

## AREA PLANS SUB-COMMITTEE 'EAST'

17 September 2014

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1024/14
<b>SITE ADDRESS:</b>	Land Rear of Royal Oak Oak Hill Road Stapleford Abbots Essex RM4 1JL
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr P Lewis
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for five dwellings including determination of access, layout and scale.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=562852](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=562852)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) appearance; and
    - (ii) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The permission hereby given shall not be implemented prior to the completion of the development permitted under planning permission EPF/1023/14.
- 4 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.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 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 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.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The

completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 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.

- 15 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 16 Prior to first occupation of the development the applicant shall submit details, for the extension of the existing footway from the pub to the access, as shown in principal on drawing no.13.2310/P202 Rev D, to be approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The approved details shall then be implemented prior to first occupation.
- 17 The public's rights and ease of passage over public footpath no.33 Stapleford Abbotts shall be maintained free and unobstructed at all times.
- 18 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 19 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 20 The proposed development shall not be occupied until such time as the vehicle parking and turning areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The parking and turning areas shall be retained in this form at all times. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

*This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site comprises a tarmac surfaced car park which presently serves the Royal Oak public house. It is situated to the rear of the public houses and (with the exception of the pub) is surrounded by residential gardens. There are a number of mature oaks and willows close to the side edges and a tree within the site and also a tree to the rear of 'Abbotsbury' which has grown at an angle and is consequently low to the ground. The application site includes the access road onto Oak Hill Road and also a Size 3 Turning Head.

The site is located within the Metropolitan Green Belt. Public Footpath no. 33 runs through the site.

### **Description of Proposal:**

This application seeks outline planning permission for the erection of 5 detached two storey dwellings with garages within the site.

Two would be located to the north of the access road (and diverted public footpath) and three to the south. The plots would have gardens ranging in size from 150 sqm to 308 sqm.

The application seeks detailed approval for matters of access, layout and scale with appearance and landscaping both being reserved for later consideration.

### **Relevant History:**

EPF/2190/13. Outline application for five detached dwellings with garages. Application withdrawn.

EPF/1023/14. Rationalisation of public house grounds and revised access. Approved 01/07/2014.

*(Development included demolition of outbuildings and car park layout and access changes to increase parking within the site from 8 to 32 spaces.)*

### **Policies Applied:**

#### Core Policies

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

#### Design and the Built Environment

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

#### Housing

- H2A – Previously Developed Land
- H3A – Housing Density Mix
- H4A - Dwelling Mix
- H5A – Affordable Housing

H6A - Site Thresholds for Affordable Housing  
H7A - Levels of Affordable Housing

Landscape and Landscaping

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

Nature Conservation

NC4 - Nature Conservation

Sustainable Transport

ST4 – Road Safety  
ST6 – Vehicle Parking

Green Belt

GB1 – Green Belt Boundary  
GB2A – Development in the Green Belt  
GB7A - Conspicuous Development

Implementation

I1A - Planning Obligations

Community Facilities

CF12 – Retention of Community Facilities

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

**Summary of Representations:**

Notification of this application was sent to Stapleford Abbots Council and to 16 neighbouring properties. In addition, four site notices have been displayed adjacent to the site

The application has attracted the following responses:

STAPLEFORD ABBOTTS PARISH COUNCIL. Objection. The Parish Council OBJECTED to this application that was considered an unacceptable development of green belt land and overdevelopment of the site with the proposal for five dwellings.

Since the scheme would substantially reduce parking provision for the patrons of the Royal Oak Public House, the Parish Council was concerned that cars would be forced to park on Stapleford Road, on a dangerous bend of this busy highway.

The Parish Council drew the District Council Planning Officer's attention to the proposed allocation of two parking spaces per dwelling and was concerned that residents would block the access of a Public Right of Way footpath, which was shown as part of the new road layout for these dwellings.

4 KENSINGTON PARK. Comment. The same policies should apply to this site as to my application for houses which was deemed inappropriate build within the Green Belt and detrimental to the openness of the area. Our development should not be considered as a precedent because we gave up a large warehouse development to secure our planning permission.



MIZPAH, OAK HILL ROAD. Objection. The following reservations/observations were made to the owner of the Royal Oak Public House: 1. That additional hedging be added to the existing hedge to the site boundary with our property so as to minimise any potential increased noise levels due to 3 family homes backing on to our own garden. Currently, as a car park, the noise levels are low. 2. The proposed plan indicates that a new tree is to be added at the bottom of the garden of building 1. This would impact our light levels. 3. The proposed plan is for the new pub car park to have 32 spaces. The current pub car park has, on occasions, cars in excess of this amount, especially during weekends, and I worry where the excess cars will park. The large oak tree, T2 in the arboricultural report, is contained in our garden and as this is a tree "of significance", I would expect extreme care to be taken for this tree not to be damaged during the proposed works.

ABBOTTSBURY, OAK HILL ROAD. Objection. We write to object about the above planning application on this site, it is currently a car park for the Royal Oak public house and I have serious concerns as to where would all the cars park to use the pub although on the plans they have showed parking for some 24-29 cars We feel this is nowhere near enough as the car park at the moment holds many more spaces and is often very full. We also have issues about being overlooked by the proposed new houses.

OAKLEA HOUSE, OAK HILL ROAD. Objection. 1. My home will be backing onto the new development and I am still concerned that the legal requirement of 13 metres distance between dwellings of a window to wall has not been fully addressed on the plans submitted, please can this be checked and a reply submitted. 2. On many occasions e.g. mothers day, events, entertainment evenings etc and often at weekends the number of cars in the Royal Oak Car Park totals between 80 - 100 vehicles as this is a very popular and large restaurant and public house. It also specialises in private functions such as weddings and birthdays. On several occasions vehicles are left and parked along Oak Hill Road on the pavement, half on the grass or on the road. Please note this is very dangerous as the areas parked on are on a bend. Additionally the electric gates to my property and Abbotsbury property are often blocked by vehicles of people visiting the Royal Oak public house. What will happen when the car park is gone and there is the minimum car parking spaces allocated on the plans. I am very concerned as both my wife and myself are handicapped and need access to and from our property at all times. Could someone please check the car park on a busy day e.g. 'Fathers Day' – Sunday June 15th in the afternoon to give a good approximation of cars on a busy day. Where will these cars go, please can we have some answers. 3. I would like to bring to your attention the prior to the car park there was a large pond on the site of the car park, can this please be looked into and addressed.

### **Issues and Considerations:**

The main issues to be considered are the acceptability of the development within the Metropolitan Green Belt; the principle of the residential development; its impacts on the character and appearance of the area and on neighbouring amenity; the acceptability of the loss of the existing car parking; highways and access; trees and landscaping and ecology. Finally, an assessment will be made as to whether or not the development proposed would constitute sustainable development, as defined in the NPPF.

### **Green Belt**

The site is located within the Metropolitan Green Belt, where development is inappropriate unless it benefits from an exception. Those exceptions included limited infilling in villages and also redevelopment of previously developed sites whether the proposal would not have a greater impact on the openness of the Green Belt than the existing development. The Applicant considers that these exceptions apply to the proposed development.

With regard to the matter of whether the proposed development would constitute an infill, the site is surrounded on three and a half sides by residential gardens, with the remainder of the site

connecting to the public house. Development around the site is generally linear, extending along Oak Hill Road and Tysea Hill, with the notable exception being the residential development at Kensington Park.

The site does not have a road frontage and is predominantly surrounded by garden land. This would usually indicate that the development would not constitute an 'infill'. However, given the position of the site within the village, particularly in relation to the nearby developments in Kensington Park and Tysea Hill, it is considered that an argument exists for the site to be considered village infill. On careful consideration of these matters, it is the view of Planning Officers that the site should be considered village infill and, therefore would constitute development which is not inappropriate within the Green Belt, as defined by the NPPF.

The Applicant contends that the proposed development would not have a materially greater impact on openness than the existing development, given its position. However, the local authority disagrees with this view. The proposed development would involve the addition of considerable building form onto a site which presently contains no buildings. This built form would be readily visible due to the public footpath which runs through the site and continues to the north east to link with other routes in the public right of way network. Accordingly the openness of the site would be significantly reduced following the completion of the proposed development.

#### Principle of Residential Development

The site is previously developed and the development proposed is not inappropriate within the Green Belt. Accordingly, subject to consideration of the impact of the development on the openness of the Green Belt and other material considerations, including appearance, amenity, loss of existing use, highways/access and others, the principle of the development is acceptable.

If the site is developed with residential units, policies H5A, H6A and H7A are relevant. These policies require that as the site is over 0.2 hectares and would accommodate more than three dwellings, 50% of the units are required to be provided as affordable housing. The Applicant contends that the site is likely to be unsuitable for the provision of affordable housing. This contention is accepted by planning officers on the grounds that the location of the site is not highly sustainable (access to services and public transport is limited), that it will be an isolated location for a Housing Association to manage two dwellings and also that the size and location of the properties is likely to limit their affordability, even with applications of the level of discount required by the Homes and Communities Agency.

