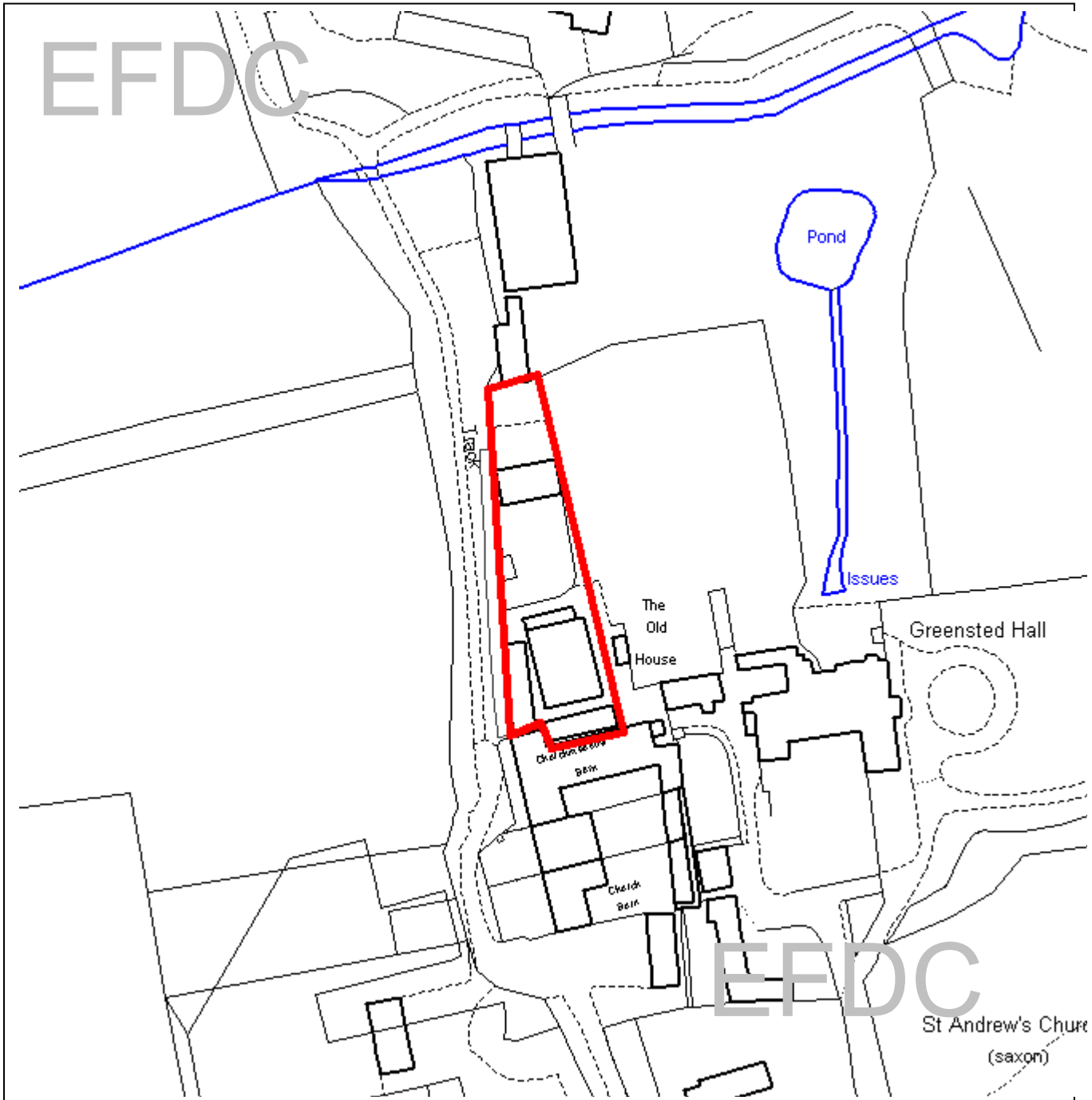


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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0035/16
Site Name:	Land adjacent to The Brewhouse, Church Lane, Ongar, CM5 9LD
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0035/16
SITE ADDRESS:	Land adjacent to The Brewhouse Church Lane Ongar Essex CM5 9LD
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Rick Miller
DESCRIPTION OF PROPOSAL:	Proposed demolition of existing outbuildings and erection of one new 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=581760

