of use from hairdressing salon to mixed use as coffee shop/wine bar/ hairdressing salon.

RECOMMENDED DECISION: GRANT

CONDITION:

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Description of Proposal:

This application is for the change of use of the existing hairdressers to a mixed use of hairdressing salon/coffee shop/wine bar. The existing use is A1 retail and the proposed use is mixed A1/A3 and A4 use. The applicant's intention is that the hairdressing business will continue to operate but that there will be greater scope to serve drinks etc and diversify the business.

Description of Site:

Number 175 is a ground floor shop unit within a three storey building on the western side of Epping High Street. The unit is currently in use as a hairdressing salon. The upper floors have office use.

Relevant History:

None relevant.

Policies Applied:

Local Plan Policies
TC3 relating to maintaining the vitality and viability of the town Centre
RP5A relating to environmental impacts.
CP6 Sustainable development.

Issues and Considerations:

The shop unit is within the identified Epping Town Centre but is outside the Key Frontage in which loss of retail use is strictly controlled. The main concern therefore is whether the proposed mixed use is appropriate to the Town Centre.

Policy TC3 of the adopted Local Plan allows for Town Centre uses that make the centres attractive and useful places to shop, work and visit throughout the day and evening. The mixed use now proposed fulfils this definition. The mixed use will encourage the use of the premises by a wider range of customers and for potentially more hours extending what is currently mainly a daytime use into the evenings as well. As such it is considered that the proposal will help add to the vitality and viability of the town centre.

Being in the Town Centre and with offices rather than residential use above, it is not considered that the mixed use proposed will cause problems of noise and disturbance.

The site is within the Epping Conservation Area but no external alterations to the building are proposed and it is not considered that the change of use will be harmful to the character of the conservation area.

The proposal does not result in the loss of a retail unit, it merely allows the existing use to diversify and adapt to meet changing requirements. The site is in any case outside the key frontage area in which retail frontage is strongly protected. Concern has been raised by an existing local business that the proposal will impact on their trade, this is matter of competition which is of little weight in the consideration of the application.

The proposal is in accordance with the adopted policies of the Local Plan and the application is recommended accordingly.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL – The Committee objected to this application and deplored the loss of further retail capacity within the High Street.

169 HIGH STREET - Object. This will affect my business. It seems permission has already been granted before this goes to committee as the changes to the building are already underway. People seem to be allowed to do what they want and the Council have no powers to stop them. It's about time the Council started looking after the town.

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

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

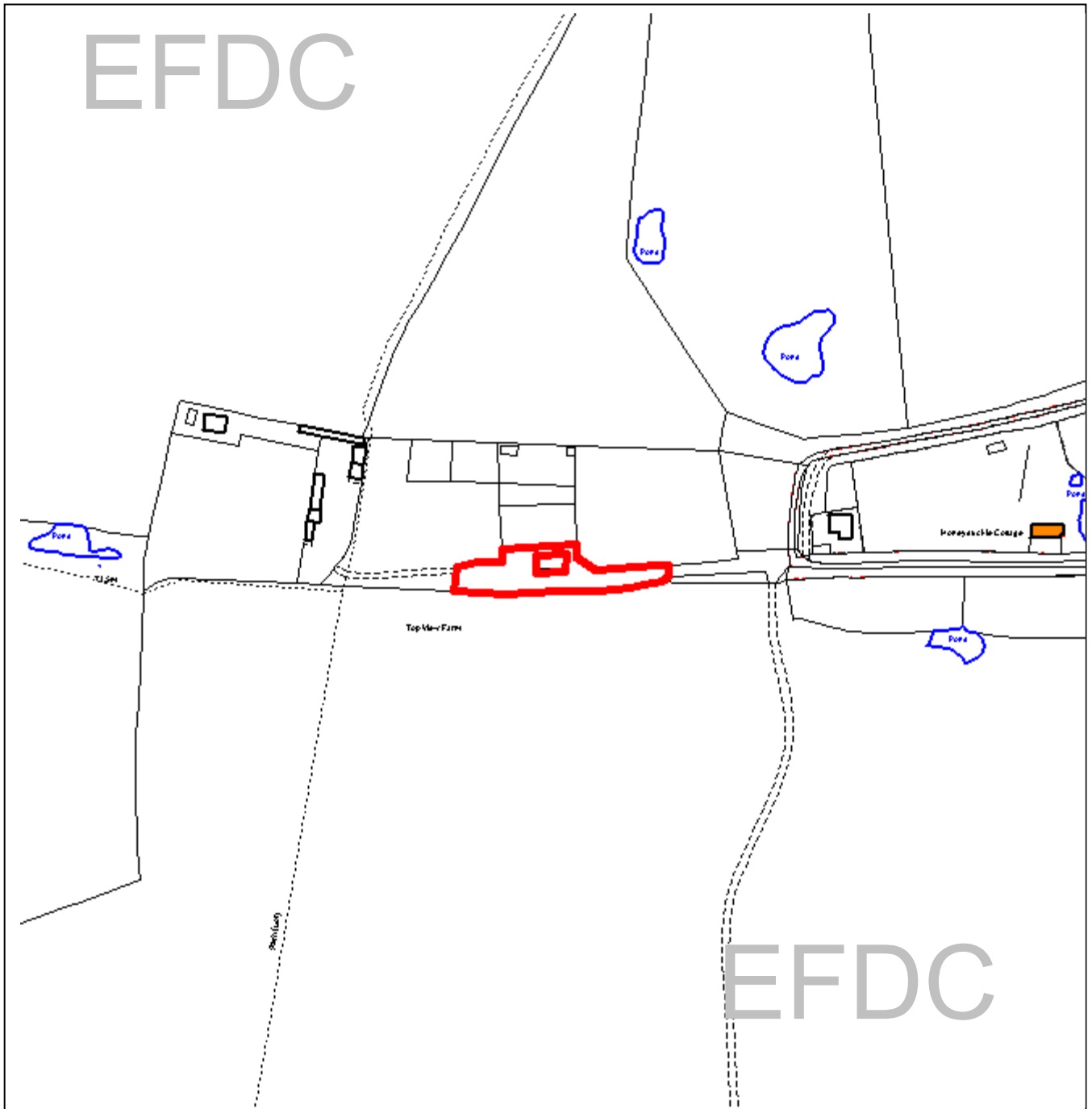
Or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

