

AREA PLANS SUB-COMMITTEE 'EAST'

13 July 2016

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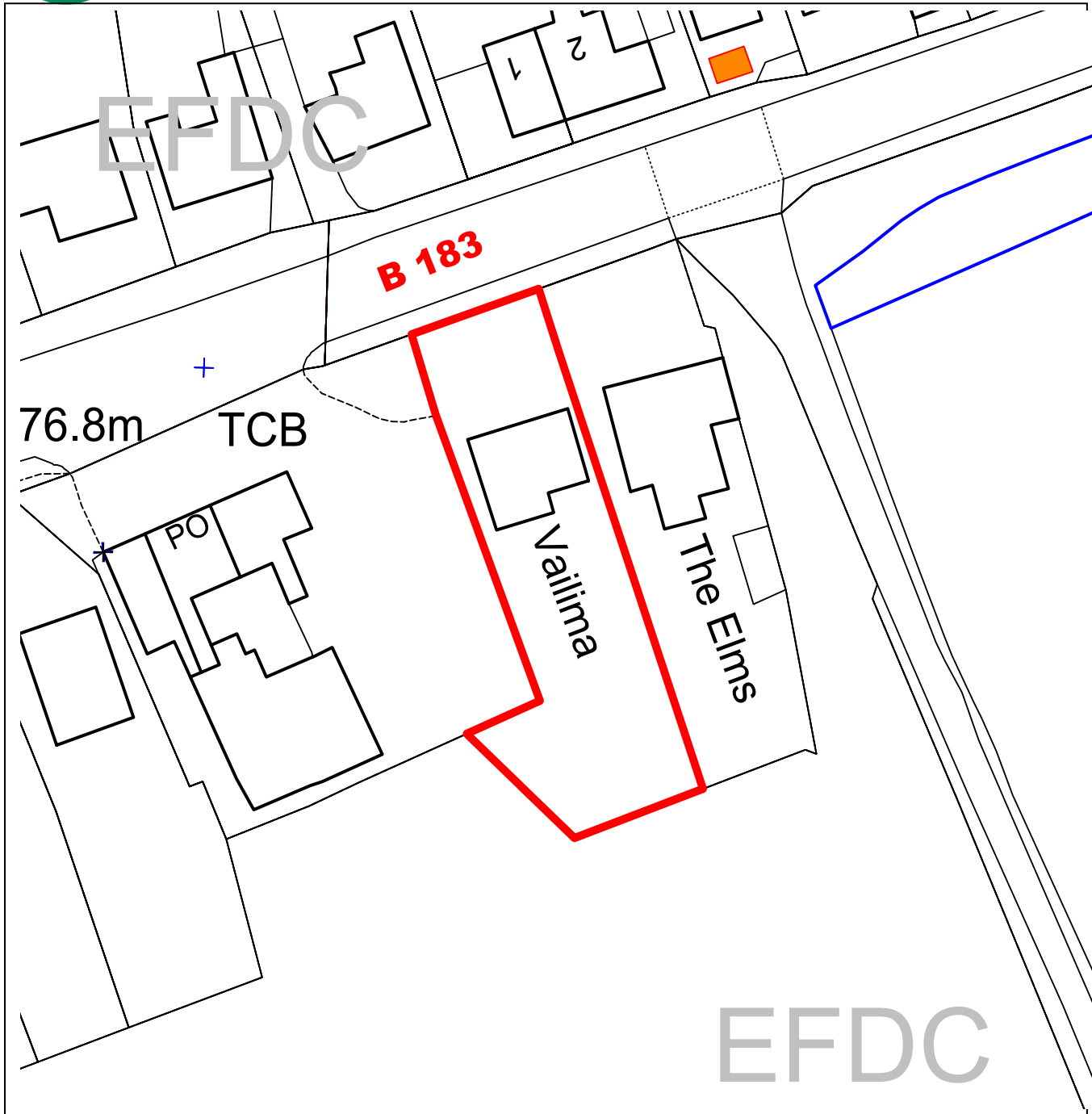
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3255/15
Site Name:	Vailima The Street Sheering Essex CM22 7LR
Scale of Plot:	1:500

Report Item No: 1

APPLICATION No:	EPF/3255/15
SITE ADDRESS:	Vailima The Street Sheering Essex CM22 7LR
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr J Hudson
DESCRIPTION OF PROPOSAL:	Replacement dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581499

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 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.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development 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.
- 5 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.

- 6 No development shall take place until details of 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.

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

Description of site

The application site is located on The Street within the settlement of Sheering. The existing building is a single storey bungalow which has been extended to the rear with a conservatory. The adjacent neighbour is a chalet style bungalow with a prominent front dormer window. On the other side of the property is a car parking area which is used by the small shopping parade adjacent. The application site is not within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is for the demolition of the existing dwelling and the erection of a replacement.

Relevant history

Pre application submitted for the extension to the existing dwelling and erection of new building to form three separate dwellings.

Policies Applied

CP7- Quality of development
CP2 – Protecting the Quality of the Rural and Built Environment
DBE10 – Design of Residential Extensions
DBE9 – Impact on amenity
H1A - Housing Provision
H2A - previously Developed Land
DBE6 - car parking in new developments
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road Safety
ST6 - vehicle Parking standards
LL11 - landscaping
U3B - sustainable drainage
DBE8 - private amenity Space
DBE1 - Design of new buildings
RP4 - Contaminated land

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

1 Cherry Tree Cottage, The Street – OBJECTION - As the replacement dwelling is now a proposed 2 storey dwelling we feel our view of open Essex countryside from our bedroom window will be greatly compromised.

We bought our home 9 years ago with the present view of just a single dwelling opposite with no indication that this would change. The Street is an extremely busy road and we feel that building works would severely cause a major health and safety issue with construction vehicles coming and going, also there is the noise and dust issues.

Willow Glen, Crown Close – OBJECTION - The proposed building appears to be quite large in regard to the size and boundary of the property and with this in mind I am concerned about the potential disruption, primarily during the building process but also to some extent future maintenance, beyond the boundary of the property. Space for excavation, scaffolding, builders personal daily transport and building material delivery and storage for example. The car park for the village stores is a private car park for the use of customers using the stores. It shares the immediate border with Vailima and is a vital resource for the daily functioning of the businesses. As there is no alternative off street parking available and due to the very busy and narrow nature of the main road, any loss of use or disruption to its operation I fear will have a considerable detrimental effect on the businesses

The Elms, The Street – OBJECTION - This new development will appear bulky over bearing and out of scale and will dwarf our neighbouring property.

This new development goes way beyond the existing foot print of the original bungalow. They are including a plastic and timber conservatory as part of the foot print.

Both the front and the rear will extend beyond my property. There will be loss of light to my three west facing flank windows these windows serve my working study, bathroom, and utility room. Our rear garden which is presently un-over looked could now be over looked by both the rear 1st floor windows. Due to the nature of this site there will be a severe danger to both pedestrians and other road users due to workers parking and lorries loading and delivering to this site. I believe there will be health and safety issues regarding scaffolding and a danger to myself my family my grandchildren and to customers using the parking facilities directly alongside this proposed development boundary. I have serious concerns over what will happen to my main sewer drain which runs along the rear of and down the west side of Vailima. The new foundations will be built over and along side this. There will also be a severe loss of sun light to both my front and rear gardens due to the height and the size of this proposed building.

Joseph Smith Hair Design – OBJECTION - The application looks far too large for this small and narrow site. The application is too close to boundary, I feel that there should be an acceptable distance from the new dwelling to the boundary for maintenance. I am concerned that application will cause a disruption with the private shops parking facilities. I object to anyone involved in the building of the this new dwelling to use our private parking area for any reason, EG; cranes for roof, skips, workers parking, delivery vehicles, scaffolding affecting our customers parking and safety.

Elle's Brunch Sandwich Shop – OBJECTION – The house appears too large for the plot and will be set against the shared boundary to our property. Concern has also been raised about potential damage to users of the car park and that there is not enough room to place building materials during construction.

PARISH COUNCIL – OBJECTION - Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise*, disturbance*, overlooking, loss of privacy, overshadowing, etc. but note that this does not include noise or disturbance arising from the actual execution of the works, which will not be taken into account and may affect the adjoining car park which serves the

shops Unacceptably high density / overdevelopment. The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners

Comments on representations made

Various concerns have been made by neighbours which are not planning matters and therefore cannot form part of the assessment within this application such as the loss of a view, the storage of building materials during construction, the positioning of the potential scaffolding and potential damage to customer vehicles.

Comments from the applicant in response to Parish Council views

Whilst it is acknowledged that there would be noise and disturbance during construction of the replacement dwelling, It is not considered that there would be any additional loss of neighbourhood amenity by way of noise or disturbance as a consequence of this scheme since what is proposed is a replacement dwelling and would not result in further noise or disturbance.

Furthermore, while it is accepted that proposed property is larger in size than the existing property it has been carefully designed with the neighbouring property in mind to ensure that the impacts upon the adjacent dwelling, The Elms, are minimal. There are no side windows in the proposed dwelling that would affect The Elms since the two that are proposed in that side elevation will both be formed of obscured glass.

It is not considered that there will be any overshadowing of any neighbouring property, including The Elms. Both gardens are south-facing as such the proposed dwelling will not extend any further to the rear than the Elms. As a consequence the *45 Degree Rule* does not apply and there will be very little, if any loss of sunlight to The Elms.

'Unacceptably high density / overdevelopment'

There is no change to the density given that the proposal is for the replacement of a single dwelling with another.

In terms of overdevelopment the proposed dwelling will not have a significantly larger footprint than the current property. Indeed the footprint of the proposed dwelling is commensurate in size.

'The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners'

This is not considered to be a planning consideration. Regardless, there is an existing built frontage which this proposal does not affect and views from the northern side of The Street over the adjacent car park will be unaffected.

Issues and considerations

The main issues to consider are the potential impacts on the living conditions of the neighbours, the design of the proposal in relation to the character and appearance of the street scene and the potential impacts to the existing parking or access.

Living conditions of neighbours

The replacement dwelling will sit adjacent to the Elms, approximately 0.8m from the shared boundary. The first floor element closest to the shared boundary will only slightly exceed the depth of the neighbouring rear building line closest to the shared boundary. After which it steps away from the boundary to a distance of 3.8m to a further depth of 4m, although it will only slightly exceed the rear building line of the Elms. Whilst there will be some impact from the creation of a first floor given that it is currently single storey, the harm caused will not be excessive on the living

conditions of this neighbour as the majority of the new dwelling will be set against its side elevation.

Regard has also been given to the fact that there will be some loss of light caused to the side facing windows on the Elms, however these windows serve a bathroom, a study and a utility room and therefore are not primary habitable rooms of the dwelling and therefore any harm will be minimal.

The replacement dwelling will be positioned on the shared boundary with the adjacent car parking area which is currently used ancillary to the small shopping parade. There will be no harm caused to these properties given that they are a significant distance from the new dwelling. Concern has been raised that during the construction there will be danger to cars parked adjacent to the building or that there will be disruption to the parking area, however this is not a planning matter and cannot form part of the assessment.

Design

The new dwelling will have a half hip roof profile and there are other examples of this style in the street scene most notably on 1 and 2 Cherry Tree Cottages, as a result the roof profile will not appear overly prominent in the street scene. It is noted that the ridge height of the replacement dwelling will be approximately 1m higher than that of the adjacent neighbour and it will therefore be more prominent in the street scene. However in the context of the existing street scene, which has a mixture of two storey, single storey and one and a half storey buildings within close proximity it will not appear visually harmful to its character or appearance.

The proposal includes a relatively unusual gable in the middle of its front elevation and there are no examples of this in the locality. As it introduces a new design feature to the street scene this will appear somewhat prominent, however it gives symmetry to the dwelling and will be an interesting residential feature and as such will not cause excessive harm to the character or appearance of the street scene. Furthermore the NPPF is clear that Local Planning Authorities should not impose prescriptive design principles on new developments and should rather assess whether it will fail to preserve or enhance the existing locality. It is the view of officers that this design will not cause any excessive impact to the character or appearance of the street scene.

The western side elevation abuts a car parking area and as such is overtly visible from public areas of the Street. Whilst its height and mass is larger than the existing dwelling it will appear as a conventional residential design in the context of this part of the Street which has a number of very similar designs nearby, which are equally as visible as this one.

Parking and access

The new dwelling will utilise the existing access and leaves a substantial area to the front which offers a significant amount of parking. Consequently the access will not cause any harm to the safety or efficiency of the public carriageway and the offer of parking is suitable so that there will be no excessive demand for on street parking.

Land Drainage

The site partially lies within an Epping Forest District Council flood risk assessment zone. The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required which can be secured through a planning condition.

Land Contamination

Domestic dwellings with gardens are classified as a particularly sensitive use the contaminated land officer has screened all readily available Council held desk study information for this site and can find no evidence of any potentially significant contaminating activities having taking place historically on the site (records indicate that in the mid nineteenth Century the site formed part of the garden of the Post Office, that it became part of the garden of The Hoppit (renamed The Elms) in 1925 when this bungalow was built, that the existing dwelling was built as an annexe to The Hoppit in 1932, and that the site has remained in domestic use since this time)

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered.

Conclusion

In light of the above appraisal 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 564 371

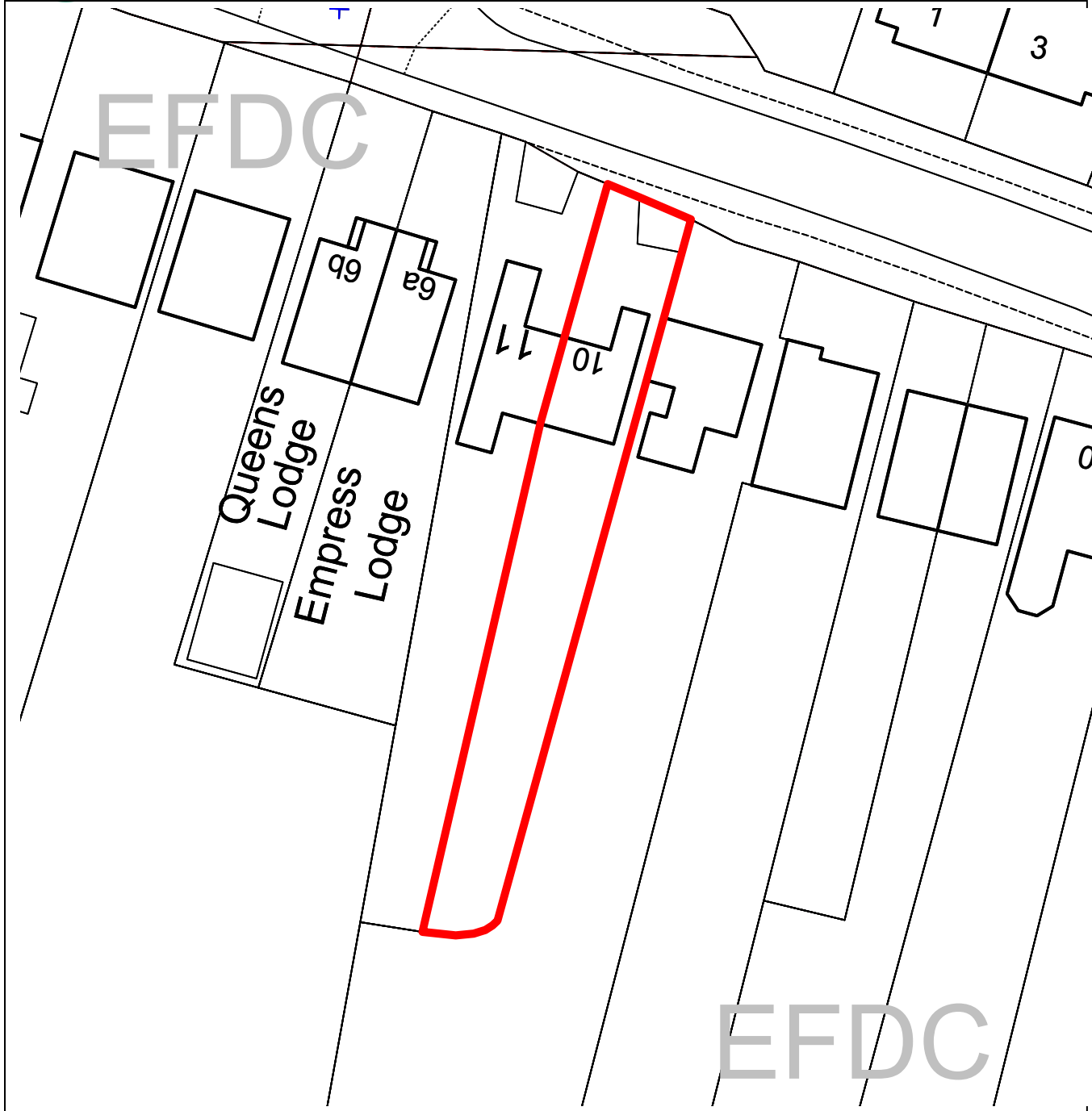
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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0206/16
Site Name:	10 Bridge Hill Epping Essex CM16 4ER
Scale of Plot:	1:500

Report Item No: 2

APPLICATION No:	EPF/0206/16
SITE ADDRESS:	10 Bridge Hill Epping Essex CM16 4ER
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr R Beech
DESCRIPTION OF PROPOSAL:	Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582155

CONDITIONS

- 1 Within three months of the date of this permission, the proposal hereby approved shall be completed in accordance with the submitted drawings 1092 113D, 1092 114D and 1092 115D unless otherwise agreed in writing by the Local Planning Authority.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Access to the flat roof over both the ground and first floor extensions hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site contains a semi detached dwelling which is one of a matching pair on the brow of a hill and close to the junction of Bridge hill and Centre Drive. Ground levels fall away to the south

Description of Proposal:

Retrospective planning permission is sought for the erection of a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations.

In terms of the works undertaken, when the property is viewed from the front, the roof has been altered from a hip to a gable end. A lawful development certificate was submitted proposing this and to this end could be built without planning permission. Notwithstanding this and although the alteration to a gable end creates an imbalance between the roofs of this pair of semi detached dwellings, the works are considered acceptable and would not appear at odds with the prevailing pattern of development in the area.

The front extensions approved under EPF/2225/16 have not been implemented.

To the rear, the works undertaken attempt to combine what has been approved under EPF/2225/16 and what was considered acceptable under a prior approval application for a 6m deep extension (EPF/0208/15). However, due to the fact that the hip roof has been altered to a gable and a large rear dormer has been inserted in the rear roof slope, the two storey element has not been built in accordance with the approved plans. The flank wall height appears similar as it follows the original eaves line and its depth is approximately 500mm deeper.