On sites where the provision of on-site affordable housing is either not possible or undesirable, a financial contribution towards the provision of off-site affordable housing is usually sought in lieu. However, in this case the Applicant contends that a significant contribution would render the development unviable. Whilst no financial justification is provided in support of this claim, the Applicant also observes that if the large access is excluded from the site area, the developable area falls below the 0.2 hectare threshold at which the Council would seek the provision of affordable housing. On this basis, it is considered that the development can be considered without a contribution.

#### Character and Appearance

The pattern of development surrounding the site generally consists of good sized detached dwellings, set within fairly large plots (the immediately adjacent 'Oaklea House' and Abbotsbury' have shorter gardens, possibly these gardens have been truncated in the past by separation from the application site).

Although the development proposed smaller plot sizes, they would still provide good levels of amenity and the development would not appear cramped. It is, therefore, considered that subject

to securing a suitable appearance on the submission of reserved matters, the proposed development would be compatible with the character of the surrounding area.

### Neighbouring Amenity

The layout of the development has been altered several times throughout the course of the planning application, to accommodate necessary changes to the road layout, to ensure adequate provision of private amenity space for plots 4 and 5 and also to ensure an adequate level of outlook is retained to the rear of Oaklea House.

Following the revisions, the single storey garage would be situated approximately 9.5m from the rear of Oaklea House and a distance of approximately 16m to the flank of the two storey dwelling. This is considered acceptable to ensure the retention of adequate outlook. Window detailing and positioning will need to be carefully considered at reserved matters stage to prevent loss of privacy.

Whilst the relationship with other neighbouring dwellings would not cause harm and the future occupants of the proposed dwellings would benefit from acceptable levels of amenity, permitted development rights would enable substantial additions to the dwellings without the future control of the Council. Because of the layout and size of the plots, this could cause harm to amenity. It is, therefore necessary to withdraw householder permitted development rights for extensions.

### Loss of public house car parking

The proposed development would result in the loss of a substantial area of car parking for the existing public house.

Following implementation of the recent consent for reorganisation of the public house site (which may be required to be implemented prior to any consent given as a result of this application) the public house would have 32 car parking spaces available. Information provided by the Applicant indicates that the levels of parking recorded in the site during a week in March 2014 range between 9 on a Monday to 29 on a Sunday. At the time of the officers site inspection (mid-week lunch period) 6 cars were parked in the car park.

The Council's parking standards require a maximum of one space per 5 sqm of public house. Whilst no information has been provided by the Applicant in relation to the public house – measurements taken from an Ordnance Survey plan indicate that it has an area of approximately 250sqm, generating a maximum car parking requirement of 50 spaces. The parking standards state that 'a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities'. These factors do not apply to the application site. However, the provision within the public house site can accommodate the amount of vehicles present within the site at the time of the Applicant's survey and this survey information accords with the situation witnessed on site at the time of the Officer's site visit. The Council's parking standard represents a maximum amount and accordingly provision below this amount accords with policy.

### Highways, Access and Public Right of Way

Officers at Essex County Council have been consulted on the application and do not raise any objection, subject to the imposition of planning conditions.

Those planning conditions will include requiring the provision of a footpath extension from the pub to the access, the diversion of the existing footpath through the site and the provision of residential Travel Information Packs for each of the dwellings.

### Trees and Landscape

The Council's Tree and Landscape Officer has been consulted on the application and raises no objection. Standard planning conditions are proposed in order to secure tree protection (the most significant tree being an oak located on adjacent land) and additional landscaping. Trees have been removed along the boundary of the site with Bishops Brow to secure an acceptable level of outlook for the dwellings proposed at plots 4 and 5. However, these works were undertaken following discussion with the Council's Trees Officer who agreed that their condition was such that their retention could not be required.

### Contaminated Land

Historic uses of the land including a stables, repair garage and pond have potential to result in the presence of contaminated land. This may be dealt with by the imposition of planning conditions requiring further investigation and, if necessary, remediation.

### **Conclusion:**

In light of the above appraisal, it is considered that the proposal constitutes an appropriate development within the Green Belt and accords with other considerations of local and national planning policy. The issue of affordable housing has been considered and concluded that this is not a suitable site for such provision. Evidence demonstrates that 32 vehicles required by the public house is acceptable and there would be no undue harm to residential amenity of neighbouring properties. On balance, Officers consider that this application be recommended for approval (subject to planning 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: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564103***

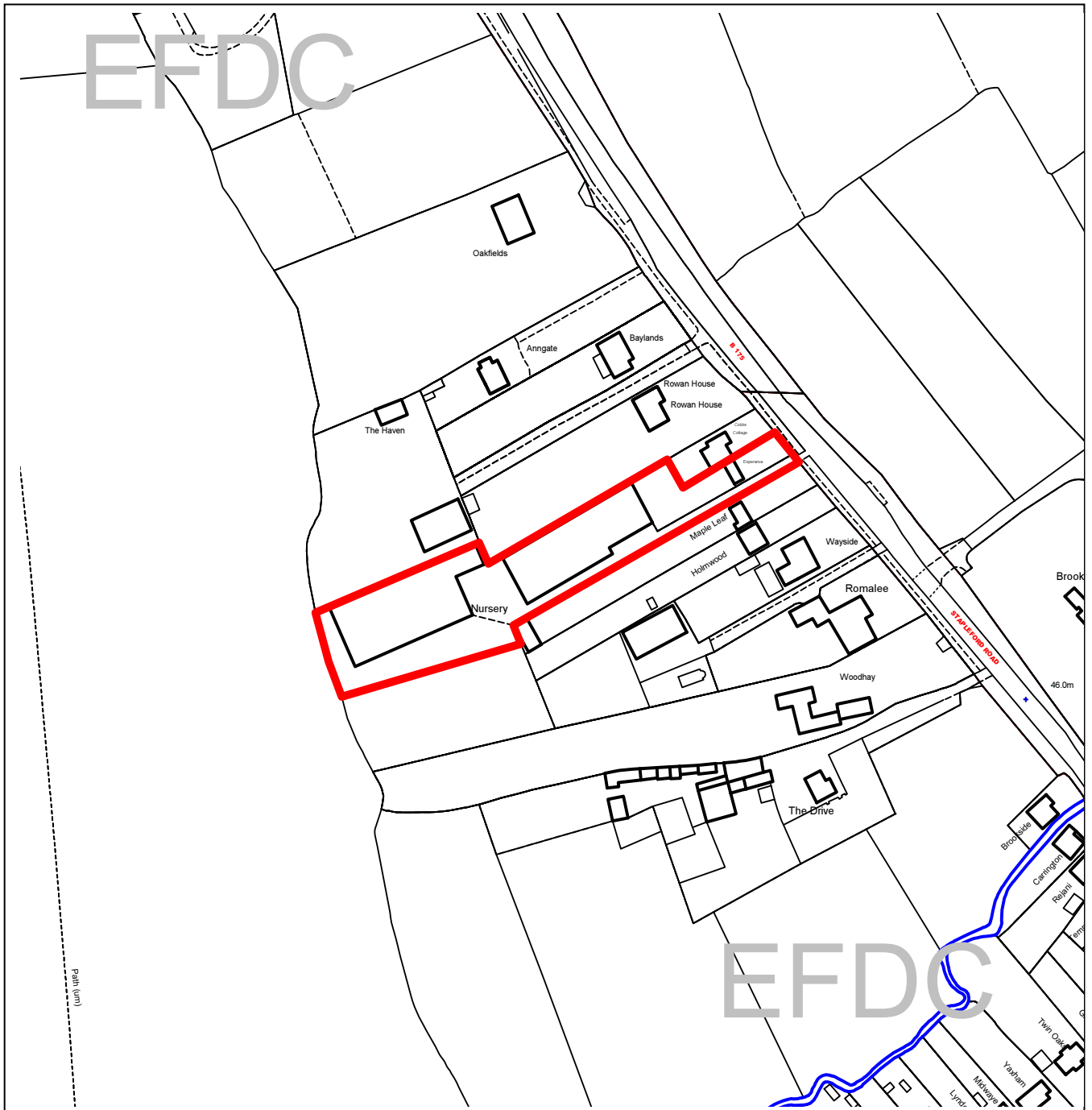
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/1352/14
Site Name:	Esperanza Nursery, Stapleford Road Stapleford Abbots, RM4 1EJ
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1352/14
<b>SITE ADDRESS:</b>	Esperanza Nursery Stapleford Road Stapleford Abbots Essex RM4 1EJ
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Tony Humphries
<b>DESCRIPTION OF PROPOSAL:</b>	Outline planning permission to demolish office, boiler house and two glasshouses, erect 2 no. two storey houses and detached garage block, lay out access drive and turning head, amenity and parking areas, alter vehicular access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (Amended proposal to EPF/0964/13).
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=564311](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564311)

**REASON FOR REFUSAL**

- 1 The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development except in very special circumstances. The proposal is for inappropriate development. Whilst the applicant has advanced a case of very special circumstances, no such exceptional circumstances are apparent in this case that would be sufficient to outweigh the normal presumption against inappropriate development. As such the proposal fails to comply with policy GB2A (which is consistent with policies contained within the National Planning Policy Framework).
- 2 Whilst this is an outline proposal, the plan layout shown and the indicative proposed two new dwellings will introduce buildings in a pattern that will encroach into the Green Belt. This will result in conspicuous buildings within the Green Belt that will harm the openness and rural character; this fails to accord with policies DBE4, CP2 and GB7A of the Adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).
- 2 The present use of the site is for greenhouse horticulture with associated office/shop use and is currently an employment site. Council policy seeks to protect employment sites from redevelopment or change of use to other land uses. No up to date supporting evidence has been provided to clearly demonstrate the site has been actively marketed since 2013 or for a satisfactory alternative community need since 2013 as such the absence of up to date assessment fails to comply with policies E4A and E4B of the Adopted Local Plan and Alterations and the objectives of the NPPF.