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:
1588.25 Location Plan at 1:2500
1588.25A Site Plan at 1:500
1588.24A
1588.23A
1588.20
1588.CC
1588.22A
1588.26
Heritage Statement
Design & Access/Planning Statement
Arboricultural Impact Assessment with drawing OS 1092-15.2 Revision A
- 3 The existing built form on the site, as shown on the site plan and as referred to in the Design & Access/Planning Statement, shall be demolished concurrently with construction of any part of the house hereby approved. No part of the existing built form on the site as shown on the site plan and as referred to in the Design & Access/Planning Statement shall remain above ground level prior to first occupation of the house hereby approved

- 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, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 6 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 7 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 8 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 9 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.

- 10 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.
- 11 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]
- 12 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]
- 13 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]

- 14 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.
- 15 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.
- 16 Additional drawings that show details of proposed new window, doors, structural alterations, eaves, verges, and cill, to be used 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 the works. The works shall be implemented in accordance with such approved details and permanently retained as such.
- 17 The public's rights and ease of passage over Public Footpath no.50 Ongar shall be maintained free and unobstructed at all times.

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)

This application is also 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 is part of a property known as The Brewhouse. The Brewhouse, Greensted Hall and a number of other dwellings are accessed by Church Lane. Church Lane has a junction on the northern side of Greensted Road.

The application site is formed by part of land within the ownership of the occupier of The Brewhouse. The house now known as The Brewhouse is to the east of the southerly end of the application site. Greensted Hall is to the east of The Brewhouse. At the northern end of the application site is a building with an open front facing south. This building is of breeze block and an almost flat metal surfaced roof and has three windows to the rear, facing north. The building faces into an enclosed yard with a breeze block wall, topped with engineering brick some 2.5m in height along the eastern side of the yard. The western edge of the yard is defined by a hedge. This hedge is on the eastern side of a track leading from Greensted Road to fields to the north. At the southern end of the application site three buildings effectively take up all the ground forming the southern half of the application site.

The site falls in level from south to north.

The site is within the Metropolitan Green Belt.

The Brewhouse is a Listed Building and Greensted Hall is a grade II* Listed Building. Immediately to the south of the application site is Church Meadow Barn, a Listed Building. Next to Church Meadow Barn is a building, The Hall Barns, which has been divided into three dwellings. To the south is The Coach House, another Listed Building. To the west of the curtilage of The Brewhouse is a track that terminates at Lavender Farm set away to the north. Part of this track forms a public footpath that is part of the Essex Way.

Description of Proposal:

Proposed demolition of existing outbuildings and erection of one new dwelling.

The front elevation of the proposed dwelling would face north and have a chalet-bungalow character to its appearance. The front elevation would have one full storey, on which the entrance door would be set, and roof accommodation; two dormers and a gable end would face north. The proposed dwelling would have a footprint resembling an inverted "L" with the front elevation being set on an arm running east/west and a front bay running north/south. Due to the ground levels falling to the north the forward projecting bay, extending to the north, would appear above ground whereas accommodation set further back, to the south, would be at basement level, terraced into the slope of the ground. This arrangement would convincingly give the appearance of a one-and-a-half storey dwelling with a detached outbuilding set in front.

The proposed dwelling would have a basement level floor which would be a true basement at the southern end, beneath the floor containing the entrance door and bedrooms above that, then have a roof lantern above, and then project above a falling slope. The southern end of the basement plan would have a home cinema and ancillary accommodation whilst the northern end would have an office and a workshop. The office and workshop would read as a building 13.5m long by 4m deep, with a gable roof with a height to the ridge of 4.6m on the eastern elevation, 3m in height to the eaves. However, on the western elevation, adjacent a track along which part of a public footpath runs, what would appear as the rear elevation of this element of the proposed building would be terraced into a slope such that it would be 2.5m in height to the eaves at the northern most end but be 1.5m in height at a position 13m further south.

The main element of the proposed building, what would appear as a flank wall of the dwelling, would have two windows facing the footpath. This part of the development would have eaves at an

average height of 4m, the eaves extending for 10m north/south. These eaves would be to a gabled roofed element of the proposed building. The ridge of this gable roof would have an average height of 6.5m as seen from the footpath.