However, the width of extension reflects that approved still being set approximately 1.75m off the shared boundary. From this a single storey extension projects for an additional 2.9m when viewed from the neighbour at 12 Bridge Hill. When viewed from 8 Bridge Hill, the single storey rear extension is visible for a depth of 6m at an overall height of approximately just below 4m from the higher ground level adjacent to the rear elevation of the dwellings. However, 8 Bridge Hill benefit from decking approximately 450mm high which is similar to the finished floor level internally so the extension appears just over approximately 3.5m high.

The proposal as built is not considered acceptable by Officers and it was recommended that the overall height of the wall on the boundary with 8 Bridge Hill be reduced to an acceptable level. Revised drawings were submitted with the Town Council and neighbours re-consulted. The revisions show a slight reduction in the height of the ground floor extension overall with the main change relating to the design of the extension against the boundary with 8 Bridge Hill. This will alter to a hipped roof and a reduction in its height with the eaves when viewed from the decking at a height of approximately 2.65m.

Relevant History:

EPF/0208/15 - Prior approval application for a 6 metre deep single storey rear extension, height to eaves 2.5 metres and overall height of 4 metres. Prior Approval Not Required – 09/03/15.

EPF/0350/15 - Certificate of lawful development for proposed roof hip to gable roof and rear dormer window in a loft conversion. Lawful - 24/04/2015.

EPF/1620/15 - Proposed two storey front and rear extension. Refuse Permission – 01/09/2015.

EPF/2225/15 - Proposed two storey rear and part first floor, part single storey front extension – Approved

EPF/0932/16 - Certificate of Lawful Development for proposed decking area – Lawful - 28/06/2016

Policies Applied:

CP2 - Protecting the Quality of the Rural and Built Environment

DBE9 – Amenity

DBE10 – Extensions

Summary of Representations:

Epping Town Council: OBJECTION (to both the originally submitted scheme and to the revised – these comments relate to the revised proposal) – Whilst Committee note the amended roof line and height, the structure that has been erected is a vast overdevelopment of the site which has resulted in an enormous loss of amenity for neighbouring properties in terms of light, visual impact and overlooking and this revised proposal, whilst slightly amended, would still result in this key loss of amenity. The applicant has ignored the proposal which was granted under EPF/2225/15 with no regard for the surrounding area and built something which far exceeds the dimensions approved. This revised proposal still far exceeds the dimensions approved. The rear extension has a detrimental effect on the existing and neighbourhood properties and the character of the surrounding area, contrary to policies CP2, CP7, DBE2, DBE9, DBE10.

6 Neighbours consulted – No responses received

Epping Society: OBJECTION (to the originally submitted scheme but no response received to the revised proposal) - The current retrospective application is for an extension that extends half way up the line of sight of the neighbouring first floor windows. This is an overdevelopment that also extends out an excessive distance. The sheer size has a negative impact on the adjoining neighbour and also the property at number 12. This has led to a loss of amenity for their neighbours. We are appalled at the disregard of the planning process.

Issues and Considerations:

The main issues to consider relate to impact on living conditions of neighbours and the design of the proposal on the character and appearance of the area.

Living Conditions

Impact on 8 Bridge Hill

The extension is to be reduced down to an eaves height of approximately 2.65m above the rear decking at this property. Between the extension and the decking this is a small trellis with planting to a height of 1.8m. Although this planting could be reduced in the future it does currently provide some softening of the extension. Once this wall is reduced further the wall would then extend for less than 1m above this up to the eaves before hipping away from the boundary.

At 6m, the depth is the same as that approved under the prior notification application EPF/0205/16. Under this application, no objection was received from this neighbour, and the application was approved without assessment. However this was at an eaves height of 2.5m from the ground level below the decking, which is lower than what is proposed however it is accepted that a 6m wall at this height could have been constructed on this boundary, so some weight is attached to this.

The neighbours also benefit from a rear extension across half the width of the dwelling themselves so the outlook from the rear lounge has restricted easterly views.

Notwithstanding this, the impact of the revised height on the attached neighbour has been assessed and in light of the changes it is Officer's views that the extension would not excessively harm the living conditions of that neighbour so that it would appear so overbearing result in a material sense of enclosure; cause an unacceptable loss of outlook or result in an excessive level of overshadowing. The wall is to be rendered which would also improve its appearance.

Impact on 12 Bridge Hill

The rear extension projects beyond the ground floor rear of the neighbour at 12 Bridge Hill by approximately 6m (the submitted block plan does not show the wrap around side/rear conservatory erected at 12 Bridge Hill). It is set off the shared boundary by 1m as is the neighbour's extension. The ground levels here fall away from the rear of the properties, so when viewed from that dwelling, the extension would be on a lower ground level. This aids in reducing the impact on this neighbour in terms of the extension appearing overbearing or resulting in an unacceptable sense of enclosure and loss of outlook. In addition, given the orientation it is not considered that this neighbour would suffer from a material level of overshadowing across the rear of their property.

Although there are flat roofs above the ground floor and first floor extensions which creates the potential for them to be used as sitting out areas, a condition can be reasonably added which would restrict the use of these roofs. There are first floor side windows that overlook neighbours.

In light of the above, the proposal is considered to comply with Local Plan policy DBE9 in that extensions would not result in excessive harm to the amenity of neighbouring properties.

Character and Appearance

In terms of the character and appearance, when the property is viewed from the front, the hipped roof has been altered from a hip to a gable end. A lawful development certificate was submitted proposing this and to this end could be built without planning permission. The works are considered acceptable and would not appear at odds with the prevailing pattern of development in the area. Within the rear roofslope the dormer showed to be built under the lawful development certificate has also been constructed.

To the rear, a two storey extension with full width ground floor extension has been built, projecting a good distance from the rear of the original dwelling, approximately 6m overall – 3m at two storey and a further 3m at ground floor.

It is accepted that overall the proposal would add a great deal of bulk to the rear elevation however with more recent changes in permitted development rights larger alterations are being built with householders maximising opportunities to extend without the need for planning permission. In addition, given that it is located to the rear the works would not affect the prevailing pattern of development when viewed from within the streetscene.

Within this context, the design of the proposed works is considered acceptable and would comply with policies CP2 and DBE10 of the adopted Local Plan (1998) and Alterations (2006)

Response to representations received

The comments made by both the Epping Town Council and the Epping Society have been considered within the main body of the report.

In addition, comments regarding the retrospective nature of the application are noted however the disregard of a previous planning permission and/or the planning system cannot prejudice a formal decision on the proposal and furthermore does not form a material planning consideration in this instance.

Conclusion:

In light of the above, the revised proposal is considered to overcome previous concerns and it is therefore recommended for approval 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: Steve Andrews
Direct Line Telephone Number: 01992 564337**

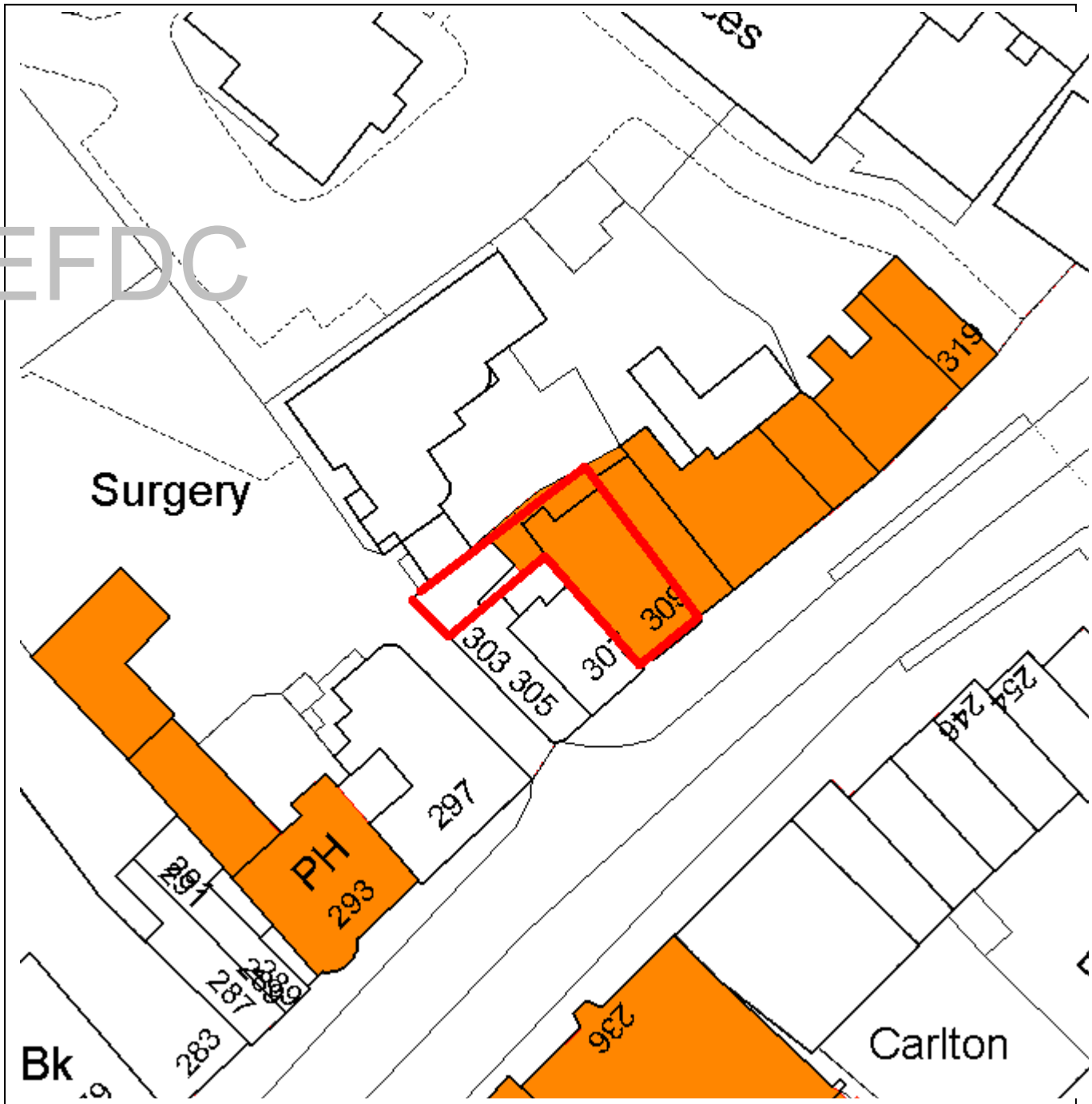
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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/0623/16
Site Name:	Poppy's Café 309 -311 High Street Epping CM16 4DA
Scale of Plot:	1:500

Report Item No: 3

APPLICATION No:	EPF/0623/16
SITE ADDRESS:	Poppy's Cafe 309 -311 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr M Dugan
DESCRIPTION OF PROPOSAL:	First floor rear extension to create 2 flats.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583177

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 862/1, 862/2, 862/3, 862/4A, 862/5B, 862/6
- 3 Samples of the types and details of colours of all the external finishes shall be provided on site for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 4 Prior to the commencement of works details of equipment to suppress and disperse cooking/food preparation fumes and smell to a minimum, in line with guidance produced by Department for Environment, Food and Rural Affairs "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems", published January 2005 (or such other guidance which may supersede it from time to time) shall be submitted to and approved in writing by the Local Planning Authority.

The development hereby approved shall not be occupied until the equipment has been installed and is in full working order to the satisfaction of the Local Planning Authority and the equipment must be maintained for so long as the ground floor A3 use continues.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g)).

Description of site:

The application site consists of the two storey Grade II listed building located on the north western side of the High Street. The site currently contains a café at ground floor level with ancillary storage on the first floor. The site is located within the designated Town Centre of Epping and Epping Conservation Area. The only current access to the first floor is through the ground floor café. There is a parking area to the rear of the site which it is understood the applicant has a right of access over and benefits from a single parking space within this car park.

Description of proposal:

Consent is being sought for a first floor rear extension and change to the first floor of the existing building in order to create two self-contained flats. The proposed development would create one no. 2 bed flat and one no. 1 bed flat with a shared access from the rear of the site.

The proposed extension would measure 6.1m in depth and 8.4m in width and would have a hipped, double-pile roof to a ridge height of 6.8m. The first floor extension would partially overhang the ground floor in order to create an undercroft access.

Relevant History:

None relevant.

Policies Applied:

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built form
- CP6 – Achieving sustainable urban development patterns
- DBE9 – Loss of amenity
- TC3 – Town centre function
- HC6 – Character, appearance and setting of Conservation Areas
- HC7 – Development within Conservation Areas
- HC10 – Works to listed buildings
- HC13 – Change of use of listed buildings
- ST1 – Location of development
- ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

10 surrounding properties were consulted and a Site Notice was displayed. Revised plans were received on two occasions relating to the ventilation of the existing café being addressed and a redesign of the scheme based on comments received from the Conservation Team. Both these amendments were reconsulted on.

TOWN COUNCIL (latest comments) – Object. While committee note the addition of the ventilation flue which addresses their concerns about odour, this proposal does not address any of Committee's other previous objections. The proposal is overdevelopment of a crowded area which is not suitable for residential accommodation. It may cause unnecessary harm to a listed building, parts of which are very old, when that building already has a vibrant and viable use. There is inadequate parking provision for two flats which will exacerbate a major problem in and around Epping and will have a negative effect on the surrounding area in terms of congestion. The conversion of yet further offices into residential units will result in a situation where there will be inadequate business space in the High Street which will have a long-term impact on the vitality of the town centre. Retail, leisure, office and other main town centre uses should be met in full and not compromised by limited availability (NPPF Para 23). This is not sustainable development as there will be no business space left for future generations if this constant conversion to residential continues in the High Street.

301 HIGH STREET – Object since the right of access to the flats is across land within the High Street Surgery and Medical Centres ownership that is already busy and this may pose a safety risk. The applicants are only permitted to use one of the parking spaces within the Surgery's ownership, which would be insufficient for two flats and the existing café. There is already a problem with rubbish and bins being left in areas that should not be used for bin storage, which would be exacerbated by this development, and it appears that the proposed bin storage area is not within land owned by the applicant. There are also drainage concerns and the new dwellings would add more strain to this area, which already suffers.

305a HIGH STREET – No objection to the development **[initial concerns were raised about the lack of any ventilation being shown on the proposed plans, however happy with the amended plans showing this].**

Main Issues and Considerations:

The proposed development would not alter the ground floor use of the building and the only physical impact on the existing floor space of this building would be the removal of the existing internal staircase to the first floor, which would enable a slightly enlarged seating area to the existing café

The main issues with the application are considered to be the effect on the historic interest, character and appearance of the listed building and wider conservation area, the vitality and viability of Epping Town Centre, any impact on neighbouring properties, and with regards to parking provision.

Historic impact:

No's 309-311 High Street (comprising Poppy's Café and Portfolio Homes Estate Agents) stand within the Epping Conservation Area and together form a Grade II listed building dating from the 18th century.

The originally submitted proposal has been amended following concerns raised by the Conservation Team. The roof form of the proposed first floor rear extension has been amended to a hipped, double-pile roof which is much more sympathetic to the appearance of the building, and the traditional roof forms surrounding it, than the previously proposed crown roof design. The first floor layout has also been amended to provide the bedroom of unit 1 with a window by moving the bathroom to the rear and opening up an existing stud wall (retaining the studwork).

All other proposed works were agreed at pre-application stage with the Historic Buildings Consultant at Essex County Council and it is accepted that they are suitable as they do not cause undue harm to the listed building and, in some cases, enhance the building. Therefore, despite concerns from the Town Council, the proposed development would not be detrimental to the character and historic significance of the listed building or wider conservation area and therefore complies with the NPPF and Local Plan policies HC6, HC7, HC10 and HC13.

Town Centre:

The existing ground floor of the building is being utilised as a café and the first floor, which is accessed through the café, is used for ancillary storage purposes. The level of floor area for use by the café would be slightly larger as a result of these works, due to the removal of the internal staircase. Whilst the upper level storage for the café would be lost upon the Conservation Officers internal site visit the upper storeys contained a limited level of storage consisting of a two chest freezers and some boxes. This area is clearly underused and not considered to be necessary for the continuation of the existing business.

Concern has been raised by the Town Council that "*conversion of yet further offices into residential units will result in a situation where there will be inadequate business space in the High Street which will have a long-term impact on the vitality of the town centre*" however the existing first floor is not currently used as separate office space nor is there any ability for this to take place since the only access to the upper storey is currently through the café.

Paragraph 23 of the NPPF highlights that Local Planning Authorities should, amongst other factors, "*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites*". The application site is located within Epping town centre, which is one of the larger built up towns within the District and is well served by local services and amenities, and has good public transport links. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development.

This paragraph also suggests that Local Authorities should still set policies to protect the vitality and viability of town centres, albeit in a more flexible way than previously required, and countless reports point to the fact that in the near future town centres "*should become community hubs with housing, education, entertainment and leisure facilities*" (The Planner November 2013). The recent changes to permitted development allow for a much more multi-faceted town centre where the Local Planning Authority has less control over intended use, which should instead be led by market forces. As such it is considered that the principle of residential development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight.

Parking:

The Essex County Council Vehicle Parking Standards (2009) recommends that a residential scheme such as this should be served by four parking spaces (which equates to 2 x spaces for the two bed flat, 1 x space for the one bed flat and 1 x visitor space), however it does 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”. The Standards also state that “in all cases provision should be made for the parking and turning of service vehicles, serving the site, off the highway”.

The applicants have a right of access through the rear parking area and benefit from the use of a single parking space within this area. This would not be altered as part of this application.

Whilst the level of parking is below that recommended in the ECC vehicle parking standards an appeal was granted consent by the Planning Inspectorate on application ref: EPF/1924/12 for No. 261 High Street, Epping, which proposed the conversion of first floor offices and a bedsit into four flats. Within the appeal decision for No. 261 High Street the Inspector stated that:

No off-street parking is associated with the proposal. According to the appellants undisputed calculations, under the standards there would be a requirement for 5 spaces for the existing uses and 6 for the proposal. The parking standards document identifies that the standards can be reduced in town centre locations with good access to public transport.

The site is located within Epping Town centre. This is agreed to be a sustainable location with ready access to facilities. Notwithstanding that the existing uses are long-established, the parking demand generated by the proposal is unlikely to be significantly greater than that resulting from these uses. In this context the application of a relaxation from the normal standards would favour allowing the proposal, and there is no material conflict with the development plan in this respect.

In addition, the proposal would be a sustainable development which warrants support according to the National Planning Policy Framework. This advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. There is no evidence to suggest that there would be such an impact in this case.

Therefore it is not considered that the lack of off-street parking provision in this location would warrant a refusal of planning consent in this instance.

Amenity considerations:

The proposed extension would be stepped in some 2.5m from the side boundary to the southwest and due to this would have a limited detrimental impact on the amenities of the neighbouring residents. To the northeast is an existing two storey rear projection and therefore there would be no detrimental impact on this property.