- 3 The application fails to make provision for an affordable housing contribution contrary to policy H6A and H7A of the Adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).
- 4 The proposals are situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, and ST1 of the Adopted Local Plan and Alteration (which are consistent with policies contained within the National Planning Policy Framework).

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

### **Description of site**

The application site is situated on the south west side of Stapleford Road, within the Metropolitan Green Belt. The site is located some 100m outside of the built up area of Stapleford Abbots and is a narrow, deep plot extending to the rear by some 175m. The site currently accommodates an office/shop to the front of the site, behind this there are two large detached 7m high glasshouse buildings. The whole site appears very redundant with the glasshouses quite derelict.

There is a large amount of hardstanding on the front for parking with an access way which leads to the rear of the site.

The surrounding character of the area is relatively rural and is mainly residential made up of mostly detached bungalows, chalet bungalows and one and a half storey buildings.

### **Description of proposal**

The proposal seeks outline planning consent for the demolition of the existing office, boiler house and glasshouses and the erection of two, two-storey dwellings with a detached garage block, turning head and altered vehicle access. Access and Layout detail is being sought at this Outline stage.

### **Representations Received**

13 neighbours were consulted and a site notice erected: Responses received as follows:  
COBBS COTTAGE: Support the proposals. There are vermin issues onsite which would be improved by development. The site is in disrepair and development would enhance the area.

OAKFIELDS: The proposal is sympathetic to the area and in keeping. There is no element of over development and little overlooking of adjoining properties. The development should be allowed to proceed.

RAMBLERS ASSOCIATION: Object due to the development being in the Green Belt and the identified harm from the previous decisions still remain.

STAPLEFORD ABBOTTS PARISH COUNCIL: No objections to this application but the Council felt this application should be heard by committee.



## **Relevant History**

EPF/0964/13 – Outline application to demolish office, boiler house and glasshouses and erect six detached dwellings with garages, lay out access drive and turning head, amenity and parking areas, alter vehicle access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (amended proposals) – Refused – Appeal yet to be determined.

EPF/2228/10 - Outline application to demolish shop/office and glasshouses and erect six detached chalet bungalows with garages, lay out access drive and turning head, amenity and parking areas, alter vehicular access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (Amended Proposal) – Refused – dismissed at appeal

EPF/0161/10 - Change of use from nursery to residential and proposed 6 detached houses and access road with associated car parking and amenity and proposed wooded and meadow land. (Revised application) – Refused

EPF/2471/08 - Change the existing use of the premises from a Nursery to residential. The proposal involves the demolition of buildings within the plot and erection of seven detached houses, construction of a new access road together with associated car parking with areas of landscaping creating wooded and meadow land - Refused.

## **Policies Applied**

CP1 – Achieving Sustainability Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE6 – Parking for new residential developments  
DBE8 – Private Amenity Space  
DBE9 – Neighbouring Amenity  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
LL1 – Rural Landscape  
LL2 – Inappropriate Rural Development  
LL3 – Edge of Settlement Development  
LL11 – Landscaping Schemes  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H3A – Housing Density  
H4A – Dwelling Mix  
H5A – Provision for Affordable Housing  
H6A – Site Thresholds for Affordable Housing  
H7A – Levels of Affordable Housing  
E4A – Protection of Employment Sites

## **Issues and Considerations**

This application seeks to clear the site of existing buildings and structures, for a revised access and provision of two, two storey dwellings and a garage block. The issues to be considered for this application remain unchanged from those considered previously, namely, development in the Green Belt and impact to its character and appearance, impact on openness, sustainability, employment, layout and design, character and street scene, impacts to neighbouring properties,

affordable housing, trees and highways. The previous Council decision also has significant bearing although this was for a larger scheme of 6 units covering the same site area.

The previous application was refused for the following four reasons:

- 1) *The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development except in very special circumstances. The proposal is for inappropriate development. Whilst the applicant has advanced a case of very special circumstances, no such exceptional circumstances are apparent in this case that would be sufficient to outweigh the normal presumption against inappropriate development. As such the proposal fails to comply with policy GB2A (which is consistent with policies contained within the National Planning Policy Framework).*
- 2) *Whilst this is an outline proposal, the plan layout shown and the indicative proposed six (6) new dwellings will introduce buildings in a pattern that will encroach into the Green Belt. This will result in conspicuous buildings within the Green Belt that will harm the openness and rural character; this fails to accord with policies DBE4, CP2 and GB7A of the Adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).*
- 3) *Insufficient information has been submitted to justify the applicants proposed off-site affordable housing contribution of £50,000. Without evidence to justify a) that the contribution should be for off site housing and b) that £50,000 is an appropriate amount in terms of the viability of the site the Council is not willing to accept the contribution as it is contrary to policy H6A and H7A of the Adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).*
- 4) *The proposals are situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, and ST1 of the Adopted Local Plan and Alteration (which are consistent with policies contained within the National Planning Policy Framework).*

Previous applications also included an employment reason for refusal however this was overcome in 2013 with the provision of marketing information and sufficient information to demonstrate the retention of employment was not possible. There was also information submitted in 2013 to demonstrate no community use was identified.

#### Green Belt

Historically it has been agreed between all parties that the site is within the Green Belt and as such the construction of housing is inappropriate development by definition. The Planning Inspector has agreed this point in 2013. It is also well established historically that there are no very special circumstances on the site or in the area that exist that would outweigh this harm. Since this view was reached a further 12 months have lapsed and the scheme has been reduced from 6 family homes to two more generous properties. Otherwise there is no significant change.

Officers therefore have no reason to consider there are any very special circumstances that exist, or that have been put forward, to outweigh the harm that exists from the development of the Green Belt which is in principle harmful by definition.

Members should be aware that in reaching this view, Officers consider that horticultural glasshouses fall within the definition of agriculture as set out in the Town and Country Planning Act. Development in the Green Belt for the purposes of agriculture is appropriate. The site would not be considered previously developed as it has been used for agricultural purposes only and

with lightweight structures for use in connection with agriculture. Therefore the site is not within the definition of previously developed land.

The layout is such that whilst it is suggested a barn like appearance would be provided, the degree of hard surfacing, the height of the proposed development indicated, the layout and garage block is such that the design would remain in conflict with the otherwise rural ribbon of development in this area. The proposals remain to a depth in the site that is not reflected locally, with dwellings concentrated towards the highway. The presence of glass houses to this depth is not considered reason to encroach so deep to the rear of other properties. The proposed scheme also leaves a relatively small parcel of land as a meadow to the rear that is of a size and location that render it essentially land locked and without purpose. This is also considered unacceptable.

#### Openness

The Planning Inspector in 2013 took a separate view on impact to openness in the Green Belt from the in principle view. It was acknowledged that even though new dwellings were unacceptable in principle, they were smaller and occupied less of the site than the glasshouse and as such, 6 units on site would improve the openness of the Green Belt, however this was not adequate very special circumstances sufficient to outweigh the harm in principle from the development. At the same time the Inspector also reached a view that whilst openness would be improved, the resultant character of the development would be at stark contrast with the rural character in the area.

Mindful of this view, it would remain that a residential development would improve openness on site, to a greater degree than previous due to lesser units, however this enhancement is not sufficient to provide very special circumstances to justify the development.

#### Sustainability

The location of the site is such that it is not considered sustainable to provide further dwellings in this location, at such a distance from services and facilities. The Planning Inspector has considered that the adjoining village and indeed the site itself can not be considered sustainable and as such would increase dependence on motorised transport. This is unchanged in the current application.

#### Alternative Employment and Community Use

The previous application has been accompanied by information to suggest the site was marketed, and after failure of marketing, alternate uses were explored, including community uses. This information removed previous concerns regarding the suitability of the site for alternate uses.