The ground floor plan of the proposed development would measure 11.5m wide (i.e. west to east) by 9.5m deep. The ground floor plan would accommodate a hall inside the front door with a utility room, study and staircase off it and leading on to an open plan kitchen and living room area.

The first floor plan would accommodate two bedrooms, one with a bathroom en-suite, a box room measuring 4m wide by 1.7m deep and a bathroom.

Relevant History:

EPF/2985/14 - Application for Listed Building Consent to carry out the following works: Replace old render/feather edge with breathable insulation board x white lime render; reduce size of porch adding pitched roof; replace rotten windows with crittal style metal windows; and secondary glazing to existing windows; add hardwood door to kitchen for access to garden; raised engineered oak timber floor throughout ground floor with underfloor heating; add wc to ground floor 'office' area; remove & rebuild 2x stud partitions on first floor; add 3x shower cubicles; add raised landing over exposed beam to protect against wear- Granted 16/02/2015

EF\2014\ENQ\01487 – Pre-application enquiry for provision of one dwelling

EPF/2515/14 - Erection of stable block (3 stables), associated open fronted hay store. – Granted 22/12/2014

EPF/2173/15 - Grade II listed building application for installation of a wood burning stove. – Granted 02/12/2015

Policies Applied:

CP1	Achieving Sustainability Objectives
CP2	Quality of Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
HC12	Development Affecting the Setting of Listed Buildings
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE6	Parking for New Residential Developments
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL11	Landscaping Schemes
ST1	Location of Development
ST6	Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 3

Site notice posted: 22/01/2016

Responses received:

WEST ESSEX RAMBLERS – object – vehicular access would be along track that is a footpath and as such would be a danger to walkers, this is Green Belt land that should not be built on unless there are special circumstances and no such circumstances apply in this case, would spoil the historic setting of Greensted Hall.

GREENSTED HALL MANAGEMENT LTD – object – would infringe covenants, would compromise services such as drainage, proposal would be detrimental to its setting, detrimental to heritage assets, contrary to policy in NPPF and the Local Plan, inappropriate development in the Green Belt, site has no vehicular access, unsustainable location, no mains drainage, certificate with application is incorrect and therefore the application cannot be determined.

THE COACH HOUSE, GREENSTED HALL, CHURCH LANE – object – site address is incorrect as the site is within the curtilage of The Brew House, neglected state of the ground should not influence the Council's decision, would harm setting of Listed Buildings, would harm the Green Belt, unsustainable location, could harm the Essex Way, replacement outbuildings will be required for the existing house, there may be bats and barn owls in the buildings to be demolished, vehicular access is not possible, when stables are built there will be problems of flies and smells to occupants, insufficient parking, design too large, indications that the dwelling would involve a business use, some of the outbuildings are pre-1948 and so curtilage listed.

1 HALL FARM BARNS – object – loss of privacy, building work could compromise safety for my children, concerned about the aesthetic look of this property, could exacerbate a problem of insect infestation.

Parish Council: No response.

Main Issues and Considerations:

The main issues are considered to be the principle of development in the Green Belt, affect to the character of the setting of listed buildings, impact to neighbours, residential amenity of future occupiers, tree and landscape considerations and whether or not the development proposed would constitute sustainable development, as defined in the NPPF.

Green Belt

The site is within the Green Belt where planning permission will not be granted for the construction of a new building unless it is appropriate in that it is development of a type itemised within Policy GB2A. The proposal would not be any included in any of the types of development itemised. The development would therefore be inappropriate development within the Green Belt. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

However, the NPPF refers, at paragraph 89, to exceptions to what is inappropriate development. One such exception is redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

If it is accepted that the site is brownfield land then the proposal could be acceptable in principle. The glossary to the NPPF defines previously developed land as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure." Land in built-up areas such as private residential gardens is specifically excluded from the definition of previously developed land and some have extended this to imply that residential gardens outside built-up areas is previously developed land. Indeed, a court decision

(Dartford BC v. SSCLG. CO/4129/2015) indicates that a site within a rural area and part of the curtilage of developed land should be treated as previously-developed land.

The history of the site is of some length and involves the history of the estate to Greensted Hall as a whole. However, it is officers' opinion that the site now forms part of the curtilage of the residential property The Brewhouse. Given that the site is previously developed land, i.e. brownfield land, then the development is acceptable in principle subject to it having no greater impact to the openness of the Green Belt.