Concern has been raised by the owner of the rear car park area with regards to the proposed rear access, the lack of car-parking provision and concerns about drainage and bin storage. Whilst the ownership concerns were raised with the applicant they have confirmed that they possess a right of access to the rear of the building and that the proposed works would take place on land within the applicant's ownership. The correct Certificate B has been completed and the land owner of the car park noted and informed.

Matters of land ownership and rights of way are not material planning considerations and therefore this confirmation is sufficient to address any concerns regarding this matter. If the landowner

wishes to explore/argue this matter further then this would need to be undertaken as a civil matter between the two parties.

With regards to the impact on the use of the car park by the Doctors surgery, it is not considered that the provision of two flats (one of which is just one bed) would cause significant pedestrian movements or traffic. Only one parking space is available and it would be within the remit of the landowner to restrict any unauthorised use of the car park by future residents of the site. Similarly any unauthorised placement of rubbish or bins on land not owned by the applicant (or within the public highway) could similarly be enforced by the land owner. As such it is not considered that the proposal would cause any excessive detrimental impact on the use of the adjacent Surgery and Medical Centre or their car park.

Other matters:

Waste:

The proposed development provides adequate space for bin storage. Whilst concern has been raised by the land owner of the car park this is primarily based on ownership issues and concerns of unauthorised dumping, which is dealt with above.

Environmental health:

The proposed first floor extension would necessitate the need to relocate the existing ventilation system. This would be the same distance from neighbouring residents and therefore would not cause any additional nuisance and, subject to conditions, no objection has been received from the Council's Environmental Health section.

Flood risk:

No objection has been received from the Councils Land Drainage section with regards to the proposed development.

Conclusion:

The proposed development would not be detrimental to the character, appearance or historic significance of the listed building or wider conservation area and would not be detrimental to the amenities of neighbouring properties. The redevelopment of the site would make more efficient use of this sustainable urban location and would assist in the Council meeting its five-year land supply for housing. Furthermore it is accepted that residential use within town centres can be beneficial to the overall vitality and viability.

Although there would be only one off street parking space serving the entire site (including the ground floor café) and there would be no amenity space to serve the proposed flats this is not unusual for locations such as this.

Due to the above it is considered that the proposed development is in accordance with the relevant policies within the Adopted Local Plan, which are consistent within the National Planning Policy Framework, and the application is therefore recommended for approval.

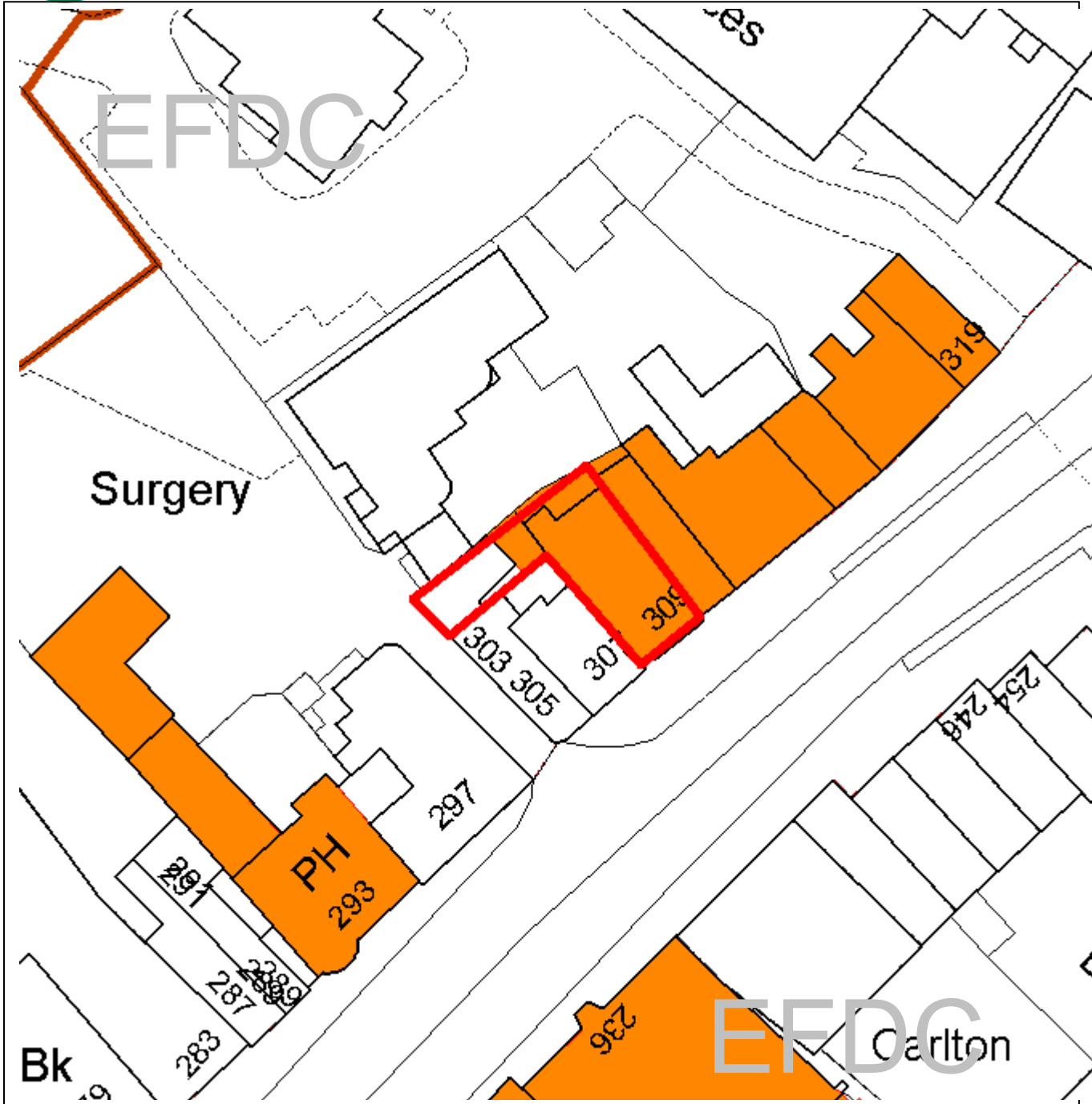
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

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

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

Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0624/16
Site Name:	Poppy's Café 309 -311 High Street Epping CM16 4DA
Scale of Plot:	1:500

Report Item No:4

APPLICATION No:	EPF/0624/16
SITE ADDRESS:	Poppy's Cafe 309 -311 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr M Dugan
DESCRIPTION OF PROPOSAL:	Grade II listed building application for proposed first floor rear extension to create 2 flats.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583178

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 862/1, 862/2, 862/3, 862/4A, 862/5B, 862/6
- 3 Samples of the types and details of colours of all the external finishes shall be provided on site for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 4 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 A sample brickwork panel minimum 600 x 600mm with a flush mortar joint shall be provided for agreement by the Local Planning Authority and the development shall be implemented in accordance with such approved details.
the National Planning Policy Framework and policy HC10 of the adopted Local Plan and Alterations.

- 6 All new rainwater goods shall be of black coloured metal, unless otherwise agreed in writing with the Local Planning Authority.
- 7 Additional drawings that show details of the openings and retention of timber studwork in the walls within the bedroom of unit 1 and the bathroom of unit 2, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of these works.
- 8 Additional drawings that show details of proposed new internal doors and the reinstated floor, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of these works.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g)).

Description of site:

The application site consists of the two storey Grade II listed building located on the north western side of the High Street. The site currently contains a café at ground floor level with ancillary storage on the first floor. The site is located within the designated Town Centre of Epping and Epping Conservation Area. The only current access to the first floor is through the ground floor café. There is a parking area to the rear of the site which it is understood the applicant has a right of access over and benefits from a single parking space within this car park.

Description of proposal:

Consent is being sought for a first floor rear extension and change to the first floor of the existing building in order to create two self-contained flats. The proposed development would create one no. 2 bed flat and one no. 1 bed flat with a shared access from the rear of the site.

The proposed extension would measure 6.1m in depth and 8.4m in width and would have a hipped, double-pile roof to a ridge height of 6.8m. The first floor extension would partially overhang the ground floor in order to create an undercroft access.

Relevant History:

None relevant.

Policies Applied:

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

HC10 – Works to listed buildings

HC13 – Change of use of listed buildings

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

Consultation Carried Out and Summary of Representations Received:

A Site Notice was displayed.

TOWN COUNCIL – Object. The proposal is overdevelopment of a crowded area which is not suitable for residential accommodation. It may cause unnecessary harm to a listed building, parts of which are very old, when that building already has a vibrant and viable use. There is inadequate parking provision for two flats which will exacerbate a major problem in and around Epping and will have a negative effect on the surrounding area in terms of congestion and odour and makes no reference to how the smells from the restaurant will be dispelled. The conversion of yet further offices into residential units will result in a situation where there will be inadequate business space in the High Street which will have a long-term impact on the vitality of the town centre. Retail, leisure, office and other main town centre uses should be met in full and not compromised by limited availability (NPPF Para 23). This is not sustainable development as there will be no business space left for future generations if this constant conversion to residential continues in the High Street.

Main Issues and Considerations:

The main issues with the application are considered to be the effect on the historic interest, character and appearance of the listed building and wider conservation area.

No's 309-311 High Street (comprising Poppy's Café and Portfolio Homes Estate Agents) stand within the Epping Conservation Area and together form a Grade II listed building dating from the 18th century.

The originally submitted proposal has been amended following concerns raised by the Conservation Team. The roof form of the proposed first floor rear extension has been amended to a hipped, double-pile roof which is much more sympathetic to the appearance of the building, and the traditional roof forms surrounding it, than the previously proposed crown roof design. The first floor layout has also been amended to provide the bedroom of unit 1 with a window by moving the bathroom to the rear and opening up an existing stud wall (retaining the studwork).

All other proposed works were agreed at pre-application stage with the Historic Buildings Consultant at Essex County Council and it is accepted that they are suitable as they do not cause undue harm to the listed building and, in some cases, enhance the building. Therefore, despite concerns from the Town Council, the proposed development would not be detrimental to the character and historic significance of the listed building or wider conservation area and therefore complies with the NPPF and Local Plan policies HC6, HC7, HC10 and HC13.

Conclusion:

The proposed development would not be detrimental to the character, appearance or historic significance of the listed building or wider conservation area and therefore is in accordance with

the relevant policies within the Adopted Local Plan, which are consistent within the National Planning Policy Framework. The application is therefore recommended for approval.

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

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

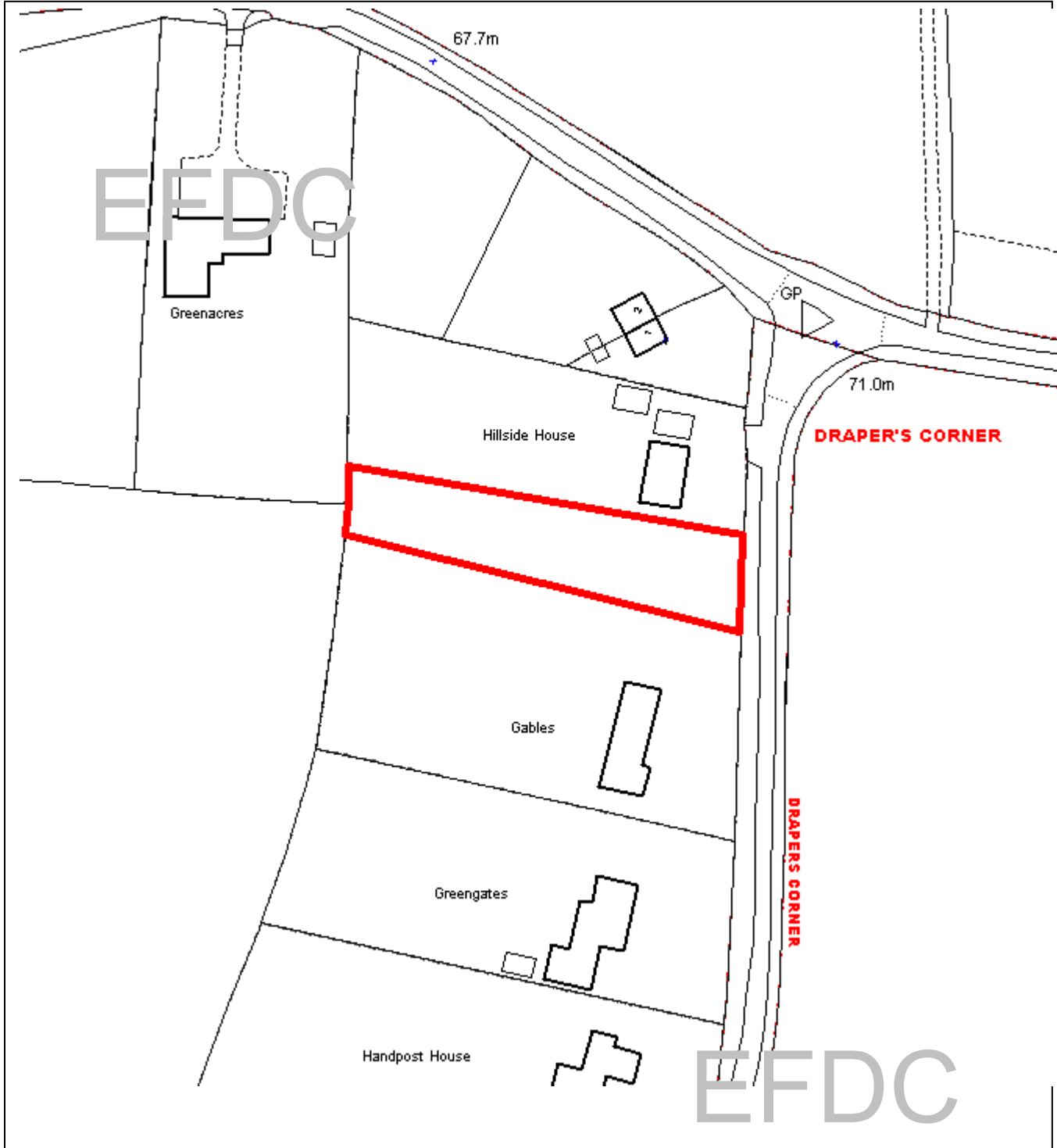
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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/0763/16
Site Name:	Land between Gables and Hillside House Drapers Corner Greensted Ongar CM5 9LS
Scale of Plot:	1:1250

Report Item No: 5

APPLICATION No:	EPF/0763/16
SITE ADDRESS:	Land between Gables and Hillside House Drapers Corner Greensted Ongar Essex CM5 9LS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr David Pretlove
DESCRIPTION OF PROPOSAL:	Erection of a dwellinghouse with ancillary works
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583518

REASON FOR REFUSAL

- 1 The proposed new dwelling is inappropriate development in the Green Belt which is by definition harmful and in addition it would have a physical and visual impact that is harmful to openness and contrary to policies CP2 and GB2A of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.
- 2 The proposed new dwelling would be situated in a rural location, away from everyday services and facilities and would result in a dependence on private motorised transport, contrary to policies ST1 and ST2 of the Adopted Local Plan and Alterations and the aims and objectives of the NPPF.

This application is before this Committee since it has been 'called in' by Councillor Keska (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site comprises a vacant site of around 0.136 hectares on the west side of the road. the site is vacant and no evidence of any previous buildings remain, the application suggests the site was previously a small holding. Vehicle access to the site is provided by a single width crossover from the road at the front, which lies at a significantly lower level than the rest of the site.

The site lies between a small cluster of housing development located around the south western junction of Drapers Corner with Greensted Road. Both adjoining properties are chalet style comprising of ground floor with the upper floor rooms set within the roof.

The whole area lies within the Green Belt.

Description of Proposal:

The application proposes construction of a 4 bedroom dwelling in a similar chalet form to adjoining property. The building aligns with both neighbouring dwellings set back from the road by around 19 metres with parking on part of the frontage served by the existing vehicle access. The proposal includes a gabled roof running across the building with three dormer windows and a rooflight in the front elevation and two dormer windows and two rooflights in the rear. A chimney stack feature is included on the southern end façade.

Relevant History:

EPF/1926/14 Use of land for a detached 3 bedroom dwelling and a detached garage. Application was refused as inappropriate in the Green Belt and due to its remoteness making it reliant on private motorised transport

Policies Applied:

CP2	Protecting the quality of the Rural and Built Environment
GB2A	Development in the Green Belt
GB7a	Conspicuous development
NC3	Replacement of lost habitat
NC4	Protection of existing habitat
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE5	Design and Layout of new development
DBE9	Loss of amenity
ST1	Location of Development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle Parking
LL11	Landscaping Schemes
RP4	Contaminated Land

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

Consultation Carried Out and Summary of Representations Received

Date of site visit: 26 April 2016

Number of neighbours consulted: Six

Site notice posted: 26 April 2016

Responses received: The neighbouring occupier at Hillside House has advised that they do not object and consider the building to be in keeping with other properties. They also comment that they believe this will improve security to the neighbours.

Parish Council: Ongar Town Council resolved not to object to the application.

Main Issues and Considerations:

In considering this application, Members should have regard to the previous decision to refuse permission in 2014 and in particular whether circumstances are sufficiently different to suggest that a different conclusion could reasonably be reached. The dwelling occupies a slightly smaller footprint in the current application and the garage (which was located at the rear) has been removed there by resulting in a reduction in built footprint and the extent of hard surfacing. The overall elevational treatment is also more consistent with the neighbouring properties in the current scheme. In this regard, the development would be considered acceptable on design and amenity grounds.

There has been no change in Council policy in the interim and the application remains a proposal for a new dwelling in the Green Belt. The applicant seeks to justify the development as an exemption to normal Green Belt policy on grounds that it is an infill within 'an established rural settlement'. The NPPF does provide an exemption for infill development, stating in paragraph 89 that 'limited infilling in villages' is an exception to inappropriate new development. Drapers Corner is a cluster of development, which by the applicant's own admission falls a long way from an established village. The nearest settlements of Toot Hill and Ongar are more clearly defined.. As such Officers are of the view, whilst the site is between two developed plots in a small enclave of properties, it is not within a village and as such the site would not benefit from the exemption to Green Belt policy and a new dwelling is by definition inappropriate and will clearly be harmful to openness. Thus in principle a dwelling would be unacceptable. No very special circumstances are apparent that would outweigh the harm to the green belt from the proposal.

The fact that the Council does can not demonstrate a 5 year housing land supply is a material consideration, but it is not considered that this is sufficient to set aside Green Belt policy. To do so would be to set a dangerous precedent.

No improvements have been made to public transport accessibility in the intervening period and the site remains remote from any mode of travel other than the private car. Therefore the location is by definition unsustainable and encourages dependence on private transport contrary to Local Plan policies ST1 and ST2.