The current application is accompanied by the same marketing information and details relating to investigations for alternative community uses. This is all dated in 2013 and relates to marketing from 2012 and is more than 12 months old. At a time when the economy is recovering from recession, more than 12 months can make a significant difference and indeed up to date information should be supplied to demonstrate that policies tests regarding marketing and alternate uses are still met. In the absence of any such up to date marketing information and community information, there is an in principle objection on this basis.

The NPPF in this regard reflects the local plan policies in that long term retention of sites for employment use is not necessary where there is no reasonable prospect of the site being used for its purpose. Without up to date information in this regard, it is not possible to consider whether now, post recession, the site is not viable or needed for either an employment or community use. There is no ability to have regard to current market signals as identified in the NPPF without up to date information.

#### Layout and design and impact to street scene

The layout of the development provides sufficient parking, access and garden areas for the proposed development. However, the proposed layout is such that the access road occupies a significant area on site, the meadow area to the rear is small, providing little functional purpose and the depth of development is such that it would extend significantly to the rear of the building line along the linear ribbon of development in this area.

Officers consider that the proposed development, particularly due to the depth of encroachment into the Green Belt and the form of development, continues to provide a pattern at odds with the surrounding built form and as such the proposals fail to overcome the previous reason for refusal in respect of layout.

Officers consider that whilst a lesser number of units is preferable, the scale of the units detracts to a degree from the reduction in unit numbers. Two dwellings could easily be provided on site, at a reduced size, in a manner that would better relate to the existing linear form of development, by pushing the units towards Stapleford Road and increasing the size of the meadow to a more usable paddock size, possibly suitable for use in association with one of the units. As it stands the layout seeks to make provision for generous properties with little consideration of the site restrictions, end use or indeed surrounding character.

As set out the proposed new dwellings bear little or no relation to street scene along Stapleford Road, furthermore with properties in the area generally being single or one and half storeys high, the proposed two storey properties would likely be visible above properties along the main street, or at least would appear dominant when viewed in the context of the access road. This is considered unacceptable and undesirable.

#### Neighbouring properties

The proposals would result in the removal of significant areas of glass house that at present would dominate the outlook of neighbouring properties. This is a significant consideration when assessing the impact of the introduction of two storey properties to the rear of the existing built form. However, whilst the removal of this glass has clear benefits, the existing use onsite will not provide for any degree of overlooking. By contrast the proposals will introduce an additional storey of development that will likely include window openings. This introduces a possibility of overlooking, but careful design and internal layout would be able to mitigate this and previous schemes with more units have not raised any concerns on this point, therefore in the knowledge this issue can be mitigated and larger schemes have not raised this as a concern, Officers raise no objections on this point.

#### Affordable housing

The proposals make no provision for affordable housing. Policy H6A requires that in settlements of 3000 people or less, an affordable contribution will be sought on a greenfield site where two or more dwellings are proposed and the site is 0.1ha or larger, which is the case here. As outlined in the section under Green Belt, the site does not fall within the definition of previously developed land and as a Horticultural use is considered a greenfield site. As such an affordable housing contribution should be provided. The absence of any such contribution or justification for its absence is contrary to policy and unacceptable in principle.

#### Trees and landscaping

The Council's landscaping team raise no objections subject to a condition requiring the submission of hard and soft landscaping.

#### Highways

No objections are raised subject to conditions requiring adequate width of access, travel info packs, means to discharge surface water away from the highway, no unbound material and distance any gate should be from the highway.

### Ecology

No objection subject to the provision of a condition requiring an up to date phase 1 habitat assessment being carried out prior to the start of works.

### Waste

No objection however ask that a condition be applied to ensure adequate storage on site of refuse and the provision of access adequate to support the weight of a fully loaded refuse vehicle at 34 tonnes and allow on site turning of such a vehicle.

### Land drainage

No objection subject to a standard surface water drainage condition.

### Contamination

Due to its use as a Horticultural Nursery there is the potential for contaminants to be present on this site. Contamination conditions SCN87, 87A, 87B, 87C and 87D are recommended.

### **Conclusion**

In conclusion it is not considered that the proposal has overcome the previous reasons for refusal, which were upheld at appeal. The application has not provided any very special circumstances and has failed to provide up to date marketing and community use information. This has reintroduced previous concerns in regard to alternate uses of the site, and as a result the previous reason for refusal on this matter is reinstated. Officers therefore recommend refusal.

Whilst the current application has reduced the number of units, the depth of development is largely unchanged and indicative improvements to design are insufficient to overcome concerns regarding the introduction of an urban character in the location.

***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: Ms Jenny Cordell***

***Direct Line Telephone Number: (01992) 564481***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/1464/14
Site Name:	16 Orchard Drive, Theydon Bois CM16 7DJ
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1464/14
<b>SITE ADDRESS:</b>	16 Orchard Drive Theydon Bois Epping Essex CM16 7DJ
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr N Taylor
<b>DESCRIPTION OF PROPOSAL:</b>	Hip to gable rear dormer and lantern roof light over kitchen flat roof by removing part of the existing pitched roof.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=564932](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564932)

**CONDITIONS**

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

*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**

Orchard Drive is located within the built up area of Theydon Bois. The existing building is a semi detached bungalow situated within a relatively long plot. Currently, the property mirrors the neighbours in style and design; however both this property and the adjoining neighbour have lawful development certificates for a hip to gable roof extension and a rear dormer window. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

**Description of proposal**

The proposed development is for a hip to gable roof extension and a rear dormer window as part of a loft conversion. The application also includes a roof light over a proposed reduced roof height existing rear extension.

**Relevant History**

EPF/0064/13 - Certificate of lawful development for proposed gable end roof – Lawful

EPF/0065/13 - Proposed rear dormer – Approved

EPF/0949/13 - Loft conversion forming front and rear dormers including hip to gable and removal of existing rear pitched roof to form flat roof with lantern over existing kitchen - Refused

EPF/0662/14 - Loft conversion forming front and rear dormers including hip to gable and removal of existing rear pitched roof to form flat roof with lantern over existing kitchen – Refused

EPF/1455/14 - Loft conversion forming front and rear dormers including hip to gable and removal of existing rear pitched roof to form flat roof with lantern over existing kitchen. - Refused

### **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on amenity

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

### **Consultation carried out and summary of representations received**

6 Neighbours consulted –

14 ORCHARD DRIVE – OBJECTION - The rear dormer window will harm my living conditions, the hip to gable roof extension will detract from the character of the locality.

THEYDON BOIS PARISH COUNCIL – OBJECTION - We note the change of design of the front dormers, however, we are still of the opinion the front dormers in conjunction with the change of roof style from hip to gable will have an overly dominate impact when compared with the immediate street scene.

We also note that despite the proposal for a S106 agreement to ensure that 16 and 18 Orchard Drive have a common appearance; number 18 has now installed Velux windows to the front elevation as opposed to front dormers. We believe this is the optimum way forward.

### **Comments on Theydon Bois Parish Council representation**

The Parish Council has objected to the application on the basis that front dormer windows will cause excessive harm in the street scene when combined with the hip to gable roof extension. This application does not apply for front dormer windows and the hip to gable roof extension has already been granted a lawful certificate. The section 106 legal agreement which has been mentioned in the objection from Theydon Bois Parish Council was offered by the applicant in a separate application (EPF/1455/14) and has no bearing on this application because that application is not being implemented.

### **Issues and Considerations**

The hip to gable roof extension and the proposed rear dormer window seeks to add a total of 58 cubic metres to the roof of the dwelling. Permitted Development regulations allow up to a maximum of 50 cubic metres for a semi detached property and therefore this proposal requires express planning consent.



The main issues to consider when assessing this application are the effects of the proposed development on the amenities of neighbours and the design in regards to the existing building and its setting.

### Neighbour Amenity

The principle of the rear dormer window has already been established through a previous consent (EPF/0065/13) which allowed a dormer window of 22 cubic metres. This application seeks to increase the width by 1m or an increase to 26 cubic metres. This will bring it to the shared boundary with no.18. Given that it is a small increase in size there will be no greater potential for excessive loss of privacy or harm to neighbouring living conditions.

The hip to gable roof extension is exactly the same as that which has been deemed lawful under permitted development. In any case it will not appear overbearing or cause any harm to neighboring living conditions.

The roof lights are set well away from neighbours and therefore will not cause any harm to their living conditions.

### Design

The rear dormer window respects the existing building and is only slightly larger than the lawfulness certificate allows. The principle of the hip to gable roof extension has been established but in any event will not harm the visual amenity of the street scene. The roof lights are appropriate and will not be visible from public areas of the street scene.