AGENDA ITEM NUMBER 7



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Application Number:	EPF/1211/14
Site Name:	Top View Farm, Curtis Mill Lane Navestock, RM4 1HS
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/1211/14
SITE ADDRESS:	Top View Farm Curtis Mill Lane Navestock Romford Essex RM4 1HS
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Ms Sally Weedon
DESCRIPTION OF PROPOSAL:	Use of land for stationing of mobile home for agricultural workers dwelling (retrospective)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563731

CONDITIONS

- 1 The use hereby permitted shall inure for a temporary period of 3 years from the date of this decision and the mobile home and any associated residential paraphernalia shall be removed from the site on or before that date.
- 2 The occupation of the mobile home hereby approved shall be limited to a person solely or mainly working, in agriculture, at Top View Farm and to any resident dependants.

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

Description of Site:

The application site comprises land part of a smallholding, Top View Farm, where a mobile home is stationed. The smallholding comprises 1.56 hectares where a large number of animal pens have been erected. Top View Farm is accessed off Curtis Mill Lane, a largely unmade byway off Murthering Lane. It is situated approximately 1.3km from the junction of Curtis Mill Lane with Murthering Lane.

14.43 hectares of land to the north of the site that is part of Forty Acre Farm are leased to the applicant for a period of 20 years, expiring in June 2030. The land is divided into approximately 6 grazing paddocks.

Description of Proposal:

The application proposes the stationing of the existing mobile home in its present position. It is proposed on the basis of it providing accommodation for an agricultural worker at Top View Farm (the applicant) together with her immediate family.

The mobile home has a ground area of some 88m².

Relevant History:

The relevant history is planning enforcement led. Planning enforcement investigation ENF/1051/06 into stationing of a mobile home is on-going. An application to station the home, EPF/1700/07, was refused permission on the basis that it is inappropriate development in the Green Belt and no agricultural need for the development was demonstrated. A subsequent planning application for the development was submitted the following year, ref EPF/1879/08, and refused for a similar reason. An appeal against that decision was dismissed and a planning enforcement notice requiring the removal of the mobile home issued in December 2009. The notice became effective in February 2010 following the withdrawal of an appeal against it.

A further application to station the mobile home, ref EPF/1653/10 was submitted and refused for reasons similar to those the 2008 application was refused. The following year another similar application was submitted, ref EPF/0164/11. It was refused for similar reasons. An appeal against that decision was dismissed.

The most recent planning history that is relevant to this application is the decision on planning application ref EPF/1912/13, which also proposed the retention of the mobile home for an agricultural worker. That application was refused by this Sub-Committee on 21 January 2014 for the following reason:

“The mobile home is not demonstrably essential for the purposes of an agricultural enterprise since the information submitted in support of the proposal does not adequately demonstrate the viability of the enterprise carried out at Top View Farm. As a consequence the proposal is inappropriate development in the Green Belt that is contrary to Local Plan and Alterations Policies GB2A and GB17A, which are consistent with the policies of the National Planning Policies Framework.”