Conclusion:

It is acknowledged that this is a modest development of satisfactory design in terms of its siting, appearance and form which has no adverse impact on adjoining properties. The proposal also represents a logical limited infill between existing dwellings which, if located in a larger settlement would be policy compliant.

However, key guidance in the NPPF seeks to protect the openness of the Green Belt and this development is by definition harmful, and in the absence of very special circumstances can not be justified.

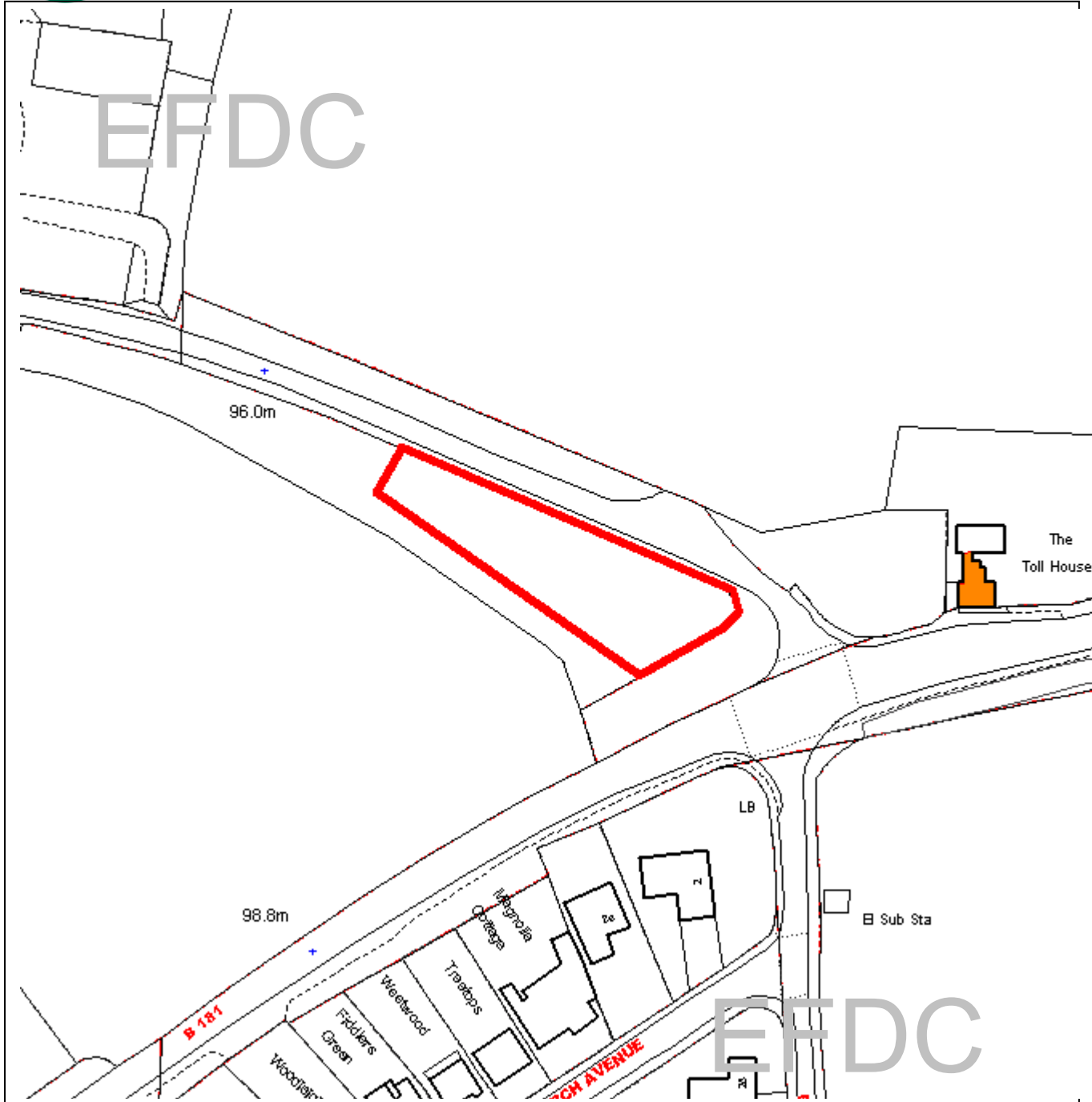
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0988/16
Site Name:	Woodside North Weald Bassett Epping Essex CM16 6LD
Scale of Plot:	1:1250

Report Item No:6

APPLICATION No:	EPF/0988/16
SITE ADDRESS:	Woodside North Weald Bassett Epping Essex CM16 6LD
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Felix Nolan
DESCRIPTION OF PROPOSAL:	Permission is sought for one additional Static Caravan, one additional Touring Caravan on an existing Gypsy site, with two associated parking spaces, a security gate at the entrance to the site (with brick pillars and associated walls) together with a perimeter fence running adjacent to the boundary with the highways (on the inside of the existing hedges - *** ADDITIONAL INFORMATION RECEIVED **
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583933

REASON FOR REFUSAL

- 1 By reason of their excessive height, bulk and scale the proposed wall, pillars and gates will cause unacceptable harm to the openness of the Green Belt. The proposal is therefore contrary to Policies GB2A and GB7A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 By reason of their excessive height, bulk and scale, clearly visible from public viewpoints, the proposed close boarded fence, gates, walls, pillars and proposed surveillance equipment will appear in stark contrast with the character and appearance of the area and will therefore cause excessive and undue harm to it. The proposal is therefore contrary to policies DBE1, DBE4 and CP2 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 3 The details of the scheme fails to conserve or enhance the character and appearance of the countryside and makes inadequate provision for the retention of trees and hedgerows resulting in an unacceptable impact on the visual amenity and landscape character of the area. The proposal is therefore contrary to policies LL10 and LL1 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

- 4 On the basis of inadequate information being submitted with the application, it cannot be demonstrated that there would be no significant harm to the existing drainage on the site as a result of this application. The proposal therefore fails to demonstrate compliance with policy RP5A of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

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

Description of site

The application site forms a small parcel of land that is roughly triangular in shape and is bounded to the south east by Epping Road (B181) and to the north east by Woodside Road. Epping Forest and a heavy screen of trees exist along the western boundary and this is a Site of Special Scientific Interest (SSSI). The site is surrounded by 2m high close boarded fencing which has a small amount of vegetation in front, but which can clearly be seen. There is a large brick built wall with pillars approximately 2.2m high and an iron gate approximately 2.5m high. There is a large amount of hardstanding on the access to the site and within the site itself. The site is 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 consent to station an additional static caravan and a touring caravan on an existing approved Gypsy and Traveller site, with associated parking spaces, a security gate on the entrance of the site, brick pillars and perimeter fencing.

Relevant History:

EPF/0585/13 - Change of use of land to use for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing, a stable building and a utility/dayroom ancillary to that use. Refuse Permission - 21/05/2013. Appeal Withdrawn – 14/04/14.

EPF/1993/13 - Change of use of land to a use for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing, the provision of a stable block and a utility/dayroom ancillary to that use. (Revised application) – Allowed on Appeal

Relevant Policies:

The following saved policies within the Council's adopted Local Plan (2004) and Alterations (2008) are relevant:

- CP1 – Achieving Sustainable Development Objectives
- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE4 – Design in the Green Belt
- DBE9 – Loss of Amenity
- GB2A – Development in the Green Belt
- GB5 – Residential Moorings and Non-Permanent Dwellings
- GB7A – Conspicuous Development
- H10A – Gypsy Caravan Sites
- ST4 – Road Safety
- LL1 – Rural Landscape
- LL9 – Felling of Preserved Trees

LL10 – Adequacy of Provision for Landscape Retention
LL11 – Landscaping Schemes
RST4 – Horse Keeping
RST5 – Stables
NC1 – SPA's, SAC's and SSSI's
NC4 – Established Habitats
HC5 – Epping Forest

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

The Planning Policy for Traveller Sites (PPTS) document, published in March 2012 is also material to any decision concerning proposals for traveller site provision.

Consultation carried out and summary of representation received

Hollies, Silver Birch Avenue – OBJECTION – Further accommodation is not justified as what has been approved is adequate. The entrance gates, walls and brick piers are completely out of character with the street scene. There has been considerable flooding on the road ever since the works began.

Ovesdon – Silver Birch Avenue – OBJECTION – There are no very special circumstances and it will harm the Green Belt if approved.

The White House – OBJECTION – Issues with land drainage and there is not need for further accommodation.

Park Place, Woodside – OBJECTION – There is no justification for further pitches on this site.

2 Forest Glade – OBJECTION – The fencing on the perimeter is very tasteful and professionally built. There are no special circumstances and the site cannot cope with more caravans. The access is dangerous onto Woodside.

31 Forest Glade – OBJECTION – Unacceptable in the Green Belt

34 Forest Glade – OBJECTION – The caravans are inappropriate and will cause significant harm to the street scene. The access is dangerous and will harm Woodside.

Shielings – OBJECTION – The site is in the Green Belt and there are no very special circumstances to justify this development. The access is dangerous and another pitch will make it worse.

Thornwood Acton – OBJECTION – The site is in the Green Belt and the development is inappropriate. There are serious issues with drainage. The wall and gates are out of character with the street scene.

North Weald and District Rural Preservation society– OBJECTION - Further development on this site is inappropriate. There is significant flooding onto Woodside. There will be more noise pollution. The fencing and gates are out of character with the street scene.

Ivydene– OBJECTION – The walls, gates and pillars are out of character and harm the street scene. Further accommodation is not justified and is out of scale to the existing site. The CCTV camera is out of character and extremely intrusive in the street scene. There is substantial flooding on Woodside which is detrimental to the area.

No Address Given – OBJECTION – There is no requirement for further accommodation in this location. The sight lines are inadequate and the road is 30 mph.

No Address Given – OBJECTION – The fence, wall and gates cause great harm to the character and appearance of Woodside. The development will cause substantial harm to the Green Belt. City of London, Open space department, Conservators of Epping Forest – OBJECTION – The development will be detrimental to the Green Belt. It will also harm the SSSI located nearby to the site. The brick built walls gates and pillars are out of character with the street scene.

North Weald Parish Council – OBJECTION – The Council is concerned that it is a retrospective in part. The site is in the Green Belt and that the development is inappropriate as there are no special circumstances. The original application as decided by the Planning Inspectorate was determined on the very special circumstances of the proposed occupants. These circumstances have now been met, therefore there are no longer very special circumstances relative to this application. The Inspector clearly stated the site should be for a single pitch and this application would see this double in size

The site has inordinate drainage problems that can clearly be seen and experienced by those who use the road since the works to the site has commenced with flooding across half the main carriageway.

The Inspector also made comment in his appeal decision relation to drainage (condition) and this condition has not been fulfilled.

Destruction of hedges and plants have occurred.

Condition 14 of the permission granted under EPF/1993/13 states that prior to the first occupation of the development the access shall be provided in accordance with the details on drawing 12_529_003C together with its sight splays (as shown on that drawing) of 2.4m by 70m to the west and 58m to the east. Those sight splays shall thereafter be kept clear of any obstruction greater than 600mm in height when measured from the access. By the construction of brick pillars (which have already been erected) these are LESS than 2.4m from when measured from the access and are well in excess of 600mm in height. This therefore suggests a contravention of highway safety as stated within the appeal decision.

Procedural issues

Planning Policy for Traveller sites (CLG, 2015) makes it clear that the Local Planning Authority must make a judgement as to whether the applicant can be considered to be defined as a gypsy and Traveller having regards to a strict set of criteria. During the previous application the Council accepted that the applicant lived a nomadic style of life and therefore does fall under the definition of a gypsy and traveller. There is no reason to take a different view in this application.

Issues and Considerations:

The main issues to consider relate to the sites location in the Green Belt, design, amenity, road safety, trees issues, ecology and the comments of consultees.

Principle within the Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belts and seeks to safeguard it from inappropriate forms of development.

When assessing applications within the Green Belt, Paragraph 88 of the NPPF requires that: 'Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of its inappropriateness and any other harm is clearly outweighed by other considerations'.

In order to protect Green Belts the NPPF identifies a number of its purposes, including protecting it from encroachment from inappropriate forms of development. The NPPF elaborates in paragraphs 89 and 90 which forms of development are not inappropriate in the Green Belt. The applicant proposes the use of the land for the stationing of a mobile home and a caravan. Uses of land are not included as one of the forms of development which are defined as not being inappropriate in the Green Belt and as such a change of use in the Green Belt should be considered to constitute inappropriate development.

However consent was granted on appeal in 2015 (EPF/1993/13) which permitted the permanent stationing of a mobile home and touring caravan on this site. Once the consent is implemented it will effectively change the use of the identified application site for uses within that purpose. As such the stationing of a further mobile home and touring caravan within the boundaries of the previously approved application site will not change the use of the site but rather intensify it.

A condition on the previous consent stated that:

The site shall comprise of a single Gypsy pitch only. The number of caravans stationed on the site at any one time shall be no more than two, of which no more than one shall be a static caravan.

Although this is a new planning application, essentially the principle of it is to vary this condition to allow one additional static caravan and an additional touring caravan. As such the main issue to discuss in terms of the Green Belt is whether the addition of an additional static and an additional touring caravan will cause excessive harm to the Green Belt and if so, whether very special circumstances exist which clearly outweigh this harm.

It is undisputable that under normal circumstances the stationing of further caravans on a Gypsy and Traveller site would harm the openness of the Green Belt. However weight must be afforded to the fact that the previous consent granted permission for a large stable building 12m long and 6m wide which would intercept the proposed touring caravan and part of the proposed static caravan and as a result it would not be possible to implement both of these consents simultaneously. The volume of the proposed static and touring caravans even when combined are far smaller than the approved stable building and would have significantly less impact on the openness of the Green Belt. Whilst the stable building has not yet been erected, there is no reason to doubt that it would not be if planning permission were refused for this application. This is emphasised by the fact that works have already started on the site, including the erection of walls, pillars and gates and hardstanding has been installed.

Nonetheless, currently the site is unoccupied and as the stable building has not yet been erected, currently the positioning of two more caravans would cause harm to the openness of the Green Belt and the NPPF requires that this harm is given substantial weight within this assessment. However this harm must be balanced in terms of other material considerations, which could weigh in favour of granting planning permission.

The Council accepts that it currently cannot demonstrate a five year supply of pitches for the Gypsy and Traveller community and that as a result; this should weigh heavily in favour of granting planning permission. It is further acknowledged that there are no other alternative pitches upon which the applicant could move onto if they wish to have their own pitch. Within the context of the Green Belt, clearly there is a tension in planning policy between meeting the unmet need for the Gypsy and Traveller community and to protect the openness of the Green Belt.

The Planning Practice guidance seeks to clarify the Government's position for decision makers when assessing the merits of these opposing issues. Stage 5 of the methodology regarding Housing and Economic Land Availability assessment, as laid out within the Guidance, that:

The [National Planning Policy] Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The Guidance then goes on to clearly highlight under the heading 'In decision taking can unmet need for housing outweigh Green Belt Protection?' that "unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute 'very special circumstances' justifying inappropriate development on a site within the Green Belt".

This guidance reflects a statement by Communities and Local Government Secretary Brandon Lewis which read:

The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt.

It is unequivocal that whilst the issue of unmet need weighs in favour of granting consent, it does not, on its own, amount to the very special circumstances required to clearly outweigh the identified harm to the Green Belt.

Turning to the personal circumstances of the applicant, the case is made that pitch one would be utilised by Felix Nolan (the applicant), his partner Leanne Nolan and daughter Mary Nolan and the new pitch will be utilised by Johnny Nolan, his partner Roseanne Nolan and baby Rosanna who is under a year old. The applicant and his dependents are the same people who were named on the previous consent, now that Johnny is an adult, the additional pitch will be for him and his family.

Within the previous appeal, the single pitch was intended for Felix Nolan and his brother Johnny Nolan, Johnny was only 17 years old at that time and as such fell under the definition of a child. As such his best interests were a primary consideration in the determination of the case. However Johnny has since turned 18 as of April 2016 and as such his best interests are no longer a primary consideration.

However the inspector in the previous appeal accepted that:

Johnny has serious medical issues that result from head injuries received in a car accident in 2012 and since then the appellant has tended to be his carer. While Johnny's specialist consultant is in Oxford he only has to visit there occasionally, but he nonetheless needs a settled base to ensure consistent medical treatment between those visits. On the evidence before me, it would appear that Johnny's serious medical issues are to remain into the future and he will continue to be dependant on the care of the appellant. I also accept that given the apparent severity of his condition, a settled base would undoubtedly be to his benefit, as it would mean he would have constant access to doctors who were familiar with his state as well as having suitable washing facilities and similar.

Officers can see no reason to deviate from this reasoning and as such it is accepted that the personal issues of Johnny Nolan should weigh in favour of granting consent, despite the fact that he no longer falls under the definition of a child. The question is raised however why two separate caravans over the two already granted consent on appeal is required for the care of Johnny Nolan.

The applicant makes reference to alleviating what would be overcrowding within the already approved caravans on the site. The single Gypsy pitch which has already been approved would provide accommodation for both households, which would in effect have six people living in a single static caravan. It is to be expected that one static caravan will accommodate one household and in these circumstances it does not seem unreasonable for a second static caravan to accommodate what is essentially a second household. The question is then raised as to the level of dependence that Johnny Nolan has on his brother Felix; however given that they would reside on the same site it is considered that necessary care could still be given.

The interests of baby Roseanna Nolan are a primary concern and should be given a substantial amount of weight in this decision making process. Unlike an older child, a baby may not require a fixed base for the purposes of schooling; however it would be of benefit for access to medical services if required.

The applicant has given little information regarding Mary Nolan and as such it is unclear whether she requires access to schools or medical services.

The creation of what is essentially a second Gypsy pitch will increase the amount of residential paraphernalia on the site and this will cause harm to the character of the Green Belt. However given that the new caravans will be positioned within an existing Gypsy site, it is not considered that the harm will be excessive.

Drawing all the strands together, it is clear that the stationing of two further caravans on this site will harm the openness of the Green Belt given that the previous consent has not yet been fully implemented and that this should be given substantial weight in this assessment. Whilst the Council cannot demonstrate a five year supply of pitches for the Gypsy and Traveller community and that there are no alternative pitches available within the District weighs in favour of consent it does not by itself outweigh this identified harm to openness.

However having regard to the previous consent, within which permission was granted for the erection of a large stable building, which would cause greater harm to the openness of the Green Belt than this proposal, as well as the fact that the Council cannot demonstrate a five year supply of pitches for the Gypsy and Traveller community and that there are no identified alternative pitches available within the District that the applicant could reside, combined with the personal circumstances of the applicant, it is concluded that these issues amount to the very special circumstances required to clearly outweigh the harm to the Green Belt. As a result officers do not object to the principle of stationing two more caravans on this site restricted to the named occupants and their dependants.