### Conclusion

The development will not harm the living conditions of neighbours and is acceptable in design terms. Therefore it is recommended that planning permission is 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:***

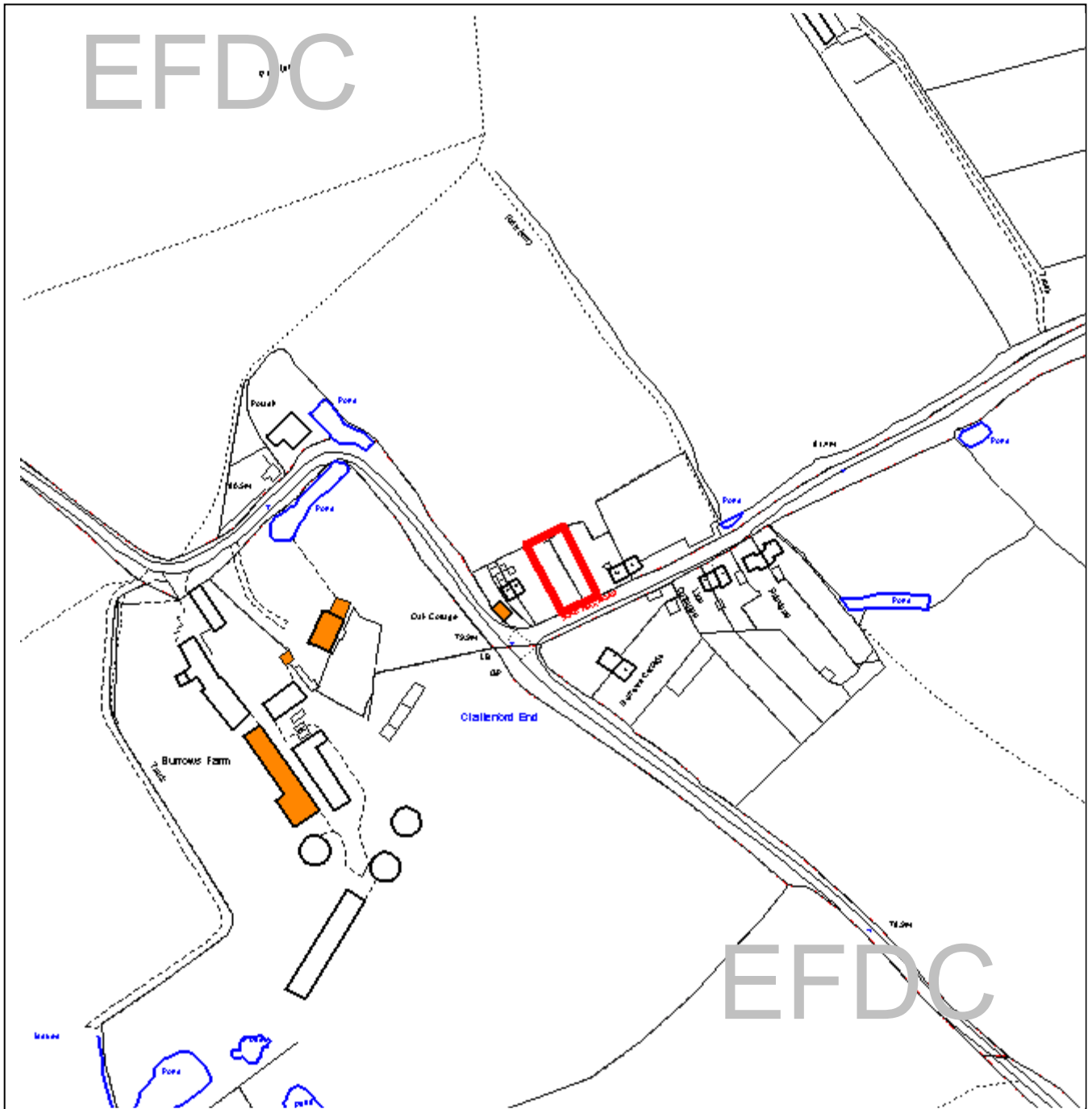
***Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 103***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/1484/14
Site Name:	Calloways, 5A Clatterford End Toot Hill Road, Ongar, CM5 9QW
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1484/14
<b>SITE ADDRESS:</b>	Calloways 5A Clatterford End Toot Hill Road Ongar Essex CM5 9QW
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mrs Sarah Smart
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for erection of a pair of semi-detached houses to side of existing dwelling (all matters reserved).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=565031](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=565031)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition [\*\*\*] below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) scale;
    - (iii) appearance;
    - (iv) access; and
    - (v) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 No development 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.

4 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.

5 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.

6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

7 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.

8 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.

9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 10 There should be no obstruction above ground level within a 2m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

### **Description of Site:**

The application comprises part of the garden area of 5a Clatterford End. It is approximately 15m wide and 30m deep and contained vegetation. To the east is the remainder of the residential plot of 5a Clatterford End, a semi detached dwelling, which would retain a side garden depth of approximately 8.3m in addition to its 27m deep rear garden. To the north is a field which lies within the Applicant's ownership, to the west the residential curtilage of 6 Clatterford End and to the south is Toot Hill Road.

### **Description of Proposal:**

This application seeks outline planning permission for the erection of a pair of semi detached dwellings within the site. All detailed matters are reserved for consideration following the grant of outline planning permission, but submitted plans indicate the intention for the pair of houses to be similar in appearance to the existing 5 and 5a Clatterford End (rendered two storey cottages with slate roofs). The plans also indicate that they would be positioned further back within the site – although the exact siting of the buildings would be established at the reserved matters stage.

### **Relevant History:**

Several historic applications including for the building of replacement dwellings at 5 and 5a Clatterford End following their collapse during building works to extend them (EPF/0267/91).

### **Policies Applied:**

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

CP1 Achieving Sustainable Development Objectives

CP2 Protecting the Quality of the Rural and Built Environment  
CP3 New Development  
CP6 Achieving Sustainable Urban Development Patterns  
CP7 Urban Form and Quality  
H3A Housing Density  
H4A Dwelling Mix  
DBE1 Design of New Buildings  
DBE2 Affect on Neighbouring Properties  
DBE3 Design in Urban Areas  
DBE6 Car parking in new development  
DBE7 Public Open Space  
DBE8 Private Amenity Space  
DBE9 Loss of Amenity  
LL11 Landscaping Schemes  
ST1 Location of Development  
ST2 Accessibility of development  
ST4 Road Safety  
ST6 vehicle parking

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

### **Summary of Representations:**

Notification of this application was sent to Stanford Rivers Parish Council and to 14 neighbouring properties.

The application has attracted the following responses:

STANFORD RIVERS PARISH COUNCIL. Objection. This Parish Council OBJECTS to this application on the following grounds: 1. Development within the Green Belt – Any development of this land is contrary to Para.89 of the NPPF which states that a LPA should regard the construction of new dwellings as inappropriate within the Green Belt. Certain exceptions are listed, however the application cannot be categorised as one of the listed exceptions states. 2. Although access and highway issues can be categorised as 'Reserved Matters' as part of this application, Councillors would like their concerns NOTED that this road is almost a single road at the point where highway access would be needed and as such may represent a Highway safety issue.

POTASH, TOOT HILL ROAD. Objection. If permission is given it will set a precedent in this small hamlet.

BURROWS COTTAGES, TOOT HILL ROAD. Objection. The development would be inappropriate to the area as it would increase housing density. Additional vehicles will increase traffic and noise pollution to our property. The dwellings will face our property causing a loss of privacy.

OAK COTTAGE, CLATTERFORD END. Objection. The Green Belt should not be eroded. New cottages would create crowding. Access is narrow and there will be adverse road safety issues.

VINE COTTAGE, 7 TOOT HILL ROAD. Objection. Loss of trees and wildlife. Loss of view and privacy to our property. Where will drainage go? Noise and disturbance during

building work and highway safety in our narrow road. Impact on hamlet – harm to rural community.

A Petition (with 12 signatories) raised objection to the development on the following grounds:

- The existing semi detached cottages are not attractive and replicating them will be harmful to visual amenity. Any new dwellings would ideally have a brick finish.
- The land was previously used as an allotment, representing a beneficial community activity.
- No. 6 would lose its peaceful eastern boundary.
- No car parking is indicated. On-street parking is not safe due to narrowness of road and proximity to bend and junction.
- A precedent would be set leading to applications from other houses.
- Mains water pressure is low within this area. There is no mains drainage.
- The Applicant has not invited any local discussion.

### **Issues and Considerations:**

This application seeks outline planning permission to establish the principle for the erection of a pair of semi detached dwellings on this garden land. Consideration is required in respect of the principle of the development and potential impacts on the appearance of the area, neighbouring amenity and highway safety.

#### Principle of Proposed Development

The land, as part of a residential garden, is not considered previously developed.

The site is located on a road frontage and between two pairs of semi detached dwellings. Although Clatterford End is a small hamlet, rather than a village, it is considered that the relationship between the site and the adjacent road and dwellings (on three sides) is such that the development may be considered as limited infilling in a village, which is identified within the NPPF as being development which is not inappropriate within the Green Belt.

#### Character and Appearance of the Area

Whilst the design of the dwellings will be secured following the submission of an application for reserved matters approval, it is considered that the principle of design which would be in keeping with the existing pair of dwellings at 5 and 5a Clatterford End is acceptable.