The following extract from the minutes of that meeting set out the Sub-Committees reasoning which underpins the decision to refuse permission:

The Committee found the agricultural business at Top View Farm was not viable because there were significantly less than 1000 chickens present at the farm when it was inspected by an expert agricultural consultant employed by the Council. Members did not find the applicant’s explanation that she had disposed of unproductive chickens and needed to restock an adequate explanation for the shortfall.

Members found the numbers of chickens at the farm inconsistent with the evidence of financial viability submitted by the applicant. They indicated the way forward for the applicant is to provide further evidence of the size of the flock at Top View Farm.

Having regard to the way forward indicated by the Sub-Committee Officers advised the applicant to make a further planning application supported by additional evidence addressing Members concerns rather than appeal against the decision.

Policies Applied:

The National Planning Policy Framework provides the policy context for considering this application and the following Local Plan and Alterations policies are relevant and consistent with the NPPF.

CP2	Quality of Rural and Built Environment
GB2A	Development in the Green Belt
GB17A	Agricultural Workers Dwellings

Consultation Carried Out and Summary of Representations Received

As with previous applications, this application was only advertised by way of a site notice displayed adjacent to the site. No responses were received.

STAPLEFORD ABBOTTS PARISH COUNCIL: OBJECTION

“The Parish Council commented on the vexatious nature of repeated planning applications, six since 2007, all of which had been refused by the District Council, in addition to an Appeal dismissed by the Planning Inspectorate. There was concern at the lack of planning enforcement action taken on what were retrospective planning applications.

The Parish Council OBJECTED to this application as previously. The stationing of a mobile home at this site was regarded as inappropriate development in the Green Belt with regards to the government’s National Planning Policies Framework (NPPF) on the protection of green belt land, and was considered contrary to Policies GB2A and GB17A of Epping Forest District Council’s adopted Local Plan & Alterations.”

Main Issues and Considerations:

Of itself, the stationing of the mobile home is inappropriate development in the Green Belt. However, where the building is demonstrably required for agriculture it is not inappropriate development. Accordingly, Local Plan policy allows for it on a temporary basis to provide accommodation for an agricultural worker at a viable agricultural enterprise.

Throughout the life of the investigation, some 8 years, the Planning Enforcement Team has found the agricultural business at Top View Farm has grown. This is acknowledged in the appeal decision in relation to application EPF/0164/11, but it was found that net income remained well below the typical farm workers salary of around £14k - £15k plus National Insurance. Consequently the Inspector found the business unviable and that it was only through the additional income of the applicant’s partner, a builder, that a reasonable income was achieved.

In connection with application ref EPF/1912/13 evidence was submitted in the form of accounts that demonstrated a very significant increase in egg sales since the appeal decision, although the income from a livery enterprise at Forty-Acre Farm had remained static and represented only 25% of the income of the business as a whole. Net profit was £23,748, much higher than the typical farm workers salary.

In respect of that application the Council sought advice from the agricultural consultant who had repeatedly provided advice to the Council in respect of Top View Farm and who gave evidence for the Council at the appeal. That advice was based on a comprehensive investigation of the business and an inspection of the site. It was concluded that the business had reached a point sufficient to achieve the necessary thresholds for the granting of a temporary consent for the retention of the mobile home in order that the applicants may consolidate the business and ensure its future sustainability:

Having regard to his detailed knowledge of the agricultural enterprise and its planning history the same consultant was again appointed by the Council to assess the viability of the agricultural enterprise. In doing so, he was mindful of Members concerns in relation to the site and the minutes setting out the Sub-Committees reasoning behind the decision to refuse application EPF/1912/13.

The findings and advice of the Council's agricultural consultant in respect of the current application are set out below:

"I have been supplied with copies of all of the information submitted with the application including the planning statement by Plan Right UK Ltd and an appraisal prepared by Reading Agricultural Consultants dated May 2014 together with accounts for the farm business to 05.04.14 and other supporting information.

I visited the farm on 18.06.14 and met the applicant Miss Sally Weedon who showed me around the holding.

1. BACKGROUND INFORMATION

I have previously been consulted by the Council in respect of development of the agricultural business at Top View Farm and particularly proposals to retain the mobile home.