The volume of the buildings to be demolished is 1,194 cubic metres. The volume of the proposed dwelling would be 1,011 cubic metres. The footprint of the existing buildings is 456 sq m. The footprint of the proposed dwelling would be 202 sq m. Accordingly, the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

The dwelling would be in an out of the way position, any close public view of the dwelling would effectively only be from the track, along which a public footpath runs, to the west. The western elevation would have a modest mass being only two-storey for a length on the western elevation of 9.5m, the remaining 20m of length reading as a single storey building much of which is to be set into a slope.

The front elevation, the north elevation, would read as an almost chalet-style dwelling and be broken into single storey with front dormers and gable end elements.

It is considered that the proposed dwelling would have a good appearance.

Furthermore, 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. Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process in favour of a greater reliance on the NPPF.

The lack of a five year supply of housing weighs in favour of granting planning permission and is attributed substantial weight in this application.

Setting of Listed Buildings

The proposal site stands within the setting of several listed buildings; the 17th century Hall Farm Barn (grade II), The Brewhouse of 17th century origins which was converted to a dwelling in 1950 (grade II), and the grade II* listed Greensted Hall of medieval origins with extensive rebuilding c.1700. The wider site also includes Greensted Hall's former coach house listed at grade II, St Andrew's Church listed at grade I which is , therefore, of exceptional significance, and Hall Farmhouse and barn both of which are locally listed. The site is particularly sensitive in terms of its proximity to these heritage assets and the potential harm that could be caused through development.

The proposal sees the removal of three relatively modern outbuildings/agricultural buildings. These are unattractive, utilitarian buildings which detract from the setting of the surrounding buildings so their demolition is supported. The proposed replacement building is a modestly proportioned house with simple traditional detailing which occupies a smaller footprint than the existing buildings. It is a sympathetic addition to the site and an improvement on the existing arrangement.

The design of the house has been amended following discussions with the architect regarding the size, number and positioning of the dormer windows. There is now no objection to the proposal

with regard to its setting with Listed Buildings though conditions to any approval have been recommended by the Design and Conservation Team.

Impact to neighbours

A building, Church Barn, to the south of the application site has been converted into three dwellings. A single storey bay of one of these dwellings runs along the southern boundary of the site but this bay has no window facing the site, only roof lights. The nearest dwelling in the former barn has a window and a door leading onto a yard off the kitchen/breakfast room (plans for EPF/1077/99 refer) and a first floor window facing the position of the proposed dwelling though these are some 25m from the rear elevation of the proposed dwelling. The rear elevation of the proposed dwelling would have at first floor level two small roof lights and a bedroom window set in a gable end. Given the separation distance and that the proposed dwelling would be on lower ground it is considered that adverse material impact would result to the dwelling to the south, 1 Hall Farm Barns.

The objection of this neighbour are noted though the comments regarding loss of privacy and aesthetics are not supported. Other matters raised are not planning considerations.

Greensted Hall has a side elevation some 40m to the east of the position of the proposed dwelling. The Coach House is some 30m to the south of Greensted Hall. The siting of the proposed dwelling is considered sufficiently distant from any other neighbour so as to have no material adverse impact.

Amenity of future occupiers

Two car parking spaces would be provided to the proposed dwelling.

To the rear of the proposed dwelling would be a rear garden of at least 320 sq m.

Whilst a significant portion of the accommodation would be that at basement level and whilst a third bedroom would be of only box room size, it is considered that the proposed dwelling would offer a high standard of accommodation.

Tree and landscaping matters

Existing trees and hedges would be retained. The Trees and Landscaping Team has no objection subject to conditions to any approval. A hedge between the track to the west and the site would screen the dwelling from a footpath. Existing buildings to the south would screen the dwelling. More distantly trees and hedges to the north and east would make the proposed house inconspicuous in the landscape.

Sustainability

The use of previously developed land would in some way compensate for the dwelling not being in a sustainable location. The site is a short drive from Chipping Ongar which has a reasonable range of services and facilities. Although not in a sustainable location, this proposal for one dwelling is of a nature very similar to many others throughout the district which have relatively recently been granted planning permission.