Objectors to the proposal identify brick as being a more appropriate finish to the dwellings than render. This level of detail would be considered at the reserved matters stage – although it is considered unlikely that the use of render could be reasonably prohibited by the planning permission, given its existence within the local area at present.

#### Neighbouring Amenity

Concerns have been raised by and on behalf of the occupiers of the adjacent and opposite dwellings on grounds of loss of privacy and private aspect. However, the site is large enough that a reasonable side boundary would be retained to the shared boundary with 6 Clatterford End and details of the reserved matters would consider the impacts of any windows in the flank elevation overlooking this property (although it is anticipated that such windows would be required to be obscure glazed and fixed closed).

Turning to the impacts on the occupiers of Burrows Cottage (opposite), the proposed dwellings would be separated from this property by the distance of the road width (8m) in addition to any set back within the site, which is envisaged within the indicative plans as being quite significant. This could be secured within a reserved matters application. On this basis, it is considered that adequate levels of privacy may be retained for these neighbouring dwellings.

Concern has also been raised regarding the potential for noise and disruption during construction. Whilst some noise will be inevitable, it will be possible to minimise this and to limit the hours of construction through imposing a requirement for a Construction Method Statement to be agreed. This may be secured by a planning condition.

#### Highways and Parking

Although in outline form only, the application demonstrates that the development will leave adequate space for sufficient off-street parking for both the proposed dwellings and 5a Clatterford End. This parking provision may be secured through the reserved matters application, if outline permission is given.

#### Trees and Landscape

The Council's Tree and Landscape Officer has been consulted on the application and raises no objection in principle to the scheme, subject to the imposition of planning conditions to protect trees and to provide an appropriate landscaping scheme for this rural setting. The Landscape Officer advises that it is preferable to set the houses closer to the road to maximise both the garden space and the separation between them and the Horse Chestnut trees located closer to the rear boundary of the site.

However, the position of the dwellings is not to be determined at this outline stage and will require further detailed consideration in relation to both this and other matters, including the proximity to nearby dwellings, as discussed above.

#### Other Matters

*Foul and Surface Water Drainage* – The Council's Land Drainage team has been consulted on the application and raises no objection subject to the imposition of conditions requiring further detail.

*Contaminated Land* – The history of the site does not suggest that it potentially contains contaminants. However, imposition of the Council's standard condition will secure remedial works in the event that any unexpected contamination is encountered.

#### **Conclusion:**

In light of the above appraisal, it is considered that the proposed development would accord with national and local planning policies. The principle of the development is considered acceptable and detail for matters including design, amenity, parking and landscaping are capable of being secured at reserved matters stage. 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) 564103**

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/1623/14
Site Name:	Garage Site, Amesbury Close Epping, CM16 4JA
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1623/14
<b>SITE ADDRESS:</b>	Garage Site Amesbury Close Epping Essex CM16 4JA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Grace & Oliver Sullivan
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garages and construction of a new dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=565614](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=565614)

**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 3211\_PL01, PL02D, PL03.1C, PL04.1E, PL05B.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The proposed window opening in the western flank elevation at first floor level shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 The proposed area for parking vehicles hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the

Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

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

- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 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.
- 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.

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

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

### **Description of Site:**

The application site is located on the corner of Amesbury and Nicholl Road and is currently occupied by a single detached building sub-divided to form three lock up garages. The remainder of the site is laid with hardstanding and there is a grass verge running along the edge of the footpath on Nicholl Road. The road has a predominant style of dwelling with this part of the road characterised by maisonettes formed by semi detached properties with flats at ground and first floor level. There are however other styles of houses in the immediate vicinity. The plot immediately to the east is occupied by two maisonettes and the land falls from this plot towards the site. A Council Sports Centre occupies the site to the rear. The site is a short walk from the town centre in Epping.

### **Description of Proposal:**

The applicant seeks consent to construct a single dwelling on the site. This would be a two storey structure with a hipped roof and built form, which would have a private garden area at the south west corner of the plot. One undercroft parking space would be located to the front. Revised plans have been received which show the building set slightly off the common boundary with the maisonettes to the west, a revised roof on this side that deletes a higher parapet, additional obscure glazed hallway window and a subdividing fence located between the two sites.

**Relevant History:**

No relevant history.

**Policies Applied:**

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

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

**SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: Objection. Concern about impact on the residents of the neighbouring maisonettes in terms of loss of light to the dwellings and the adjacent garden areas. Concern that the development does not contain two parking spaces and this characteristic, and the limited amenity space, results in a cramped form of development which would be an overdevelopment of the site.

With regards to the amended plans submitted, this does not seem to address the issues previously brought to light and the addition of the window in the flank elevation would lead to concerns of overlooking of the adjacent maisonettes.

20 neighbours consulted: 4 replies received.

12 AMESBURY (Tenant): Stated objection to first set of plans because the proposed building would be hard against the boundary and this will have a negative impact on light to my property creating a canyon effect. This will cause a material loss of light to a kitchen and bathroom window and there will be serious loss of light to the garden area adjacent to the application site.

When commenting on the revised plans: could reduce the effect of shadowing and therefore an improvement on previous proposal or could have little effect and as such my existing concerns remain.

12 AMESBURY (Owner): Confirm that following the revisions made I wish to withdraw my previous objections (which had been adverse impact on neighbour due to loss of light).

12A AMESBURY: Objection. We are concerned that building right on the boundary might block out our light, make the area feel a bit claustrophobic, and make the garden less pleasant to spend time in. Concern about impact on our property during the construction phase and that we will lose our view across a valley. We looked carefully at the revised plans and find them to be hardly different at all to the original, and our comments remain unchanged.

14 AMESBURY: Objection. Out of scale compared with the other buildings in the close, site area ratio is too high for the close, reduce daylighting levels in the kitchen, living room, dining room or study of neighbouring properties, does not satisfy the requirements set out in BRE Digest 209 'Site Layout Planning for Daylight and Sunlight', not comply with the 45 degree rule, neighbouring dwellings and rear gardens would be overshadowed as the two-storey flank wall would be built right up to the rear boundary, diffuse daylighting of the existing building (both ground and first floor dwelling) will be affected as the vertical sky component (VSC) is less than 27% and less than 0.8 times its current value (in both of the existing dwellings). The No Sky Contour (NSC) would be reduced to less than 0.8 times its current value (in both of the existing dwellings). On-street parking in Amesbury Close is already inadequate and there is a risk that this development will make it worse. One parking space is indicated on the plans however the Essex Design Guide states that two spaces per dwelling with 2+ bedrooms should be provided as standard. The private garden area (20.5sqm approx.) is inadequate for four people and does not meet with the district council's recommendations for a minimum of 20sqm for each habitable room to be provided. The proposed development is built right up the boundary of the adjacent properties (12 and 12a).

EPPING SOCIETY: Objection. Potential for further bedroom, concern that the lack of parking and amenity space amounts to an overdevelopment of this site.

### **Issues and Considerations:**

The main issues that arise with this application relate to;

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

#### *Principle of the Development*

The proposed development would result in the bringing back into use a derelict piece of land, on a brownfield site, within a town centre. Such developments are promoted by both local and national planning policy. Policy H2A of the adopted Local Plan aims to encourage the reuse of derelict land and one of the core policies in national guidance encourages the "effective use of land by reusing land that has been previously developed". Therefore the proposal could make some small contribution to meeting the housing needs within the district whilst complying with both national and local planning policy.

Government guidance recognises the appropriateness of such development if it conforms to the character of the area. Although there is a dominant style of dwelling along the road there are some properties which deviate from the dominant style and it is not considered that this dwelling would appear out of place. Indeed there would be clear visual benefits to the overall character of the immediate area and streetscene.

The principle of residential development on the site is acceptable.

### Design/Streetscene/Layout

The development of the site would result in a visual improvement to the current position. In terms of design the proposed scheme raises no strong issues of contention. As a single stand alone dwelling the design is appropriate. The long expanse of wall facing the adjacent maisonettes has been given some character on the revised plans by the insertion of blind windows and a window serving the stairwell. The building has sufficient character and would provide a contrast to the dominant style along the road. In terms of scale and form the development is a reasonable proposition. Although a gap of 1.0m is not retained to the boundary, there is a separation distance of 2.0 to 2.4m to the adjacent building on the neighbouring site (12 and 12a) such that a terracing effect which the Local Plan policy DBE1 aims to safeguard against, will not occur.

Concern has been expressed that the proposed development would result in an overdevelopment of the site. It is true that the development will result in a modest area of private amenity space, but it complies with policy DBE8 in that it is directly adjacent to the proposed house, is of a size, shape and nature which enables reasonable use for its occupiers and achieves privacy. Neighbouring gardens are also similarly modest in size and it is in a town centre location where lower amenity space is acceptable.