Other Green Belt harm

Firstly it is important to highlight that the means of enclosure around the site, including fencing, gates and walls was not part of the previously approved application and rather the Inspector placed a condition on the consent for their detailing to be agreed in writing prior to the commencement of works.

The application includes a proposal for 2m high close boarded fencing to be erected around the entirety of the site as well as the erection of a wall, pillars and gates at the entrance of the site. The fence and the gates and pillars have already been erected.

The gate is set 5m back from the main public carriageway and measures 2.6m in height. The walls and pillars are in a concave arrangement and measure 2.5m at their highest point. The erection of walls and gates does not fall within the exceptions to inappropriate development as given by paragraphs 89 and 90 of the NPPF.

The term 'building' is defined in section 336 of the 1990 Town and Country Planning Act to mean any structure or erection and this means that a structure such as a wall should be assessed under paragraph 89. As the development is not within the list of exceptions contained within paragraph 89 it represents inappropriate development which is by definition harmful to the Green Belt.

Turning to the matter of openness, the application site is located on a rural lane which has sporadic development along it. The development occupies a relatively small volume. but the bulk and height of the wall, gates and pillars are very visually prominent and significantly encloses the space causing significant harm to the openness of the Green Belt.

The majority of the hardstanding shown within this application has already been granted through the previous consent, however the section towards the north end of the site is somewhat wider than what has already been granted. It is not considered that the relatively small increase in the area of hardstanding will cause any significant harm to the openness or character of the Green Belt over what has previously been approved.

The proposed dayroom will be located betwixt the two static caravans and appears to be of a reasonable size and scale, similar to that previously approved in relation to its purpose and would not cause excessive harm to the open character of the Green Belt.

The proposed touring caravans are located in slightly different positions to the one proposed in the previous approval. However the Council can ensure that no more than two tourers or statics are positioned on the site through the use of planning conditions.

Character and appearance

The stationing of the two additional caravans within the context of an existing gypsy site will not cause significant harm to the character and appearance of the area given their relatively small scale. However the intensification of the residential element of the site will create a greater level of residential paraphernalia as well as an increased amount of vehicle movements to and from the site. It is considered that whilst this will detract from the rural character of the locality as a whole, it will not cause such significant harm to warrant a refusal of planning permission in this regard.

The proposed day room, although relatively utilitarian is reasonably conventional and would not appear visually intrusive within the street scene.

The walls, pillars and gates have already been considered to cause unacceptable harm to the openness of the Green Belt, however they also significantly detract from the character and appearance of the locality. This part of Woodside is devoid of any large residential entrances and the overriding character is of a rural lane, with a large amount of vegetation on both sides of the road. Whilst the wall, pillars and gates are set back somewhat from the road, they are visually dominant when viewed from public areas of the street scene and significantly harm its character and appearance. Similarly the close boarded fencing which abuts Woodside and Epping Road are also visually dominant and give a distinct residential character to the locality, in stark contrast to its overriding appearance. The proposed surveillance pole and camera located just within the boundaries of the site is very prominent and visible from public areas of the street scene and as such will also detract from the rural appearance of Woodside. Therefore the proposal is contrary to policies DBE1, DBE4 and CP2 of the Adopted Local Plan and Alterations.

Amenity

The addition of two new caravans to this site will not harm any neighbours, particularly as none live in close proximity to the site. Whilst there may be an increased amount of vehicle and pedestrian movements to and from the site, it will not harm the living conditions of any neighbours.

Road Safety

The Essex County Council highway team have declined to comment on this application as it is not contrary to any of the Councils Local planning policies. The access will not differ from the previously approved application, which was considered acceptable. In any event it offers good sight lines along Woodside and is set back from the main carriageway to ensure there will be no harm to the safety or efficiency of the highway.

Trees and landscape

The Council's tree and landscape officer had objected to the application and has offered the following comments:

We OBJECT to the proposal on the grounds that it is contrary to –

Policy LL1 – fails to conserve or enhance the character and appearance of the countryside.

Policy LL10 – makes inadequate provision for the retention of trees and hedgerows resulting in an unacceptable impact on the visual amenity and landscape character of the area.

There are a number of trees on this site which are protected by a TPO (TPO/EPF/16/11), and there is a significant hedgerow along Woodside. Additionally, the Forest to the rear of the site is part of a SSSI. No tree reports have been submitted to support this proposal.

Application EPF/1993/13 (Change of use of land to a use for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing, the provision of a stable block and a utility/dayroom ancillary to that use) was granted on appeal. Within the decision report the Inspector commented as follows –

That the site “makes a positive contribution to the appearance of this part of attractive countryside”(paragraph 16)

“...the Appellant accepted that his land sat in a valued landscape, and so the scheme should be considered against paragraph 109 in the Framework”(paragraph 17)

“It (the site) would also be visible from within the adjacent woodland as this has relatively little under-storey and no substantial planting is present or proposed to the south-west of the appeal site. Therefore in the long-term when the proposed landscaping was reaching maturity, the development would still result in an appreciable change to the site, as it would have a more urban nature than at present. It would therefore cause harm to the appearance of the area and would fail to protect this valued landscape”(paragraph 19)

“....conclude the proposal would cause harm to the appearance of the area and fail to protect this valued landscape, and so in this regard it would conflict with Policies LL1, LL9, RST4 and RST5 in the 1998 Local Plan and the Framework.” (paragraph 22)

As the Inspector acknowledged that that development would harm the appearance of area, it follows that any extension of the hardstanding, or intensification of the use of the site (and the number of people using it) would result in an increase in the harm to the appearance of the site. As such this proposal is contrary to Policy LL1 and LL9.

1) Boundary with Woodside

Condition 14 of application EPF/1993/13 requires sight lines of 2.4m by 70m to the west and 2.4m by 58m to the east. As a consequence it has previously been calculated that 45m of existing hedgerow would need to be removed. And the approved landscaping (see EPF/1999/15) provided details of not only a replacement hedge set back from the sight lines, but also extensive tree planting along Woodside (as well as along the Epping Road boundary). Work has commenced on site, and as yet the hedging has not been removed. A close boarded fence has been erected in a location not previously approved, however, it is assumed that it is in the location as shown on this application (drawing number LO-15-B). To retain it in this location would not allow sufficient space for meaningful landscaping (both hedges and trees), or provide a 'green' screen of satisfactory density in this rural location once the required sight lines have been implemented.

2) Landscaping

The very indicative soft landscaping proposals are considerably reduced from what has been approved. The approved site layout at its closest point with Woodside provided a 4m gap between the 'tourer' and the curb edge, this proposal only provides a 2m gap. The density of landscaping proposed would be inadequate to provide an acceptable level of screening. The key on the layout drawing number LO-15-B uses the phrase 'protected'. Whilst it is assumed this is the rooting areas of trees, it is not clear whether this is for all trees, or just those protected by Tree Preservation Orders. Additionally there is a comment that 'no operational development is proposed in the areas protected by TPO's'. This would imply that the area within the RPA's of the TPO'd trees is to remain as it was prior to any development works, including site preparation. This is not currently the situation on site, where ground works have been undertaken and extended into the rooting areas of trees. We would therefore expect this application to be submitted with tree reports which acknowledge what the site conditions are at present, and propose mitigation to comply with drawing number LO-15-B.

The tree officer also raised concern regarding the increased amount of hardstanding on the site, which as previously discussed is not dissimilar to what has already been approved by the Planning Inspectorate. The tree officer further raised concern regarding the SSSI and the potential harm to it, however this issue is discussed in detail in the next section and Natural England have raised no objection to it.

Ecology considerations

Natural England were consulted as part of this application and have offered the following comments:

No objection – no conditions requested - This application is immediately adjacent to the Epping Forest Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Land Drainage

The Council's land drainage team were consulted on the application and have offered the following comments:

Having reviewed the information provided as part of the application and observed what has been installed on site to date we would wish to object to the application until sufficient information has been provided.

The minimum requirements we would expect to see are:

A plan showing increased area of hardstanding (to scale or a calculated area provided)
A drainage plan for both foul and surface water disposal
A percolation test in accordance with BRE Digest 365 and a formal drainage system for surface water

Unless this information is forthcoming we would object to the application in its current form.

The works which have already taken place on the site without compliance with the conditions has already caused significant flooding of the Highway and the absence of this information is justification for a refusal of planning permission.

Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law and is a relevant consideration. Before making a decision to pursue further enforcement action it is necessary for the Council to be mindful of the impact it would have on the occupants, including the children, of the site. It is recognised that the enforcement action will be an interference with the Human Rights of the families currently occupying the site, including their right to respect for their way of life as members of the travelling community and the legal protections afforded to them as members of that group. There is a clear obligation upon the Council to ensure that the any decision it makes accords with the obligations under Article 8 of the ECHR.

Incorporated into that obligation are the obligations set out under the United Nations Convention of the Rights of the Child (UNCRC), and in this case specifically Article 3. As the Article 8 Rights of the families occupying the site are clearly engaged, any decision to take enforcement action must be proportionate. In the assessment of proportionality there is an explicit requirement to treat the needs of the children as a primary consideration (UNCRC, Article 3) and to safeguard and promote the welfare and wellbeing of the children (Children's Act 2004, section 11(1)). It may well be that the legitimate aims that justify taking further enforcement action is a proportionate interference with the families' Rights protected by the Conventions, however, the Council must have specific regard to the impact that seeking an enforcement notice will have on the children concerned.

The proposed occupants of the additional pitches are stated to be those persons who already lawfully reside on the site. As such the refusal of consent would not make the applicants homeless or force them to reside 'on the roadside' since there is no requirement for them to leave the site. Therefore, there would be no disruption to the Appellant's way of life or interference with the children.

The Equalities Act 2010 introduced a duty for Public Sector bodies, such as Local Planning Authorities (the Public Sector Equality Duty (PSED)), to have regard to the need to eliminate discrimination, advance equality of opportunity, foster good community relations between those who share a protected characteristic (in this case the applicants are Gypsy's which is a protected characteristic) and those who do not.

As the proposed occupants of the appeal site have claimed Gypsy status, the Council was bound to have regard to the PSED. The Council has dealt with the application the subject of this appeal as it would have had the application been made by any member of the public. The Appellants have

engaged the professional services of a consultancy with experience in this area of planning practice that has provided them with relevant advice.

Conclusion

Whilst officers do not object to the principle of stationing two additional caravans on this site, the details of the proposal will harm the openness of the Green Belt and the character and appearance of the locality and tree and landscape and land drainage considerations have not been fully satisfied. Therefore it is recommended that planning permission is refused.

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

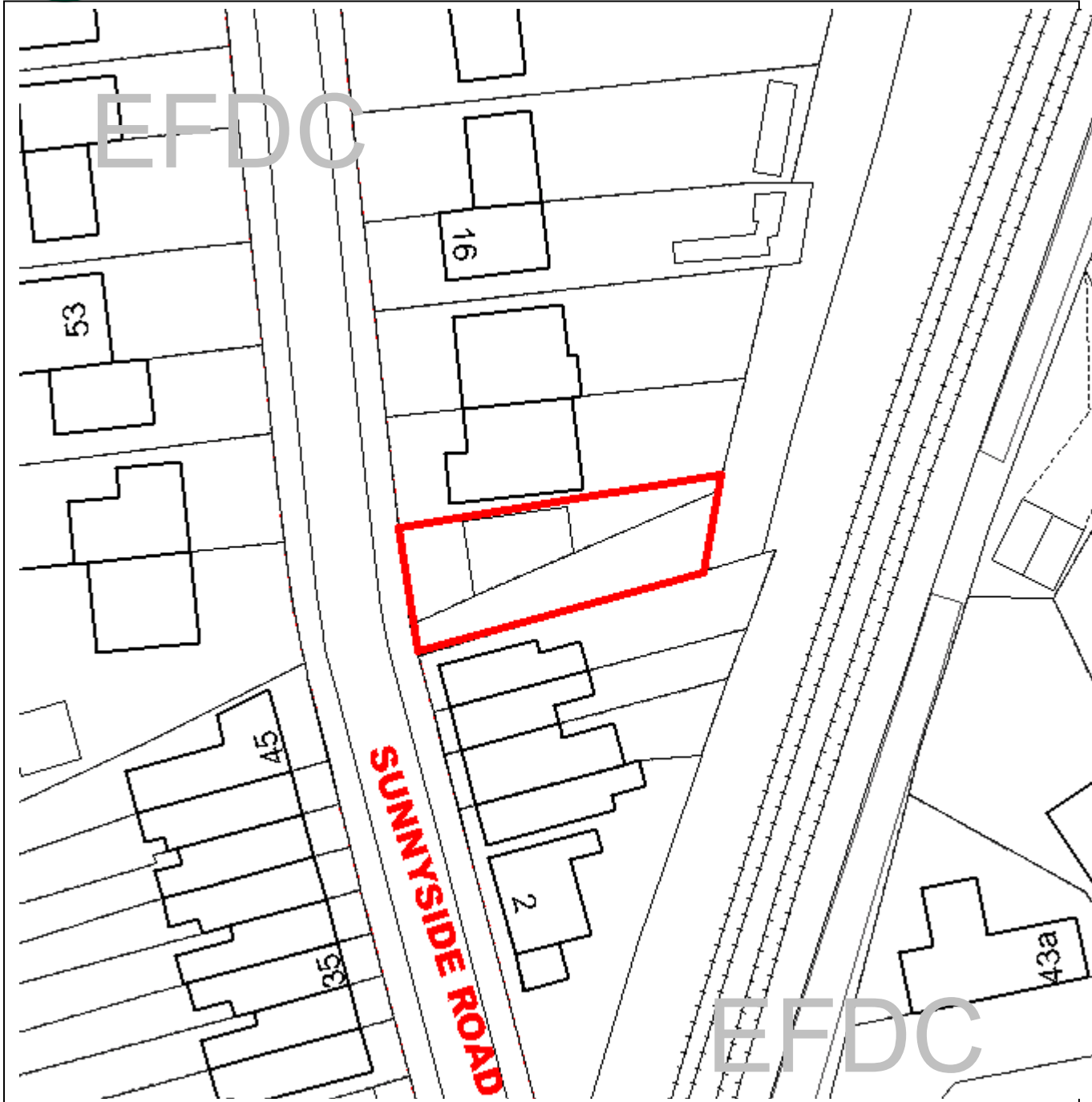
Direct Line Telephone Number: 01992 564 371

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

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Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1040/16
Site Name:	Land between No. 10 & 12 Sunnyside Road EppingCM16 4JW
Scale of Plot:	1:500

Report Item No:7

APPLICATION No:	EPF/1040/16
SITE ADDRESS:	Land between No. 10 & 12 Sunnyside Road Epping Essex CM16 4JW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Kalman Developments Ltd
DESCRIPTION OF PROPOSAL:	Erection of a single 3-bedroom dwelling
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584016

CONDITIONS

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

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

PPA-885-001
PPA-885-006
PPA-885-011
PPA-885-101_A
PPA-885-102_A
PPA-885-103_C
PPA-885-104_C
PPA-885-105_C
PPA-885-106_C
PPA-885-107_C
PPA-885-108_B
PPA-885-109_C
PPA-885-110_B

- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until details of 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.
- 6 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.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A or B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 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.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The application site consists of the side garden to No. 12 Sunnyside Road and currently contains a detached double garage with direct access from Sunnyside Road.

The site is located on the eastern side of Sunnyside Road within the town of Epping and is outside of any designated areas (i.e. Green Belt, conservation area). The site is on land higher than that at No. 10 and backs onto the railway line at the rear.

Description of Proposal:

The proposed development seeks to demolish the existing double garage and erect a new detached three bed dwelling with a single off-street parking space to the front and private amenity space to the rear.

Due to the shape of the application site the proposed dwelling would have an angled southern wall and as a result would measure 7.75m in width at the front narrowing to 6.25m in width at the rear. The main dwelling would measure 8.3m in depth with an additional 3m x 1.9m single storey porch.

The application has been amended several times with the final plans proposing a gable ended pitched roof to a ridge height ranging from 8.9m to 9.3m. The dwelling would be two-and-a-half storeys (incorporating the roof space), with the upper level being served by two pitched roof dormer windows, a gabled window in each flank wall, and a single front rooflight.

Relevant History:

None.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
RP3 – Water quality
RP4 – Contaminated Land
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking

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.

Consultation Carried Out and Summary of Representations Received:

17 neighbouring properties were consulted and full consultations were undertaken on each of the revised plans. No Site Notice was required.

TOWN COUNCIL – No objection.

8 SUNNYSIDE ROAD – Object as there is insufficient parking, the noise from building works will cause a nuisance, there would be a loss of privacy and light to their garden, this constitute overdevelopment, and due to concerns about subsidence and impact on the sewer that runs through the site.

16 SUNNYSIDE ROAD – Object as the proposed building works would cause noise, traffic issues and undue disruption and since a new development would not be in keeping with the age and history of the street.

45 SUNNYSIDE ROAD – Concerned due to problems with the sewers and flooding and also about the loss of existing parking.

47 SUNNYSIDE ROAD – Object due to a loss of privacy and outlook to this neighbour, lack of parking and highway safety concerns, due to flood risk and possible contamination concerns, and since there are sewers running across this site.

49 SUNNYSIDE ROAD – Object due to existing parking congestion which this would impact on, due to drainage problems, and since this would cause a loss of light and outlook to them.

NO ADDRESS PROVIDED (ASSUMED TO BE 10 SUNNYSIDE ROAD) – Object due to overshadowing and loss of privacy, since this is overdevelopment and ‘garden grabbing’, since this would add to the existing parking congestion on the roads, as there is a sewer pipe running through the site, possible loss of trees at the rear, and as the dwelling would dwarf their property.

Main Issues and Considerations:

The key considerations in this application are the principle of the development in this location, regarding parking provision, design and impact on the street scene, and any potential impact on neighbour amenities.

Principle of development:

The application site is located within the urban town of Epping and is less than 650m walk from the train station and some 950m from the designated Epping Town Centre. Epping is a self-sustained town that is served by a full complement of local amenities and facilities (such as schools, shops, doctor’s surgeries and a hospital) and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest. Several residents in Epping commute into London for work purposes.

Sustainable development is the ‘golden thread’ running through planning policy. Local Planning Authorities are required through paragraph 15 of the NPPF to “*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*”. The encouragement of sustainable development is reflected within many Local Plan policies including CP6 which states that “*development and economic growth will be accommodated in a sustainable manner which counters trends to more*

dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure”.

Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decision, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However it should be noted that within a recent appeal decision for one new dwelling in Nazeing (EPF/2015/15) the Planning Inspectorate concluded that, with regards to the benefits to the five year land supply, *“I attached only limited weight to that argument bearing in mind that the proposal is for one additional dwelling only, which would not make any appreciable difference in housing land supply”.*

Parking provision:

One of the key concerns of neighbouring residents appears to be regarding parking provision and the potential impact that this development would have on the surrounding road network, which currently suffers from parking stress. Sunnyside Road benefits from residential parking restrictions between 10:00 and 16:00 Monday to Friday. Whilst this protects against commuter parking during the week it does not restrict on-street parking during peak times (i.e. evenings and weekends).

The proposed development would result in the loss of an existing double garage serving No. 12 Sunnyside Road and the erection of a new three bed dwelling with just one off-street parking space. The Essex County Council Vehicle Parking Standards recommends two off-street spaces for dwellings of this size, however does state that *“reductions of the vehicles standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport”.*

Although the proposed development would result in there being no off-street parking for No. 12 Sunnyside Road there is the ability for parking to be provided within the front garden. Given the location of the site it is not considered in this instance that the under provision of off-street parking would be sufficient enough to warrant the refusal of this application. Whilst now relatively old a previous appeal decision in Bower Vale (EPF/1300/08) was allowed on appeal despite the complete lack of off-street parking. Within this appeal decision it was stated that:

In spite of the lack of parking on site, and the present amount of parking at the carriageway of Bower Vale, I consider that, since the site is located within an urban area well served by public transport, and within a short distance of shops and other facilities, there is no policy objection to the proposal on this ground. In fact, current policy encourages development which promotes a reduction in private car use, and the provision of dwellings without parking provision, in locations such as this, should be given a positive response.

Although this decision pre-dates the NPPF the current Government policies continue to promote sustainable development and therefore this decision is still considered to be relevant.

Essex County Council Highways have been consulted on this application and raise no objection since they consider that, from a highway and transportation perspective, the impact of the proposal is acceptable.

Design:

The proposed new dwelling has been subject to several amendments throughout the course of this application, primarily due to its visual impact. This has resulted in the proposed new dwelling being set in from both side boundaries by 1m, a more traditional style roof being added (although when viewed in plan form this appears somewhat unusual due to the angled southern wall), and the removal of the unsightly side dormer window. The revised scheme proposes a relatively simple and traditional dwelling that has a built form/footprint somewhere between the small cottages to the south and the larger semi-detached dwellings to the north. The height of the building would be marginally below the ridge height of the donor property at No. 12 Sunnyside Road and some 1.2m above that of No. 10, however due to the sloping road it is considered that this height difference is appropriate.

The detailing of the new dwelling would reflect that of the more historic cottages to the south with a brick finish and timber windows. The rear dormer windows are small pitched roof additions that would not appear incongruous or dominant within the roof slope and the proposed front porch projection would be similar in design and form to that of the property to the north.

It is not considered that the proposed development would appear cramped or out of keeping with the surrounding street scene and the existing gap between properties is sufficient in size to allow for a limited infill such as this. As such it is not considered that the proposal would be detrimental to the character or appearance of the area.

The subdivided rear garden area would provide 106m² of private amenity space to the proposed new dwelling, which would exceed the recommended 80m² for this size property. The proposed new dwelling would have a gross internal floor area (GIA) of some 92m², which complies with the minimum GIA as prescribed by the Nationally Described Space Standards.

Neighbouring Amenity:

The proposed new development would be situated between No's 10 and 12 Sunnyside Road and would be set in 1m from each of the side boundaries. Whilst the proposal would not extend beyond the first floor rear wall of the donor property (No. 12) it would extend some 1.4m beyond the rear most wall (the single storey projection) of No. 10 and 4.8m beyond the closest corner (the first floor rear wall) of this neighbouring dwelling. Furthermore the application site slopes to the north so that the proposed new dwelling would sit on higher land than the neighbour at No. 10. It is understood that this neighbour has side doors within the single storey projection that serve their kitchen and would directly face the proposed new dwelling. It is also stated that there is a window serving the stairs, however this is only at ground floor level since there are no upper storey side windows within this neighbouring property.

Although there would clearly be some impact to the amenities of this neighbouring property as a result of the works the flank wall of the proposed new dwelling would be located 2.6m from the neighbours flank wall and some 3.7m from the neighbours kitchen door. The new dwelling would be located to the north of the neighbour's site and therefore would not result in any loss of direct sunlight, however would inevitably reduce the level of daylight reached within the neighbour's immediate area of garden and closest windows. Due to this, whilst there would clearly be some detrimental impact on the neighbouring residents it is not considered that this would be excessive or severe.

Although there are a number of side windows proposed in both flank walls of the new dwellings these can all be conditioned to be obscure glazed with fixed frames to ensure that there would not be any loss of privacy or overlooking to the neighbours sites.

Concerns have been raised by the neighbours opposite the site due to a potential loss of light and outlook, however the front wall of the proposed new dwelling would be some 23m from the front wall of the houses opposite. This is no different from the existing situation between No' 12 and No. 49 Sunnyside Road and greater than the distance between No's 2-10 and No's 33-45 opposite. Whilst the erection of a two-and-a-half storey dwelling in place of a single storey garage would block the existing views through this space it is not considered that it would cause a detrimental loss of outlook, particularly given the urban nature of this site. There is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have also been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are also not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are suggested in order to minimise any impact on neighbours.

Other considerations:

Sewage:

Comments have been made by neighbours that there is a public sewer running through this site. Thames Water have been consulted on the application and state:

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.

The applicant has been made aware of the possibility that there is a sewer running through the site and informed that they require consent from Thames Water to build close to a public sewer (and also that a new build would likely be refused if proposed over such a sewer). The applicant has confirmed that they have applied to Thames Water for their approval but are awaiting the response.

Notwithstanding the above, the presence of a public sewer is not considered to be a material planning consideration since any development close to or over this requires separate consent from Thames Water. Should Thames Water not permit this proposal then the development cannot be undertaken, **irrespective of whether planning consent has been granted or not.**

Thames Water has advised that, with regards to sewage infrastructure capacity, they do not raise any objection to the proposed development.

Land Drainage:

The applicant is proposing to dispose of surface water by soakaway, however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Therefore further details are required, which can be dealt with by condition.

Contaminated Land:

Due to the former use of the site as an access road forming part of the William Cottis & Sons Brickworks and later Engineering Works Site and British Matthews Ltd Engineering Works site, there is the potential for contaminants to be present over all or part of the site. Domestic dwelling with gardens are classified as a particularly sensitive proposed use and therefore an appropriate

contamination assessment is required. As no assessment has been submitted with the application it would be necessary for this matter to be dealt with by way of conditions.

Impact on train lines:

London Underground has been consulted and raises no comment on the proposal.

Conclusion:

The erection of a detached dwelling within this location would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and would assist in the Council meeting its five-year supply of deliverable housing sites, albeit in a small way. Furthermore it is not considered that the new dwelling would be detrimental to the character or appearance of the street scene.

Whilst the proposed development would result in the loss of the existing off-street parking to No. 12 Sunnyside Road and only proposes one space to serve the new three bed dwelling it is considered that this is appropriate to this particular area. The development would also cause some loss of amenity to the neighbouring residents at No. 10 Sunnyside Road due to impact on daylight and outlook however due to the location and positioning of the proposed new dwelling it is not considered that this harm would be excessive or severe.

Due to this it is considered that the balance of issues is such that the proposal is considered to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for approval.

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

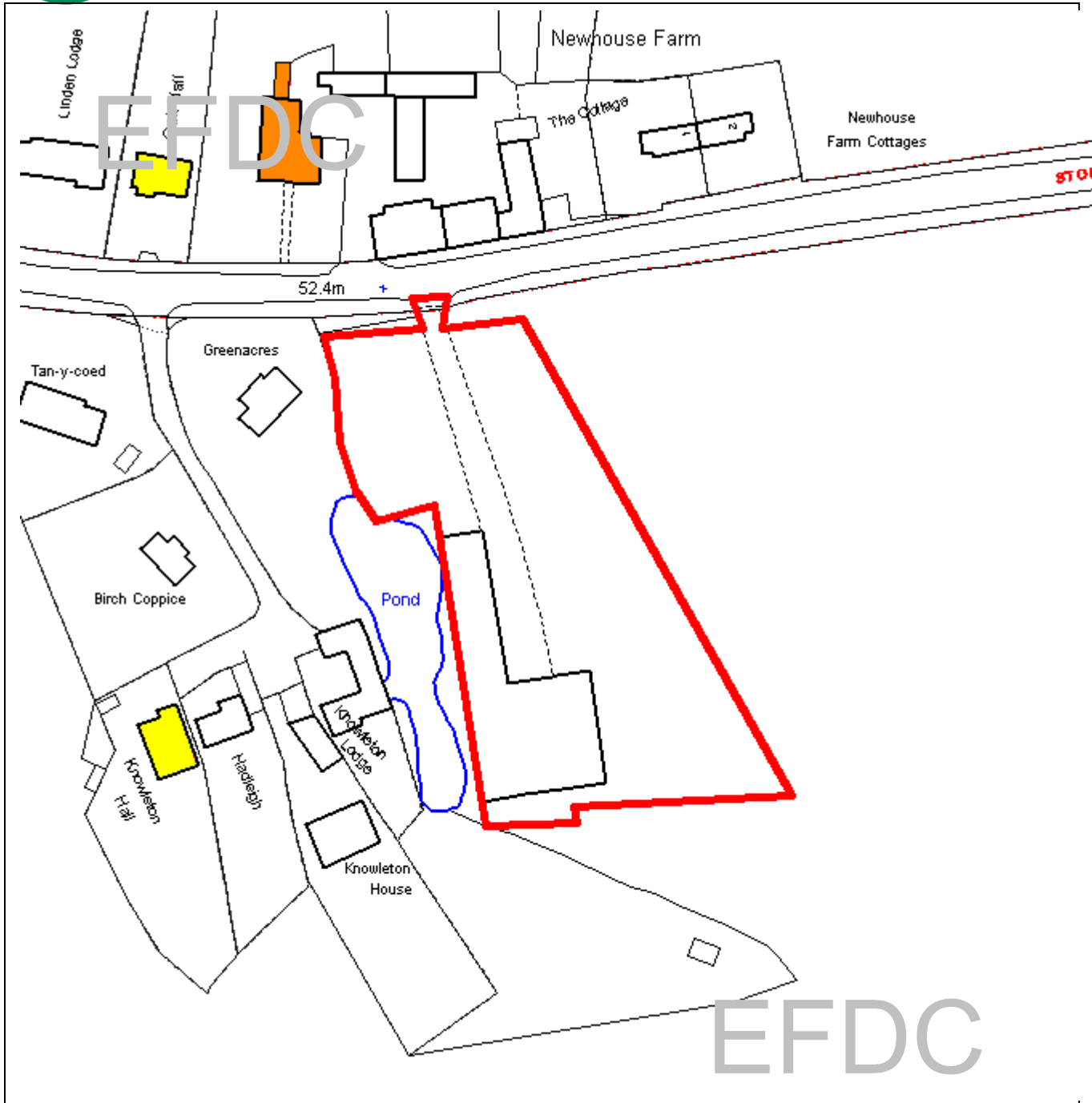
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/1046/16
Site Name:	Bottles Barns Stondon Road Marden Ash OngarEssex
Scale of Plot:	1:1250

Report Item No:8

APPLICATION No:	EPF/1046/16
SITE ADDRESS:	Bottles Barns Stondon Road Marden Ash Ongar Essex
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Daniel Padfield
DESCRIPTION OF PROPOSAL:	The removal of agricultural barns, structures and hardstandings and the erection of three dwellings.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584034

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: Location plan unnumbered, amended site plan received 17 June 2016 unnumbered; house plans and elevations (Farmhouse, East Cottage and West Cottage) all unnumbered and drawing no BB1603181

- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 4 No development 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, and shall include details in respect of all of the communal grounds within the site.. 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.

- 5 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.

- 6 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]

- 7 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]

- 8 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]
- 9 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.
- 10 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.
- 11 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 12 Prior to the first occupation of the development the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.
- 13 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.

- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 15 Any removal of scrub material from the site (as defined in the submitted Ecological Impact Assessment) that takes place between March and August shall be supervised and monitored by a qualified Ecologist in accordance with the said Assessment.
- 16 Prior to the commencement of construction of the buildings hereby permitted above ground level, details of bat roosting and hedgehog nest boxes shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of the buildings.
- 17 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 19 Visibility sightlines at the access point to Stondon Road shall be improved by the cutting back of shrubs and bushes in accordance with details to be submitted to and approved by the Local Planning Authority before any works commence on site. Once approved these details shall be implemented in full before the dwellings hereby approved are first occupied.
- 20 There shall be no increase in the private garden areas of the dwellings hereby permitted without prior consent from the Local Planning Authority.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, E and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The site lies on the south side of Stondon Road and comprises an L-shaped complex of former farm buildings set back from the road by around 45 metres. The buildings are long disused with detritus from the former use remaining within. The corrugated metal structures are generally intact but with a number of panels missing. There is an existing double gated access from the road which is very overgrown.

The site lies at the edge of the built area to the south of Stondon Road and to its east lie open fields. There is a pond immediately abutting the eastern boundary which lies outside the site boundary. There are farm and residential buildings directly opposite. The site lies wholly within the Green Belt

Description of Proposal:

The application proposes redevelopment of the existing buildings to provide three new detached dwellings located within the footprint of the existing buildings. The forward most building ('Farmhouse') is located at the northern edge of the existing buildings around 45m back from the highway and at right angles to it, and comprises a 2 storey 2 bed unit with three gables to the front and no upper level openings in the rear.

East Cottage is a part 2 storey, part single storey building running north - south with the single storey element to the rear. West Cottage is an L-shaped single level 2 bed dwelling with a double height space to the east-west element.

Each dwelling is provided with a private garden around the dwelling, on all units the minimum depth is 10 metres to the rear, and other landscaped areas lie around individual buildings. Two parking spaces are provided for each dwelling within a central area and an access road to the highway minimum 4m wide is indicated.

Relevant History:

Historically, the buildings appear to have been used in connection with the farm opposite. An aerial photo in the applicant's submissions purports to show the site fully operational in the 1970's. It is unclear from records when the use may have been discontinued.

EPF/2743/14 Prior approval for conversion of existing barns into 3 x 3 bed dwellings granted subject to conditions

Policies Applied:

CP2	Quality of Rural and Built Environment
CP3	New development
CP5	Sustainable building
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt]
DBE6	Car parking in new development

DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road safety
ST6	Vehicle parking

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

Consultation Carried Out and Summary of Representations Received

Date of site visit: 06 June 2016

Number of neighbours consulted: 16

Responses received: One response from Knowleton Lodge, the immediate neighbour to the east, supporting the application which they consider has less impact on the Green Belt and replaces buildings with no archaeological significance. .

Parish Council: Ongar TC supported the application, seeing this to be a major improvement

Main Issues and Considerations:

The site lies wholly within the Green Belt. The buildings on the site have evidently only been used for agricultural purposes which do not constitute previously developed land as defined by the NPPF. Thus development would be inappropriate unless very special circumstances exist.

The main consideration is therefore whether the Council should accept, that the fallback position, which would result in three dwellings created within the existing buildings on the site, amounts to very special circumstances sufficient to outweigh the definitional harm from inappropriate development.

In general the existence of a fallback of this nature has not been accepted as Very Special, as it applies to all sites where "Prior Approval" has been granted. It was clearly not the Government's intention to allow agricultural buildings to be replaced by new build dwellings. Change of use of existing buildings is generally appropriate, whereas replacing agricultural buildings with houses is not. For very special circumstances to be argued therefore there need to be other matters that mitigate in favour of the development.

In this instance the location of the site is a major consideration, the site is adjacent to an existing residential cul de sac and close to the built up area of Marden Ash, it is not an isolated rural location. There are residential properties in the other side of the road where there has also been a recent consent for an infill development. New residential development here will not be out of keeping with the pattern of development in the area, and the siting is relatively sustainable, compared to most farmyard locations.

In addition there will be a reduction in built form on the site and the removal of areas of hardstanding which will be of benefit to the visual amenity of the area as well as openness. The design of the proposed buildings is good and appropriate to the rural area. The scheme does not result in the creation of large residential garden areas which would be inappropriate in the Green Belt and the buildings will not be readily visible from the road.

On balance therefore it is considered that in this instance the fallback combined with the other benefits and locational aspects of the scheme are sufficient to outweigh the definitional harm from inappropriate development.

Other issues

There are no highways issues with the proposal subject to conditions.

The land, due to its previous farming use, may be contaminated but this can be controlled by condition.

The site is not within a flood zone but is close to open water and land drainage consent is required. Further details of drainage and sewerage are required but can be required by condition.

The development will not cause harm to adjacent living conditions and is likely to be an improvement over the existing farm use, in this respect.

The new dwellings will provide a good standard of living accommodation with adequate amenity space and parking.

Adequate tree protection and landscaping can be achieved and controlled by condition.

An ecological impact assessment has been provided and shows that suitable mitigation measures can be taken to protect the ecology of the area. Again this can be conditioned

No objections have been received and the application is supported by the Parish Council.