Conclusion:

This Green Belt site is previously developed land and the proposal would result in a 15% reduction in volume and a 50% reduction in built form footprint. The proposal is considered acceptable with relevant planning policy and it is recommended that planning permission be granted

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

Planning Application Case Officer: Jonathan Doe
Direct Line Telephone Number: 01992 564103

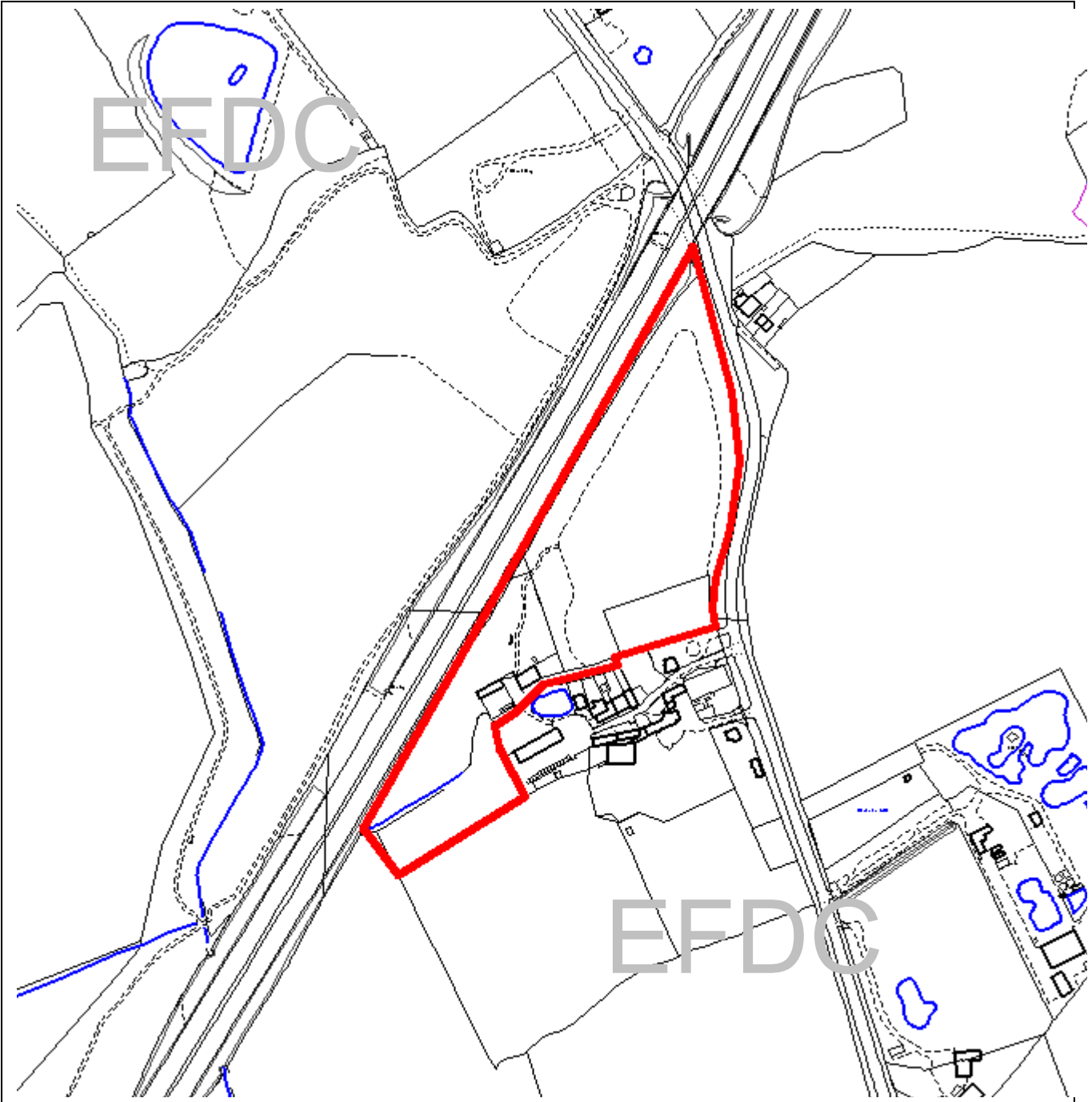
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1005/16
Site Name:	Magnolia House, Abridge Road, Theydon Bois, CM16 7NR
Scale of Plot:	1/1500

Report Item No: 2

APPLICATION No:	EPF/1005/16
SITE ADDRESS:	Magnolia House Abridge Road Theydon Bois Epping Essex CM16 7NR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs E Maxwell
DESCRIPTION OF PROPOSAL:	Certificate of Lawful Development for existing use of site for B8 storage purposes.
RECOMMENDED DECISION:	Lawful

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=583973

REASONS

- 1 Having regard to the evidence submitted the Council is satisfied that the existing use of the buildings for storage purposes within Use Class B8 has been extant for a period in excess of 10 years. The unit therefore benefits from existing use rights and is immune from any potential enforcement action.