### Amenity

In terms of impact on amenity, there are only two properties potentially affected, these being the maisonettes west of the site. Concern has been expressed from a number of representations about potential loss of amenity for occupants of these properties. It is firstly stated that the development will result in a loss of light to kitchen and bathroom windows facing the proposed development. In terms of impact on the bathroom windows, such openings are usually classed as not serving habitable rooms and therefore any impact would not be material. The side facing windows serve kitchen/dining areas and so would be classed as habitable rooms. However these rooms are also served by windows to the rear of the building; therefore the rooms do not rely solely on these openings to receive light. The rear facing windows would not be seriously affected by the proposed development. There would be some impact on amenity but it is not considered to result in an excessive loss of amenity. The comment from an objector relating to light received by windows is not therefore justified in terms of withholding planning permission.

Both maisonettes are served by areas of rear amenity space which are side by side between the building and the rear boundary of the site. The proposed development would result in the construction of a two storey wall, essentially on the common boundary, replacing the existing flank wall of the garage on the same boundary. Early morning sunlight would be lost but this is a small sitting out yard area rather than a rear garden to a house and the rest of the sunlight received to the middle part of the day will be retained. The area is already overshadowed to some degree and although there will be the loss stated, it is not considered that such an impact will seriously harm amenity. The proposed window serving the stairwell can be reasonably conditioned as obscure glazed and that would guard against overlooking.

### Parking

Further to the issue of amenity space it has also been general practice to potentially accept one parking space in town centres as being a sufficient provision. The adopted guidance from Essex County Council accepts a reduction in the standards in sustainable locations and given recent refusals in Epping town centre on this basis is not being supported on appeal, the provision in a very sustainable urban location with good transport links of one space is an adequate provision. This is supported by the recently adopted National Planning Policy Framework (NPPF) which among its core policies includes a desire that Local Planning Authorities "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made more sustainable". The site is in close proximity to local shops and services and is a short walk from public transport including bus routes and the tube station. Although a moderate/high level of parking is recognised in the immediate area, parking restrictions control on-street parking and it is considered that an additional dwelling would not excessively increase this situation. There are no highway safety issues.



### Contaminated Land

Due to its use as a domestic garage block with made ground, there is the potential for contaminants, including asbestos, to be present. This is controllable by a suitably worded planning condition.

### **Conclusion**

The proposed development would result in the more efficient use of brownfield land which is in compliance with both local and national policy objectives. The design would not appear out of place within the existing streetscene and would aesthetically improve the surroundings by redeveloping a visually poor site in a prominent corner location. Some impact on the amenity of the adjacent neighbours is recognised but this is not deemed on a level to refuse consent. Suitable conditions controlling materials and future development at the site are deemed necessary and such provisos would render this development acceptable in planning terms. There are clear planning benefits for bringing this sustainable site back into use with an appropriately designed dwelling and it is therefore recommended that the application is approved with conditions.

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

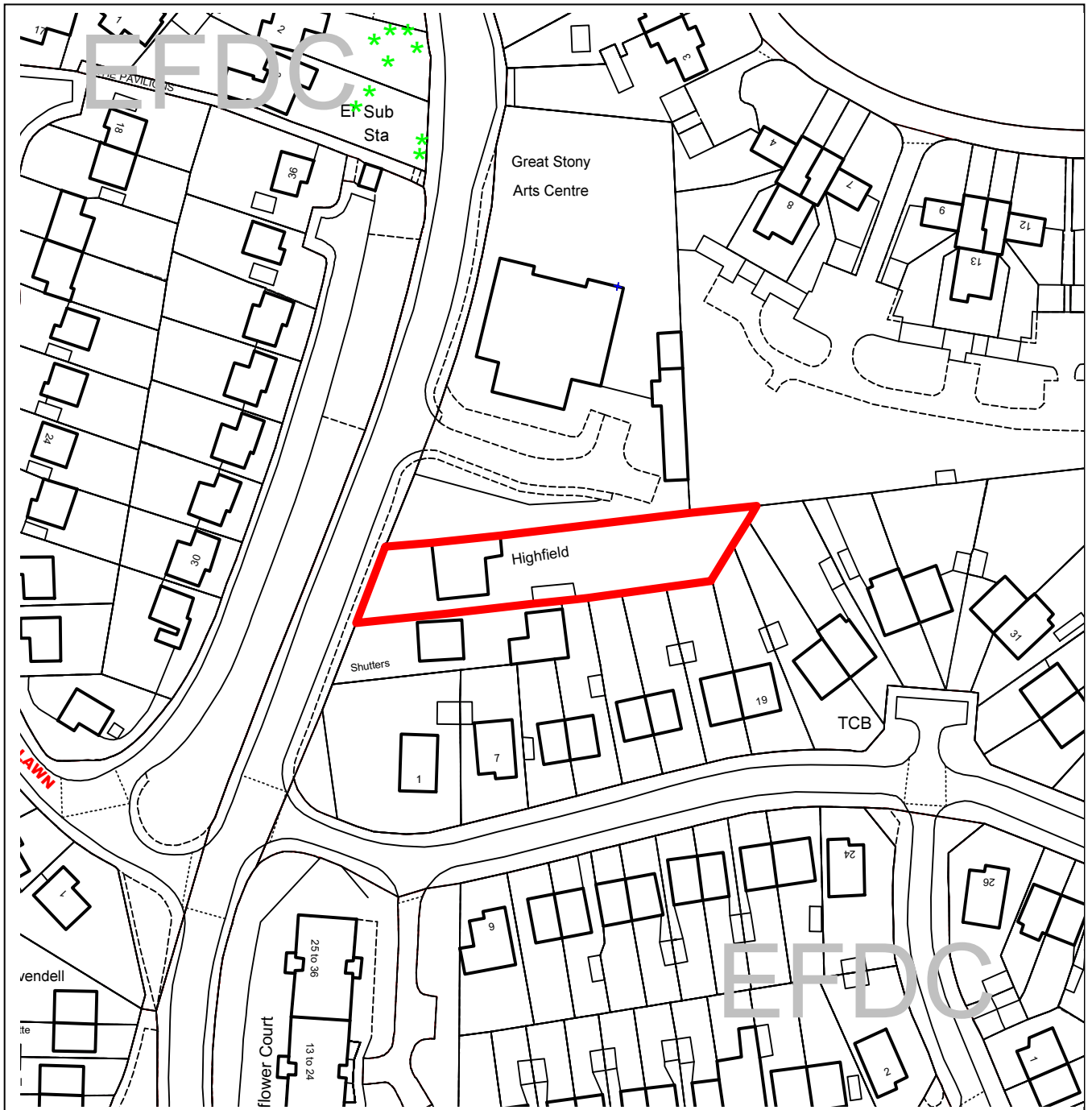
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/1791/14
Site Name:	Highfield, High Street Ongar, CM5 9AF
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1791/14
<b>SITE ADDRESS:</b>	Highfield High Street Ongar Essex CM5 9AF
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Keith Alder-Barber
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow. Construction of 6 no. one and two bed apartments in a single block with access and car parking. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=566270](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=566270)

**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 proposed window openings in the north and south flank elevations 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 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.
- 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 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.

- 6 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including details of the cycle and refuse store have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 7 No construction works above ground level shall take place until details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) and 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).) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site**

Highfield is located on the High Road in the settlement of Ongar. The existing building on site is a single storey bungalow style dwelling, which is sited towards the front of a plot approximately 38m long and 15m wide. The conservation area of Great Stony Park is located to the north and a two storey detached dwelling (Shutters) is located directly to the south. 'Shutters' has a large outbuilding in the rear garden which is used incidental to the enjoyment of the dwelling. Located to the north is a large three storey building which is used by Zinc as hostel accommodation. There are no habitable room windows on the flank elevation of the Zinc development. Although it falls outside the Great Stony Park Conservation area, it is directly adjacent to it.

### **Description of proposal**

The proposed development is to demolish the existing bungalow and erect a three storey block to contain two, one bedroom flats and four, two bedroom flats. The block will be 13.6m wide, 13.2m deep, have an eaves height of 5.3m and a maximum height of 9.4m. The second floor will be located in the roof and will have three front and three rear dormer windows.

## **Relevant History**

EPF/1186/09 - Temporary change of use (3 years) from residential bungalow to offices during redevelopment of neighbouring arts centre. – Approved but now lapsed.

EPF/0949/14 - Demolition of existing bungalow. Construction of 6 one and two bed apartments in a single block with access and car parking. – Withdrawn by applicant

## **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
CP6 – Achieving Sustainable Urban Development Patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 - Design in Urban Areas  
DBE6 – Car Parking in New Development  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity to Neighbouring Properties  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H3A – Housing Density  
H4A – Dwelling Mix  
LL11 – Landscaping Schemes  
HC6 – Character, appearance and setting of Conservation areas

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

## **Consultation carried out and summary of representations received**

15 Neighbours consulted and Site notice displayed

'SHUTTERS' HIGH ROAD ONGAR – OBJECTION – The access and parking will cause significant noise disturbance. The Juliet balconies in the rear elevation will cause significant overlooking into our property. It is out of character with the existing street scene and area. There will be excessive traffic onto the high street. The bin store is set on the boundary.