In this respect I have provided the Council with agricultural appraisals in respect of the following applications:-

EPF/1879/08 – Appraisal letter dated 08.12.08

EPF/0164/11 – Appraisal dated 26.10.11

Planning Appeal Ref APP/J1535/A/12/2171612 – Appeal held on 21.06.12

Application Ref EPF/1912/13 – Appraisal dated 04.12.13

I note that the last application and appraisal listed above received an officer recommendation for approval but was subsequently refused consent by the Council's Planning Committee.

Having been provided with copies of email correspondence between the Council and the applicant's advisers I note that the sole issue on which the Committee were not satisfied was in regard to the viability of the agricultural business and the scale of the poultry enterprise. The Committee did not raise any objection on the basis of there being no functional need for an agricultural worker to live on the land nor that the business did not generate sufficient work for an agricultural worker.

On this basis I have therefore focused in this appraisal primarily on the financial aspects of the applicant's business although for completeness I have also commented on other issues.

Given the quantity of information which is already available to the Council from my earlier reports and in the reports from Plan Right and Reading Agricultural Consultants which accompany the current application it is not intended to rehearse all of the details of the individual enterprises and related issues except as to those matters where circumstances have changed or where there are especially relevant issues which do need to be referenced.

2. SITE VISIT

As with my previous visit in November 2013 Miss Weedon showed me around the main group of buildings and paddocks located at Top View Farm and described the changes which had taken place to the business over the preceding 6 months.

The principle enterprise at Top View Farm is the flock of laying chickens which have been relocated, as noted in my last appraisal, to a new building on the western side of the holding and to the rear of the long established yard area. There are now some 1000 chickens using the new building and I have also seen the purchase receipts for these birds.

The poultry utilising the building continue to have access to approximately 2 acres of ranging areas and this land is in reasonable condition given its use by the increased number of poultry now on the holding. The paddocks are enclosed with electric fencing which is essential given the ever present risk of foxes in the area.

Adjacent to the poultry house is the building equipped with the egg grader, weighing equipment and an egg packing facility together with an adjacent feed store.

As noted previously the other buildings on site form a yarded area and contain the fancy bird poultry and wildfowl together with stabling for the 6 ponies on site. Of these 3 are at livery and 3 owned by Miss Weedon. There is also a small incubator and brooder unit which was in use with a recently hatched clutch of chicks at the time of my inspection. Generally the yarded areas and buildings are satisfactorily maintained and subject to ongoing maintenance are adequate for their current usage.

On the grassland rented from Mr Page of Forty Acre Farm I noted that there were some 12 liveries comprising two separate grazed areas one for geldings and one for mares. These currently occupy about one quarter of the total area of grassland with the remainder reserved for the making of haylage for sale and a lesser quantity of hay reserved for Miss Weedon's use.

Since my last visit Miss Weedon advised that one of the buildings where hand tools and electrical equipment were stored had been broken into during the night and a number of items of equipment had been stolen.

3. THE BUSINESS

Miss Weedon confirmed that, as proposed at my last site meeting, she had purchased in a 1000 new laying birds in the spring of 2014 and sold off the majority of the old birds currently retaining approximately 200. These are still kept in one of the two old poultry buildings, the other one having been demolished.

The increased egg production still supplies the two local bakeries, two cafes and also a customer who now takes the eggs himself to markets in London, Romford and elsewhere. Demand remains good.

With the increase in scale of the business, as well as her partner Darren helping out, her son Charlie is also doing casual work on the holding and casual labour payments to him are recorded in the accounts.

4. POLICY CONSIDERATIONS

Taking account of the Local Plan Policy GB17 and also the National Planning Policy Framework (NPPF) the key issue, as expressed in the NPPF at para 55, is whether or not there is:-

'An essential need for a rural worker to live permanently at or near their place of work in the countryside'.

To demonstrate essential need I consider that there are three principal matters to be addressed; that the functional need requires the worker to live on site; that the enterprise provides full time

employment for at least one worker and that the proposed enterprise is economically sound and sustainable.

As noted earlier the Council have already accepted the functional need for a worker to live on site and the full time nature of the employment which the current enterprise provides.

I concur with this view; that the functional need and full time employment tests are satisfied, and I will only therefore consider in detail the economic sustainability/viability of the business.

Economic Sustainability

My last report assessed the business accounts for the year to 05.04.13 and a summary sheet showing a breakdown/analysis for the years 2008-2013.

That report noted an increase in turnover, principally due to the number of laying birds kept and increasing egg sales. The most recent accounts to 05.04.14 bring the financial information up to date and confirm that whilst the business continues to be viable there has been a slight dip in the net profit for the year.