This application is before this Committee since it is for a Certificate of Lawfulness in respect of existing use where the recommendation is that the development is lawful contrary to an objection from a local council (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site lies on land originally forming part of Theydon Hall Farm and comprises an area of around 1043 sq.m. housing three structures – a metal clad building with a gabled pitched roof of around 230 sq.m., what looks like a block of poor quality garages with their doors infilled but forming a single structure accessed from the northern end (around 138 sq.m. and a metal storage container of around 30 sq.m.

The buildings and the land surrounding forms part of the grounds of Magnolia House, a detached residential property to the south-east fronting the west side of Abridge Road. To the south lie land and buildings formerly part of Theydon Hall Farm but now comprising seven residential units with a shared access onto Abridge Road which abuts the southern boundary of Magnolia House.

A wooded area to the north and west screens the M11 which passes within 30metres of the site.

The site lies wholly within the Green Belt.

Description of Proposal:

The application seeks a lawful development certificate for the use of the buildings for storage purposes (use class B8).

The applicant Mr Maxwell, the joint owner of Magnolia House, has made a statutory declaration where he states he acquired the land in 2006. At the time, the buildings were being primarily used for the storage of furniture by a company (Leisure Furniture) which had previously used the buildings to the south for sale and display of garden / lightweight furniture (planning permission for that use being refused on 2003) and stopping sometime thereafter. A document has been submitted stating that the agreement to store the furniture was allowed to continue after Mr Maxwell acquired the site until April 2007, although Mr Maxwell declares this use continued until May 2008. Thereafter the buildings have largely been used by Mr Maxwell's own company for storage of air conditioning plant and equipment and to a lesser degree by other companies by agreement for periodic storage.

A supporting statement has been submitted from an employee of Leisure Furniture who confirmed that the buildings were used for storage by the company throughout her period of employment between 2001 and 2003.

Following further investigations and enquiries, additional material has been submitted. A search of one of the buildings revealed files belonging to Leisure Furniture which documents them using the Theydon Hall Farm address between 2004 and May 2005. Further information sought from the employee above confirms that the business relocated to the site around Spring 2002.

Four further invoice and credit documents have been supplied detailing temporary rental of storage facilities at 'the outbuilding at Magnolia House' issued to four separate companies covering various periods between February 2009 and March 2014.

A number of aerial photographs of the site covering various dates between 2005 and 2011 have also been submitted. These show the buildings and evidence of vehicle movements across the land to the north of the dwelling with a pattern of defined routes between Abridge Road, a gate on the northern boundary of a paddock abutting the main house and the outbuildings. These are consistent with the Council's own historic aerial photograph database.

Relevant History:

EPF/1822/03 Use of stable buildings as retail showroom – refused. This refers to the retail use of the adjacent farm buildings referred to in the supporting statements.

EPF/0599/04 Conversion of farm buildings into 7 dwellings – approved. This application covers the conversion of the farm buildings. Records indicate the works were implemented soon after and completed in late 2005. The block plan accompanying the application appears to show buildings sited in the position of the structures the subject of the current application.

EPF/1493/15 Formation of vehicle access approved. This permission relates to the provision of a new access onto the field north of Magnolia House, replacing a previous access further north on Abridge Road. Issues of access are discussed below.

Policies Applied:

Not relevant to lawful development certificate applications.

Consultation Carried Out and Summary of Representations Received

Date of site visit: 09 June 16

Number of neighbours consulted: Seven

Site notice posted: No, not required

Responses received: No response received from neighbours.

Comments have been received from the Theydon Bois Action Group who raise concerns at whether the buildings can be clearly identified and whether the use has been continuous. Concerns are also raised in respect of access to the site.