Conclusion:

The applicants fall back position to implement the previously granted prior approval is material to the consideration of the application and taken together with the other benefits of the development and the relatively appropriate location for residential development, it is considered that there are sufficient very special circumstances applicable to this development sufficient to outweigh the in principle harm from inappropriate development. No other harm is apparent and all other policies are met. On this basis the application is recommended for approval subject to conditions

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

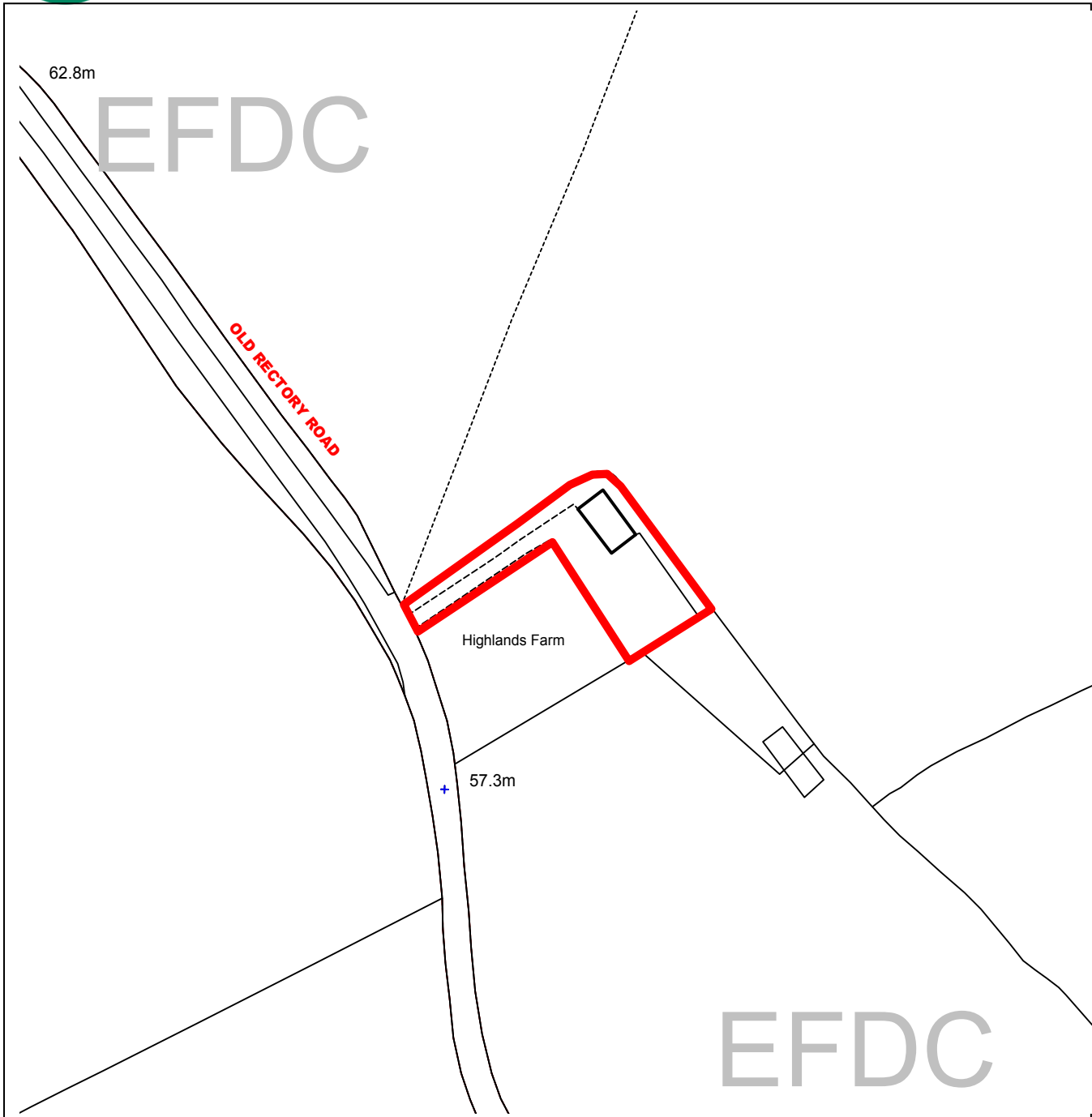
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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



Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/1179/16
Site Name:	Highlands Farm Old Rectory Road Stanford Rivers Essex CM5 9PR
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/1179/16
SITE ADDRESS:	Highlands Farm Old Rectory Road Stanford Rivers Ongar Essex CM5 9PR
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mr Jack Harris
DESCRIPTION OF PROPOSAL:	Change of use of an agricultural barn to a 2 bed dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584359

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 9881-01, 9881-02, 9881-03, 9881-04, 9881-06 and 9881-07
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A-E inclusive 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 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]

- 7 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]
- 8 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]
- 9 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.

- 10 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.
- 11 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

In addition it is recommended that the Committee agree to a Deed of Release from the existing Legal Agreement under section 106 which currently prevents residential use of the building.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is a roughly rectangular plot of land with associated access road situated on the east side of Old Rectory Road within the rural area of Stanford Rivers. The application site contains a two storey timber framed and boarded barn with office area at first floor in the north east corner of the site and a yard area. To the west is an area where poultry is currently kept within a well treed area and to the south east open fields. The site is well screened at the boundaries by existing mature trees. The site is within the Metropolitan Green Belt but not a Conservation Area.

Description of Proposal:

The application seeks consent for the change of use and conversion of the existing agricultural barn to a 2 bedroom dwelling. The proposal also includes a parking area and garden within the existing yard area. Externally, new full height glazing will be installed at ground floor and an additional roof light within the roof slope.

Relevant History:

EPF/1721/07 - Retention of agricultural barn incorporating a farm office and the creation of an associated access road and hardstanding – App/Con with Section 106

EPF/0764/05 - Retention of building, hardstanding and access for agricultural use – Refused

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
GB2A – Development within the Green Belt
GB8A – Change of use or Adaptation of Buildings
GB7A – Development conspicuous within or from the Green Belt

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

Summary of Representations:

STANFORD RIVERS PARISH COUNCIL – The Parish Council OBJECTS to this application on the basis of inappropriate development in the Green Belt.

No neighbour comments received

Issues and Considerations:

The main issues with this proposal are considered to be impact on Green Belt, design and impact on neighbours.

Green Belt

Policy GB8A states that Council may grant planning permission for the change of use of a building in the Green Belt provided the building is permanent and of substantial construction, capable of conversion without major changes and that the use would not have a greater impact than the present use. In addition the “conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys.”

A structural inspection report has been submitted as part of this application which concludes that the building is capable of being converted into domestic accommodation and from the Officer site visit there is no reason to doubt this recommendation. The installation of the windows is considered to be well planned, utilising existing openings and can be considered sympathetic to the existing design of the building.

The proposal is not considered to adversely affect the external appearance of the building or the setting of this building within the wider countryside due to the relatively minimal changes and good level of screening at the boundaries.

Although domestic features (such a washing line or children's play equipment) may be introduced into the yard area which is to be used as a garden and parking area it is not considered that these features will harm the character or openness of the Green Belt in this location given the relative seclusion of the site and the existing yard type use of this area which is enclosed currently.

It is therefore not considered that the conversion of the barn would result in a harmful impact to the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Notwithstanding the above assessment, the 2007 application for the retention of the building for agricultural purposes with office area above was approved by the Area Committee despite an Officer recommendation for refusal. This approval included a condition restricting the use of the building to agricultural purposes only and that it shall at no time be used as habitable residential accommodation. In addition to this condition, the planning permission was also granted subject to a Section 106 agreement being entered into to ensure the following:

1. not to use or permit any other person to use the Agricultural Barn for residential or domestic purposes;
2. not to occupy or permit any other person to occupy the Agricultural Barn overnight.

At the time of the previous decision it appears that there was a concern that the building could be used for residential purposes – however regardless of the condition and the Section 106 agreement planning permission has always been required for such a change of use.

Since the 2007 approval the National Planning Policy Framework has been published which allows for the 're-use of buildings provided that the buildings are of permanent and substantial construction', which is consistent with (but less detailed than) Local Plan policy GB8A. As outlined above, given the proposal has demonstrated that the building is capable of conversion and that the change of use is not considered to result in a materially greater harm than the present use, the proposal, despite the past history of the site is considered acceptable in Green Belt terms.

For the application to be approved and implementable a deed of release would have to be authorised by Members to remove the stipulations of the Section 106 as the grant of planning permission alone will not override the legal agreement.

Design

The proposed design is considered acceptable, retaining the appearance of a traditional agricultural building. Existing openings have been used where possible and existing detailing retained.

Neighbouring Amenity

The nearest residential neighbours are some 350m+ from the site and therefore no amenity concerns are raised.

Other Issues

Landscaping

The Tree and Landscape Officer has no objection to the proposal subject to a condition requiring landscaping details.

Conclusion:

The proposal following the consideration above is acceptable and approval with conditions is therefore recommended. It is also recommended that authority is given to authorise a deed of release from the requirements of the Section 106 agreement attached to EPF/1721/07 concerning the same area of land.

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

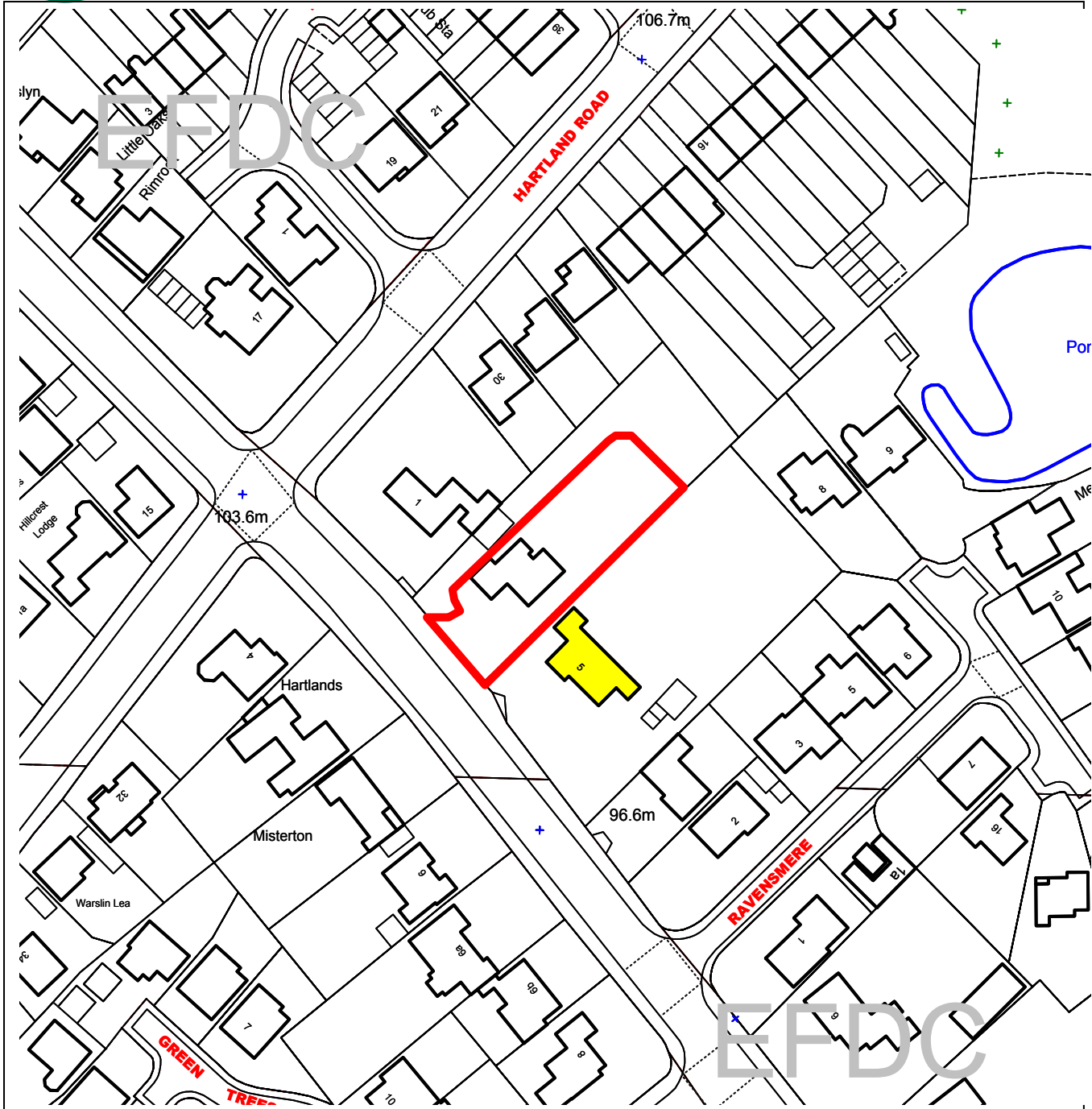
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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Epping Forest District Council

Agenda Item Number 10



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Application Number:	EPF/1231/16
Site Name:	3 Kendal Avenue Epping EssexCM16 4PN
Scale of Plot:	1:1250

Report Item No:10

APPLICATION No:	EPF/1231/16
SITE ADDRESS:	3 Kendal Avenue Epping Essex CM16 4PN
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Darren Hunt
DESCRIPTION OF PROPOSAL:	Proposed detached dwelling with associated car parking and vehicular access to rear of 3 Kendal Avenue.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584475

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/16/032/001, BRD/16/032/002 (as amended), JK/3KA/03
- 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 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions 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 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 8 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.
- 9 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.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

- 11 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.

- 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.

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: Scheme of Delegation, Appendix 3)

Description of Site:

The application site consists of the rear garden to No. 3 Kendal Avenue, which has recently been granted planning permission to be replaced.

The wider site contains a large detached dwelling located on the north eastern side of Kendal Avenue. The site is a larger than average plot within the urban area of Epping and contains a well-established boundary hedge and several trees. However the only preserved trees are towards the front of the property outside of the red line application site.

Description of Proposal:

The proposed development seeks to erect a new detached three bed dwelling with off-street parking and private amenity space to the rear. Whilst a bedroom 4 is shown on the latest plans this only has a small rooflight and is too small to serve as a usable bedroom and is most likely to be used as a study or 'hobby room'.

The proposed new dwelling would be a one-and-a-half storey L shaped building measuring a maximum of 12.6m in width and maximum of 12m in depth with a maximum ridge height of 7.6m. The application is a revised scheme to a previously withdrawn application whereby the proposed new build was for two semi-detached chalet-bungalows.

Relevant History:

EPF/2749/15 - Demolition of existing dwelling and erection of a replacement dwelling along with the erection of a pair of semi-detached properties – withdrawn 19/01/16

EPF/0393/16 - Demolition of existing dwelling and erection of a replacement dwelling [**donor property**] – approved/conditions 18/04/16

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H3A – Housing density
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE8 – Private amenity space
DBE9 – Loss of amenity
RP3 – Water quality
RP4 – Contaminated Land
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking

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.

Consultation Carried Out and Summary of Representations Received:

19 neighbouring properties were consulted and a Site Notice was displayed on 6th June 2016.

TOWN COUNCIL – No objection.

EPPING SOCIETY – Object. The building in the garden of 3 Kendal Avenue will result in a loss of privacy for the neighbouring households. The creation of an access road will create noise and disturbance. The development will lead to a loss of amenity to 30, 28, 26 and 24 Hartland Road. It will also impact on number 8 Ravensmere. It will create a precedent for this type of development being inserted into garden spaces.

8 RAVENSMERE – Object as the site level is approximately 2m above theirs and will result in a loss of light and overshadowing, loss of privacy, noise and disturbance, and flooding issues. Also consider that this is too dense a development in close proximity to neighbours and concerned that the hedge may eventually be lost and first floor windows may end up being installed in the flank wall.

9 RAVENSMERE – Object due to a loss of privacy, sky line, sunlight and quietness.

26 HARTLAND ROAD – Object due to light and noise pollution from the new road and the new household, loss of light and privacy, overdevelopment of the site that could set a precedent, as it is out of keeping with Kendal Avenue, due to the loss of trees and wildlife, and as the new access would cause additional danger to pedestrians.

28 HARTLAND ROAD – Object due to a loss of privacy and light, additional disturbance, light pollution from the access road and any potential security lighting, loss of visual amenity, as this would be overbearing to the neighbours in Hartland Road that only have small gardens, the loss of trees and wildlife, increased pedestrian and highway safety concerns as a result of the new access, and since this is garden grabbing and may set a precedent for further development in No. 5 Kendal Avenue.

30 HARTLAND ROAD – Object due to a loss of light and privacy, additional noise and disturbance, overdevelopment of the site, as it is out of keeping with the area, and since this results in garden grabbing with no social benefit.

Main Issues and Considerations:

The key considerations in this application are the principle of the development in this location, the impact on neighbour amenities, the overall design of the scheme, landscaping considerations and regarding highways and parking.

Principle of development:

The application site is located within the urban town of Epping approximately 300m walk from the designated Epping Town Centre. The site is also less than 500m from Epping train station, which is an average 6 minute walk. This provides trains into London by way of the Central Line. Several residents in Epping commute into London for work purposes. Epping is considered to be a self-sustained town that is served by a full complement of local amenities and facilities (such as schools, shops, doctor's surgeries and a hospital) and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest.

Concern has been raised by neighbours that the proposal constitutes an overdevelopment of the site and is 'garden grabbing'. There are also fears that this development would set a precedent for similar development within the area (with particular reference to the neighbouring site at No. 5 Kendal Avenue).

The application site in itself is approximately 0.07 hectares however the size of the entire property of No. 3 Kendal Avenue (the land within the applicants ownership) is 0.18 hectares. Policy H3A states that housing developments should "*achieve a net site density of at least 30-50 dwellings per hectare*". The current site only achieves a density of 5.5 dwellings per hectare, which would increase to 11 dwellings per hectare with this proposal. This would still be well below the recommended density of housing sites, particularly those within urban areas such as this. The level of private amenity space exceeds the recommended figure and there is adequate off-street parking provided. Due to these factors it is clear that the proposal does not constitute an 'overdevelopment' of the site.

It is accepted that the proposal would involve the development in the rear garden of the donor property and that the definition of previously developed land as quoted in Annex 2 of the NPPF specifically excludes "*land in built-up areas such as private residential gardens*". This was initially introduced under previous Government guidance PPG3 to restrict 'garden grabbing' however does not preclude development within the curtilages of existing properties provided these comply with all other development plan policies. The presumption in favour of sustainable development is the 'golden thread' running through planning policy and Local Planning Authorities are required through paragraph 15 of the NPPF to "*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*". This encouragement is reflected within many Local Plan policies including CP6 which states that "*development and economic growth will be accommodated in a sustainable*

manner which counters trends to more dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure”.

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this large site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However it should be noted that within a recent appeal decision for one new dwelling in Nazeing (EPF/2015/15) the Planning Inspectorate concluded that, with regards to the benefits to the five year land supply, *“I attached only limited weight to that argument bearing in mind that the proposal is for one additional dwelling only, which would not make any appreciable difference in housing land supply”.*

The last concern raised by neighbours with regards to the principle of this development is that it may set a precedent for similar proposals within the surrounding area, including at No. 5 Kendal Avenue. Whilst precedent is a material planning consideration the precedent of backland development such as this has already been set within the locality through the development at No. 18 and Whitebeams, Kendal Avenue. Slightly further afield other examples can be seen such as in No's 43a and 43b Charles Street and the rear of No. 9 Sunnyside Road. Furthermore the only sites within the immediate locality where such backland development could physically be possible are No. 5, No. 11 and No. 6a Kendal Avenue, however No. 5 would be unlikely to obtain consent for the subdivision of the site since the building is locally listed and its setting is important to its historic significance. The other two properties could theoretically follow suit with similar applications, although may have some problems obtaining access due to the presence of preserved trees.

Historically many of the surrounding sites, including those neighbouring properties within Hartland Road, were constructed within the gardens of much larger properties (in this case the garden of No. 5 Kendal Avenue). Whilst this does not hold much weight the more recent examples stated above, particularly No. 18 Kendal Avenue, have already set a precedent for this form of development and as such it is considered that the principle of the proposal is deemed to be acceptable.