31 GREAT LAWN – OBJECTION - I oppose this application on the basis that it is over development for a site of this size and has an inadequate amount of car parking for residents and visitors which will lead to surrounding residential streets being used for overflow parking.

13 MAYFLOWER WAY – OBJECTION – This application will cause a loss of privacy given that my rear garden adjoins the subject premises but also having regard to loss of light, increased noise and loss of trees.

15 MAYFLOWER WAY – OBJECTION – The building is not appropriate in the locality. The development will cause excessive vehicle movements which will cause noise disturbance. It will cause excessive overlooking. The development will be overbearing to neighbouring properties. Road safety will be compromised,

21 MAYFLOWER WAY - This new development is not in keeping with Ongar's town character or that of the surrounding properties. There seems to be insufficient parking for the number of flats therefore leading to an increase of vehicles in neighbouring roads.

ZINC, HIGH ROAD ONGAR – SUPPORT – It provides new homes for Ongar, it is previously developed land and therefore complies with policy. The design of the property enhances the character of the street scene. There are no windows facing onto 'Shutters' and so there will be no loss of privacy. The access and parking will not cause any harm to the living conditions of neighbours.

ONGAR TOWN COUNCIL – OBJECTION – Ongar Town Council reiterated their objection to this application which substantially affects the street scene by reducing the effective break between the large Zinc and Tolpuddle House properties and the residential area of Mayflower Way and Great Lawn.

The Council is concerned by the height of the proposed development and notes that this has been increased in the revised application. There is concern about increased traffic entering and leaving the proposed development which will clearly be very much in excess of the original use as a single dwelling and notes that a suggestion that current use as an office leads to 8 vehicles using the site is contested by neighbours. Parking is also problematic as there seems to be very little or no visitor parking or facility for delivery vehicles. Associated with this are concerns about noise and other pollution affecting nearby properties. Ongar Town Council endorses the objection of EFDC officers concerning the almost total lack of amenity space envisaged by the current application. The suggested location of the bin store poses the possibility of nuisance to the neighbouring property. This could be considerable given the number of households proposed by the developer. The Town Council is convinced that the development would adversely affect neighbours who fear overlooking and other problems. The existing modest building is appropriate and has a mass and footprint appropriate to its location and should be retained.

The Town Council does not agree that the proximity of Tolpuddle House blights the existing dwelling and believes that this would have been a material consideration at the time planning permission was granted for that building.

In summary the Town Council is strongly against this revised application which does little to assuage the concerns felt earlier about massing, effect on neighbours, detriment to the street scene and lack of amenity space. If the present building is to be lost a smaller and carefully designed development could well prove to be a positive contribution in terms of design and additional accommodation. This application is for a building that is too big and too constrained to be appropriate for the site.

#### Comments on Ongar Town Council representation

The Town Council has raised concern about the height of the development and that it has increased since the original application. The height has increased up to a maximum of 9.4m from the original application which proposed a maximum of 8m. Despite its increase, the maximum height does not exceed that of the adjacent 'Zinc' development (part of which is now known as 'Tolpuddle House'). The Council also make the point that the current use is for an office. However its current lawful use is as a dwelling house and not as an office. The planning consent for an office use was given for a limited time only, which has since lapsed.

## **Issues and Considerations:**

The new block of flats is situated on previously developed land and provides a good standard of living accommodation in a sustainable location. Therefore the main issues to consider when assessing this application are the effects of the proposal on the living conditions of neighbours, the design of the proposal in regards to the existing building and its setting, the highway and parking issues, the amenity space and refuse storage.

### **Principle of development**

The National Planning Policy Framework (The Framework) has introduced a presumption in favour of sustainable development. Paragraph 49 states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development*'. Thus a development is acceptable unless strong material considerations suggest otherwise. The provision of residential accommodation in an urban area is acceptable in principle. Housing need in the District is high and there is demand to make provision for new homes, particularly on previously developed (brownfield) sites. Currently on site is a small bungalow which does not fulfil the capacity of the plot. As such the increase in density makes better use of the space available. Therefore the principle of the development is accepted. However the presumption in favour of development is subject to achieving acceptable siting, design and relationship to neighbouring properties, as well as any other material considerations.

### **Living conditions of neighbours**

The side elevation of the proposed block will be set 1.2m from the shared boundary whilst 'Shutters' is set a further 1.8m from the shared boundary, there will be a distance of 3m therefore between the side elevations of the properties. Given the significant distance between the side elevations and that the net projection past the rear building line of 'Shutters' is approximately 3m, the development will not appear excessively overbearing when viewed from private areas of 'Shutters'.

Although the proposed block will be three storeys high, the third floor is situated in the roof, which slopes away from the shared boundary with 'Shutters'. As such the full extent of the third storey will be further set back from the shared boundary, reducing its potential to appear overbearing.

'Shutters' have an existing side dormer window located on its north elevation. It is acknowledged that there will be a certain degree of light lost to this side dormer, due to the increased height of the development. However the window serves a bathroom and is fitted with obscure glass. Therefore the harm caused will be minimal to living conditions.

The proposed windows in the side elevation will serve bathrooms which are to be fitted with obscure glass. In order to safeguard the living conditions of the neighbour it is reasonable and necessary to impose a planning condition to ensure that the windows remain obscure glazed.

The neighbour has raised concerns with regards to the Juliet balcony on the rear elevation. Given that the balcony is set approximately 8m from the shared boundary there will be no direct overlooking into the gardens of the neighbours and thus no harm caused to their privacy.

The development will be set against the side elevation of the dwellings to the north, which does not have habitable room windows and therefore will not harm their living conditions as it will not be visible from private areas.

The existing bungalow has a garage to the rear with access to the south, close to the shared boundary with 'Shutters'. The development proposes eight parking spaces along the rear boundary of the site served by the existing access. Boundary treatment along the southern

boundary to 'Shutters' exists and will safeguard against undue harm. That part closest to their dwelling, will have a brick flank wall as part of the proposed building, so that the access of cars here will not cause excessive noise and disturbance.

The refuse storage housing will be located on the shared boundary with 'Shutters' approximately 5m further forward than its principal elevation. Its use will not be such to cause excessive harm to the living conditions of neighbours and it is located a significant distance from used private areas of their property.

The cycle storage is set well away from neighbouring properties and therefore will not cause any harm to their living conditions.

### Design

The application site is adjacent to the Great Stony Park Conservation area. The Council will require the design of developments to respect the character, appearance and setting of the Conservation Area. In 2008 planning permission was granted for the redevelopment of the adjacent site (Great Stony Arts Centre, EPF/1859/08) which is within the conservation area, with a three storey development, not dissimilar to the design of the proposed. Given its similarity, the proposed development will appear respectful to the character of the locality and not harm the wider conservation area. Furthermore the eaves and ridge heights of the proposal will be very similar to the heights of the adjacent development. As such it will not appear overly prominent when viewed from public areas of the High Street.

The development leaves a reasonable gap of 1.2m to the boundary with 'Shutters' and therefore there will be no potential terracing effect in the street scene. The other side elevation is set very close to the boundary; however given its orientation away from the adjacent development the gap between the properties on the front elevation is sufficient to prevent significant harm to the street scene.

The cycle and refuse storage will be located forward of the principal elevation and therefore will be visible from the street scene. However they are a modest size and therefore will not appear overly prominent in the street scene. To ensure that their prominence is reduced it is reasonable and necessary to impose a condition to ensure that they are adequately landscaped.

### Landscaping issues

The applicant proposes car parking up to the boundary with 'Shutters' which leaves little room for landscaping at the very rear. However there is a robust hedge on the side boundary which will screen the majority of the vehicles from views from the neighbour. Furthermore it is set well back from public areas of the street scene and will only be obliquely visible. Therefore only minimal harm will be caused to the visual amenity of the street scene.

Further concern has been raised about the amount of hard standing towards the rear of the site to facilitate the parking. However this will not be visible when viewed from public areas and therefore causes limited harm to the street scene. In any event it is necessary to facilitate the parking required for this development.

### Highways and Car Parking

The Essex Highway authority has raised no objection to the development, subject to the imposition of planning conditions. The access has good visibility onto the High Street and the minimal increase in traffic will not cause any detriment to highway safety, capacity or efficiency at this location. The applicant has proposed eight car parking spaces to serve the flats. Given that they are to serve one or two bedroom flats, the car parking provision is acceptable.



### Amenity Space

Due to the significant spatial constraints of the site there is only a limited area of amenity space around the building. However there are multiple areas of public open space within walking distance of the site and therefore the provision of private amenity space in an urban area like this is acceptable.

### Conclusion

The principle of the development is acceptable in this location. There will be no excessive harm to the living conditions of the neighbours, the design and appearance of the development is acceptable and the new development will preserve the character of the adjacent conservation area. It is considered that the proposal complies with the relevant policies of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework. It is recommended for approval.

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

***Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564 103***

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