The accounts to 05.04.13 noted a net profit of some £23,748.00 and this has now reduced to some £21,192.00 for the year to 05.04.14.

This dip in net profit being the result of marginally reduced hay and poultry (fancy bird) sales over 2013 notwithstanding an increase in egg sales. On the cost side of the business additional legal and professional fees together with higher maintenance and motor expenses as well as light heat and water costs have all contributed to the slight reduction in net profit.

Notwithstanding this position the current level of profitability is such that the business still meets the appropriate financial threshold and can therefore be considered viable and potentially sustainable in the future at current stocking and production levels.

In this context I have defined viability as the ability of the business to meet the wage of a full time agricultural worker, which including on costs is in the region of £14,000.00-£16,000.00 per annum together with an allowance for the cost of any further modest reinvestment required for the business and also with sufficient surplus for any future fluctuations in the general run of the costs and returns to the individual enterprises.

Thus the net profit should still allow sufficient surplus to meet any necessary reinvestment in improvements or building repairs and in any minor changes in the individual income streams which may occur for reasons outside of the applicant's control.

The need for sufficient surplus to assist in financing a permanent dwelling in due course also needs to be borne in mind assuming that the business remains viable in the future such that the temporary dwelling can be replaced.

5. CONCLUSIONS

It is now nearly 6 years since I first visited Top View Farm and I have therefore been able to assess the business and the applicant's intentions over a reasonable time frame. Whilst I continue to have some reservations with regard to the long term future of the holding, including for example the degree of security offered in respect of the land at Forty Acre Farm and the slightly less than robust construction of some of the earlier buildings at Top View Farm, the applicants have nevertheless continued to make reasonable strides over the intervening time to establish themselves on the holding.

In particular there is now recognition that poultry numbers need to be maintained at or around 1000 laying birds, with the ancillary fancy bird enterprise, DIY liveries and hay/haylage sales all contributing important income streams to achieve and maintain a viable and sustainable enterprise.

My overall conclusion is that the business has now met the necessary financial threshold for the granting of a temporary consent for the retention of a mobile home, in order that the applicants may consolidate their business and ensure its future sustainability.

On balance therefore I am of the opinion that it would be appropriate to grant temporary consent for a rural worker to reside on the holding in the existing temporary dwelling for a period of 3-4 years as has been discussed with the Council.”

Conclusion:

The NPPF was brought into effect following the 2011 appeal decision and is much more supportive of rural enterprises. The application of Local Plan policy must be consistent with the NPPF.

The agricultural enterprise has changed in its detail since the appeal decision and has grown to a significant extent. At the appeal it was found that there is a functional need for an agricultural worker to live on the land and that the work generated by the business was sufficiently large to employ one person full time. However, the financial viability of the business was not demonstrated. The significant growth in the agricultural enterprise has been found to resolve the matter of financial viability. It has been demonstrated to the satisfaction of the Council's agricultural consultant on two occasions, some 7 months apart, that the enterprise served by the mobile home is viable.

There remains clear evidence of on-going agricultural activity at Top View Farm. As set out above, such evidence together with evidence of viability of the enterprise has been carefully considered by the Council's agricultural consultant. As part of that assessment Top View Farm was inspected on two separate occasions in June 2014, once by the Council's consultant and on a separate occasion by the case officer. As an aside, Members are advised the case officer's inspection was without appointment and a substantial flock of chickens was seen as was egg sales to members of the public.

It is demonstrably clear that an active and viable agricultural enterprise is taking place, that there is a functional need for a worker to live on site and that the enterprise generates sufficient work for the full time employment of an agricultural worker. Accordingly, the stationing of the mobile home is not inappropriate development in the Green Belt in this particular case. The Parish Council was sent a copy of the report by the Council's agricultural consultant prior to it commenting on the application but nonetheless maintains its long held position that the development is inappropriate in the Green Belt. As is made clear above, the evidence demonstrates that is not the case. Should the District Council find the development inappropriate in the face of the evidence submitted and expert analysis carried out, that position would almost certainly be found unreasonable at appeal.

Notwithstanding the finding that the proposal now meets all the tests for permitting an agriculturally tied dwelling on the land, the increase in income over the past two years may well not turn out to be sustainable in the longer term. Even if it were, a mobile home would not normally be acceptable as a permanent dwelling due to its poor appearance. In the circumstances, while it is now appropriate in policy terms to grant planning permission, it is necessary to limit any consent given to a temporary period as well as restricting its occupation to an agricultural worker at Top View Farm and their immediate family. This conclusion is consistent with the findings of the Council's agricultural consultant.

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