Neighbouring Amenity:

The proposed new dwelling would be situated to the rear of No. 3 Kendal Avenue directly behind No's 26 and 28 Hartland Road. It would be set in 5m from the shared boundary with these two properties and sits on slightly lower land. The site backs on to the rear garden of No. 24 Hartland Road and the dwelling would be located between 3.5m and 4.5m from this shared boundary. The majority of the south eastern boundary is shared with the rear garden of No. 5 Kendal Avenue, however the last 2m adjoins the rear boundary of No. 8 Ravensmere, which sits on land approximately 2m lower than the application site. There is a large, well established hedge along the three shared boundaries that is proposed for retention.

The proposed new dwelling would be one-and-a-half storeys to a maximum height of 7.6m and a dropped down projection to a ridge height of 7m. Whilst the erection of this dwelling would introduce a new build into this currently undeveloped garden, and as such would affect the outlook of the surrounding neighbours, given the relatively low height of the building, the level of set back from the shared boundaries, and the height of the existing hedge the physical impact on neighbours as a result of loss of light or outlook would be minimal. This is further reduced by the difference in levels between the neighbouring properties in Hartland Road and the application site. Whilst the new dwelling would appear significantly higher when viewed from No. 8 Ravensmere due to these level changes the dwelling would be situated some 6m from this shared boundary and as such only the top part of the roof would be visible.

The only proposed first floor windows are two rear dormers and a small rear rooflight and two front gable windows (one in the main building and one in the front projection) and two small front rooflights. The two rear dormers would be located 3.5m and 4.5m from the shared boundary with No. 24 Hartland Road, however due to the height and density of the existing hedge, which would be retained (and conditioned as such), there would not be any direct overlooking as a result of these windows. Furthermore the area of garden most affected by the new dwelling would be the end of a 38m garden and the first floor window closest to the neighbours dwelling would serve a bathroom and would therefore be obscure glazed. Due to all of these factors the impact on privacy to this neighbour would be minimal.

Concern has been raised by neighbours in Hartland Road that share the side boundary of the site with regards to loss of privacy and overlooking. These dwellings have very small gardens measuring some 13m in depth. Given the location of the proposed new dwelling and position of the closest first floor front window the only garden that would fall within a 45 degree angle of this window is that at No. 30 (with the exception of the very southernmost corner of No. 28's garden), however this neighbouring property would be in excess of 15m from the new first floor window and benefits from a high brick wall behind the large established hedge. Due this, combined with the neighbours higher land level, it is not considered that there would be any excessive or undue loss of privacy to this neighbour.

Given the oblique angle between the window and the rear of No. 28, and since there are no first floor flank windows proposed facing No. 26, there would be no loss of privacy or overlooking of these properties. Concern has been raised from the residents of No. 9 Ravensmere due to a loss of privacy however their property boundary would be some 17m from the closest first floor window and therefore would not be unduly overlooked by the proposed dwelling. No. 8 Ravensmere have also raised concerns that first floor side windows could be installed at a later date that would overlook their site, however permitted development rights require any above ground windows to be obscure glazed with fixed frames and therefore any future windows that may be installed would not cause any loss of privacy.

Concerns have been raised regarding additional noise and light pollution, particularly from the new access road, however given the presence and retention of the thick established hedge, the lower ground level of the application site, and since this proposal is for a single dwelling, it is not considered that there would be any excessive harm as a result of this development.

The only other concern raised was due to the impact on the skyline however there is unfortunately no right to a view and therefore any loss of views or impact on the existing skyline are not material to the planning merits of the case.

Design:

The proposed dwelling would be a one-and-a-half storey property with half submerged rear dormer windows and would utilise traditional materials. Due to the location of the new dwelling this would not appear within any specific street scene, however the surrounding roads (primarily Kendal

Avenue and Ravensmere) contain a varied mix of style and size dwellings. Due to this it is not considered that the design of the proposal would be detrimental to the overall character and appearance of the area.

The proposed new dwelling would be served by 199m² of private amenity space. Whilst parts of this would be narrow and slightly more awkward in terms of their space (such as the rear strip of garden) this would nonetheless adequately serve a purpose, even if it is utilised more as outdoor storage than as a 'sitting out area'. The main section of garden would be to the southeast of the proposed dwelling and would be adequate in size and shape. The level of amenity space would far exceed the recommended standards as laid out within Policy DBE8 and the Essex Design Guide.

The proposed new dwelling would have a gross internal floor area (GIA) well in excess of the minimum GIA of 93m² for a three bed two person dwelling (or even 106m² for a four bed six person dwelling) as prescribed by the Nationally Described Space Standards.

Landscaping:

There is a well-established laurel hedge along the boundaries of the site and several trees within the rear garden, none of which are preserved and several of which are proposed to be removed. A tree report and Arboricultural Assessment has been submitted with the application and the removal of the trees is considered to be acceptable. The laurel hedge is proposed to be retained and as such this would need to be protected during development. This can be dealt with by way of conditions.

Highways/parking:

The proposed new dwelling would be served by two dedicated parking spaces and a large turning area, which would also offer informal visitor parking. This complies with the recommended guidance contained within the Essex County Council vehicle parking standards.

Whilst neighbouring residents have raised concerns about the potential safety implications of the new access road Essex County Council Highways have been consulted on this application and raise no objection since they consider that, from a highway and transportation perspective, the impact of the proposal is acceptable.

Other considerations:

Land Drainage:

The applicant is proposing to dispose of surface water by main sewer. The opportunity of new development should be taken to reduce the runoff entering the main sewer by incorporating sustainable drainage systems in to the drainage design. Techniques such as green roofs, rainwater harvesting and permeable paving should be given strong consideration. Due to this further details are required regarding surface water drainage, which can be dealt with by condition.

Contaminated Land:

All readily available Council held desk study information for this site has been screened and no evidence of any potentially significant contaminating activities appear to have taken place historically on the proposed site (records indicate that the site formed part of an undeveloped agricultural field until the present dwelling was built at the beginning of the last century and that the site has remained in domestic occupation since this time).

As potential land contamination risks are likely to be low, it should not be necessary for these risks

to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Conclusion:

A precedent has been set within the surrounding area for backland development such as this and the erection of a detached dwelling within this location would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and assists in the Council meeting its five-year supply of deliverable housing sites, albeit in a small way.

It is not considered that the new dwelling would be detrimental to the character or appearance of the surrounding area and, due to its location, would not be visible within any street scene. Despite concerns from the neighbouring residents the proposal would not result in any significant loss of amenities to neighbouring residents, primarily due to the retention of the existing large established hedge. This can be retained and protected by way of a condition.

All relevant internal and external space standards have been met and there is adequate parking provided on site. No objection has been raised by Essex County Council Highways, the Councils Tree & Landscape Officer or Land Drainage and as such it is considered that the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for approval.

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

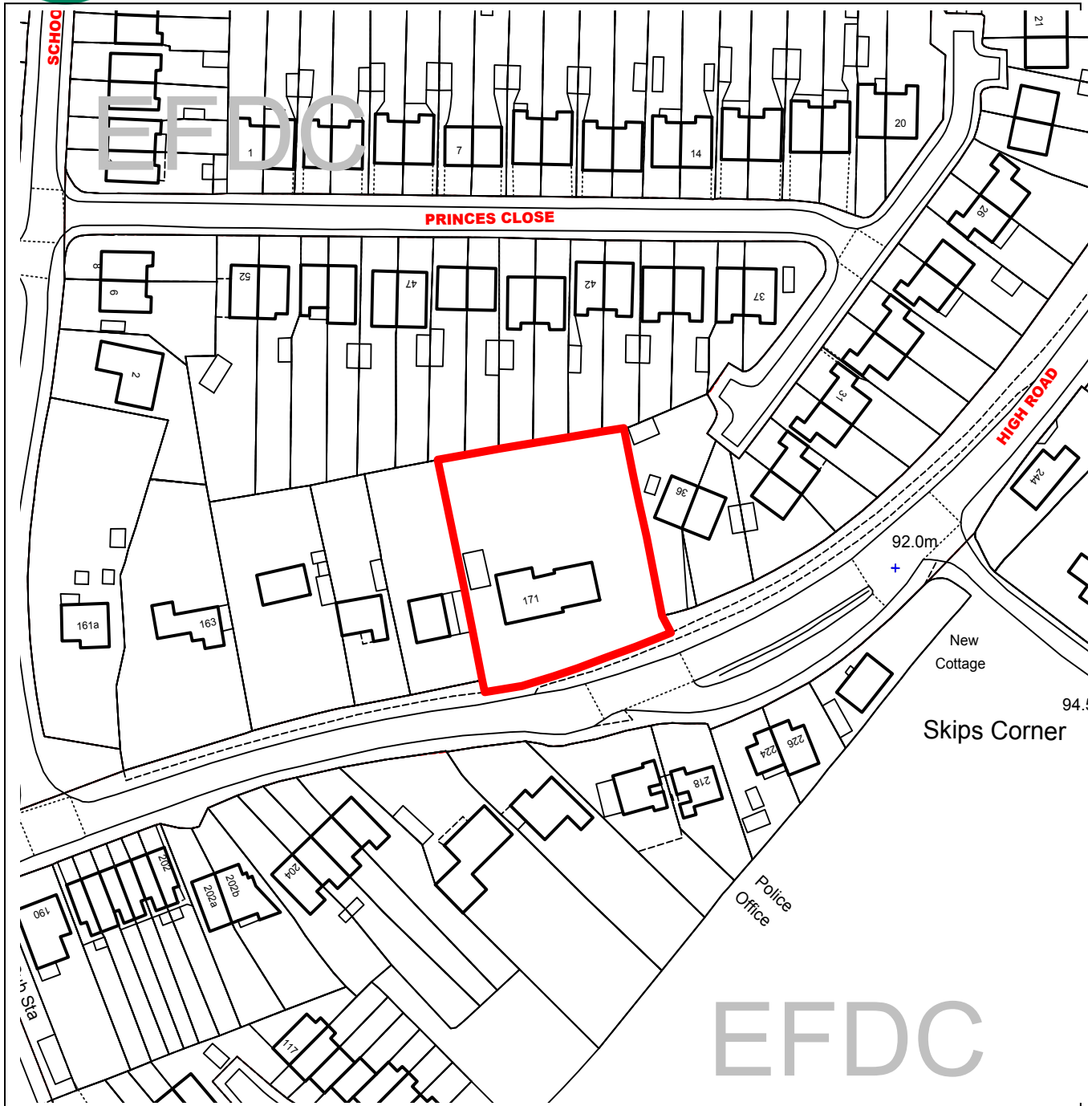
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 11



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Application Number:	EPF/1247/16
Site Name:	171 High Road North Weald Essex CM16 6EB
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/1247/16
SITE ADDRESS:	171 High Road North Weald Essex CM16 6EB
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Chris Trussell
DESCRIPTION OF PROPOSAL:	Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584495

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) scale;
 - (ii) appearance;
 - (iii) 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 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.

- 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 works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations).
- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 No development shall take place until details of the proposed surface materials for the access and driveways have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 8 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 9 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.

- 10 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.
- 11 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.
- 12 Prior to first occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and no more than 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/verge.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

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:

Large wide fronted detached dwelling and garage on 39 metre wide plot located on the northern side of the High Road in North Weald within the urban area.

Description of Proposal:

The proposal is for outline planning permission for the demolition of the existing buildings and construction of 4, four bed detached houses. Only layout and access are to be determined. The scheme layout indicates 4 detached dwellings located in a staggered pattern between 14 and 22m back from the highway each with independent access from the High Road and retaining 1m from the side boundaries with adjacent properties and 2 metres between properties. Although

indicative elevations have been submitted the design of the scheme is not to be determined at this stage. Each dwelling is shown to be approximately 8m wide with a maximum depth of 12.5m. Each property would have private amenity space to the rear, varying from about 140sqm for plot 4 up to 240sqm for plot 1.

Each plot would have a 5.5m wide vehicular access and would have parking within the front garden area for at least two cars.

Relevant History:

Outline planning permission for the erection of a detached dwelling to the east of the existing dwelling was granted in 2005 under reference EPF/1342/04

A reserved matters application EPF/0098/07 was refused due to the scale and bulk of the proposal and a revised, significantly reduced scheme EPF/2560/07) was approved in January 2008.

EPF/1722/13 – erection of detached dwelling was refused for the following reason:

“The proposed dwelling, due to its scale and position in relation to the rear facing windows and garden of no 22 Princes Close, would be overbearing and result in an unacceptable loss of outlook, causing harm to the residential amenity of the occupants of that dwelling, contrary to policy DBE2 and DBE9 of the adopted Local Plan and Alterations.”

EPF/2245/13 – A revised application for the erection of a 4 bed house to the east of the existing dwelling was approved by committee - 18/12/13

EPF/2460/15 – Outline application for the erection of 3 pairs of semi detached houses – Refused under delegated powers for the following reason;

1. The proposed development, due to the narrow plot widths and the over dominance of parking at the front of the site, would appear cramped and out of keeping with the prevailing pattern of development in this part of the High Road. As a consequence, the development would be harmful to the street scene, character and appearance of the locality and its visual amenities. Accordingly, the proposal is contrary to policies CP7 and DBE6 of the adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

Policies Applied:

Adopted Local Plan and Alterations

CP1 Achieving sustainable development objectives

CP2 Protecting the quality of the Rural and Built Environment

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

LL10 Adequacy of provision of landscape retention

LL11 Landscaping Schemes

ST1 Location of Development

ST2 Accessibility of Development

ST4 Road Safety

ST6 Vehicle Parking

The above policies form part of the Council's 1998 Local Plan. And are considered to be in accord with the NPPF and therefore carry full weight

Consultation Response

58 neighbours were consulted and a site notice was erected

The following responses were received;

36 PRINCES CLOSE– Strongly object loss of light, overshadowing of our garden, lounge and bedroom View from bedroom will be a brick wall. Harm to highway safety, the access is on a bend and is hazardous. There are sewerage and drainage problems in the area which would be made worse. Ground water issues due to loss of trees along our boundary could cause heave. The development is out of scale and character with the joining properties and detrimental to the street scene. Inadequate amenity space provision..

169 HIGH ROAD – Concerned about loss of outlook, increased noise and impact on my property. Concern about increased water in garden, concerns over the safety of the access and noise and disturbance. Noise and disruption. Loss of light to my kitchen and side windows and overlooking.

PARISH COUNCIL- The Parish Council objects to this application on the grounds of overdevelopment and out of keeping with the other properties in this locality. There is also concern that there is insufficient space for turning on the plots and ingress and egress on the High Road.

Issues and Considerations:

This is an outline application and appearance scale and landscaping are reserved matters, whilst access and layout are to be determined. The main considerations are therefore the principle of residential development, whether the proposed layout is appropriate in terms of the pattern of development and whether the proposed means of access are acceptable. Potential impact on neighbouring amenity also has to be assessed based on the submitted layout.

The Principle of Development

The application site is located within the built up urban area North Weald and within a predominantly residential area. The site is within a short walking distance to the facilities serving the village and whilst public transport within North Weald is fairly limited this is considered to be an appropriate location for additional housing.

It is accepted that the proposal would involve the development of garden land and that the definition of previously developed land as quoted in Annex 2 of the NPPF specifically excludes "*land in built-up areas such as private residential gardens*". This was initially introduced under previous Government guidance PPG3 to restrict 'garden grabbing' however does not preclude development within the curtilages of existing properties provided these comply with all other development plan policies. The presumption in favour of sustainable development is the 'golden thread' running through planning policy and Local Planning Authorities are required through paragraph 15 of the NPPF to "*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*". This encouragement is reflected within many Local Plan policies including CP6 which states that "*development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure*".

The site is situated within a relatively sustainable urban location close to local services, facilities and public transport and would make more efficient use of this large site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However it should be noted that within a recent appeal decision for one new dwelling in Nazeing (EPF/2015/15) the Planning Inspectorate concluded that, with regards to the benefits to the five year land supply, "*I attached only limited weight to that argument bearing in mind that the proposal is for one additional dwelling only, which would not make any appreciable difference in housing land supply*".

Layout

This part of this side of High Road is characterised by detached properties on relatively wide plots, further to the west there are semi detached properties with average plot widths of about 9 metres compared to abnormally wide application site which is some 39m in width and is only occupied by one dwelling. To the east of the site the properties in Princes Close back on to the High Road, so that the High Road itself maintains a hedged and relatively rural character.

The proposed layout results in 4 plots with widths of just under 10m, each occupied by a single detached dwelling. Given the mix of development in the locality this is considered to be appropriate and not out of keeping with the general surrounding density or pattern of development. The houses would front the High Road, which makes sense. Whilst parking would be to the front of the properties, given the size of the front garden areas proposed there is adequate space for the parking and turning areas not to over dominate the street scene, (unlike the earlier application for 6 dwelling).

Access

The proposed access and parking areas in the amended scheme have been considered by the Highways advisor from Essex County Council and are considered safe and appropriately designed subject to conditions.

Residential amenity

Whilst the relationship between plot 4 and number 36 Princes Close is not ideal it is considered that the full impact of the development will depend on the appearance and scale of the development, which is not to be determined at this stage. It is possible that despite the layout, the design and scale of the dwelling on plot 4 could be such that the impact on number 36 would not be excessive, particularly bearing in mind that there is already consent for detached 4 bed house in a similar position, which was granted consent in 2014.

The distance between the proposed dwellings and those to the rear in Priinces Close is sufficient to ensure there will be no loss of privacy or harm to living conditions in those properties. issue of overlooking

Whilst number 169 High Road has raised concern the layout indicates that the nearest dwelling to that property would be set off the boundary by a metres. The submitted block plan does not show the full extent of number 269, which actually extends at two storey about 4 metres further into the rear garden than shown. As such the suggested layout would not result in the proposed new dwelling extending beyond the rear elevation of 169. Subject to the detailed design of the scheme therefore there will be no adverse impact on the living conditions of the occupants.

A development utilising the suggested layout could clearly be designed to ensure no undue overlooking of adjacent private amenity areas or habitable rooms and to avoid significant loss of outlook or light. It is therefore not considered that the development would necessarily result in excessive harm to the residential amenities of adjacent neighbours. This will be addressed at the reserved matters stage.

Other issues.

Drainage – Some neighbours have raised concern regarding drainage and flooding, drainage. The site is not within an Environment Agency flood risk zone but the Councils land drainage team were consulted and provided the following comments.

“The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required; therefore please add land drainage condition SCN85A. The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required...” These matters could therefore be covered by condition to ensure that there is no increased risk of flooding on adjoining sites.be covered by condition.

Contaminated Land

The site has not been identified as potentially contaminated, but given the residential use, it is considered appropriate to apply a condition relating to any unexpected contamination being found.

Disruption During Development

This is not a significant material consideration and a standard hours of working condition can be applied to keep disruption to a minimum

Conclusion

The proposed scheme overcomes the previous reason for refusal and will make the best use of urban land without harm to the character or amenity of the area or any other harm and is therefore in accordance with the adopted policies of the Local Plan and Alterations and the NPPF and is therefore recommended for approval subject to conditions.

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

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

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