The objection refers to the evidence submitted in relation to the agreement in place at the time the applicant took over the premises in 2006 which refers only to 'the barn. The objection also disputes the description in the applicants statement that the buildings lie around a concrete yard, as a Google Maps image shows part of the area being grassed. The objectors also query the evidence of rental agreements submitted with the initial application which, as noted above, were for a company owned by the applicant.

The objection also raises issues around access to the site, noting that there appears to be no established access and referring to the 2015 planning permission for a new access, the contention being that the lack of a permanent access would affect whether the use has been continuous.

THEYDON BOIS PARISH COUNCIL object to the application, making the following comments:

'The Parish Council are sceptical that the buildings in question have been used continuously for 10 years for storage purposes. We would question whether the evidence submitted is sufficiently precise to justify the applicants claim.

Furthermore, we can see no evidence of regular access to the buildings which we would have expected to see following continued use over 10 years. We would suggest that the Planning Officer investigates this aspect further.

Although clearly there has been some periodic use of the buildings for storage, albeit illegally without planning permission, there is no evidence to suggest that the intensification of use was sufficient to justify the use of all three buildings on the site'.

Members should note that, following receipt of comments from the residents group and the Parish Council, further information has been sought and submitted.

Main Issues and Considerations:

The burden of proof in a Lawful Development Certificate application lies with the applicant. National Planning Guidance requires that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability..

Consideration of the evidence needs to have regard to the extent of any storage, the nature of that use as it relates to continuation of the use throughout the period and issues around access.

The existence of the three buildings as separate structures is sufficiently clear. All three can be identified from the 2004 planning application and 2007 aerial photographs on the Councils database. The space between the larger barn and the two smaller structures is evidently hard surfaced.

The clearest evidence of storage relates to the largest of the three buildings. It appears sufficiently clear that this building was certainly used by Leisure Furniture during their occupation of the site from 2002 (from the evidence of the former employee) until the showroom use ceased (2004-05 when the residential permission was implemented), through to 2007. Thereafter, this building has continued to be regularly used for storage and when the site was visited, this contained a wide range of goods much of it associated with the applicants air conditioning business.

Evidence on the other two buildings is not as clear. Much of the material currently found in these buildings may best be described as discarded. The shipping container contains among other things documentary records left behind by Leisure Furniture and the other building contains a mix of boxes, containers, panels scaffolds and assorted material. It was noted that all material related to business activity, there was no evidence of domestic storage, nor any evidence that the buildings had not been used since they were linked to any agricultural activity on the site.

Objectors do raise the issue of continuous use. In planning terms, continuous use does not require there to be activity on a regular basis, and permits periods where the use may not actually be taking place. (so long as no other use has taken place) It is evident that the buildings have been used as a repository for items either left behind (the Leisure Furniture files for example) or being stored long term rather than initially being disposed of. Despite apparent periods of inactivity therefore, there is no evidence that the use has been abandoned at any point and must be accepted as continuous.

Objections also raise issues of access to the building. It is apparent that before the site was subdivided, access was available from the land to the south. A boundary fence was erected between the two probably as part of the residential conversion, although access through this route was retained, aerial photographs show that a hard surface area runs up to the boundary and officers have seen that part of the fencing abutting this is removable.

Vehicle access is also available from Abridge Road where three points of access are identified. The crossover for the new access approved in 2015 has been constructed to the highway but the works to the site to remove fencing and shrubs has not been undertaken. The access replaced an access at some distance to the north which the applicant advises has never been used in the last 10 years. This access can be identified as the former dropped kerb was removed by the highway authority when installing the new access and replaced by new kerbstones; the nature of the landscape supports the contention that this access has not been used for many years. The third access lies between the two and the applicant states that this has been used as various times. The access is gated although no dropped kerb exists. Aerial photographs support the contention that this access has been used in the past; vehicle tracks are clearly visible from this access and while other photographic evidence shows its use has not been continuous the supports the contention that it has been used previously.

The applicant has also referred to the ability to access to buildings from within the residential curtilage, particularly by the applicants own business.

Conclusion:

Notwithstanding the obligation on the applicant to provide sufficient proof to support their application for a Lawful Development Certificate, National Planning Guidance also makes clear

that where the local planning authority cannot contradict the evidence then there is no good reason to refuse the application.

As set out above, such evidence as the Council has identified does appear to support the general contention that the use is lawful. While the use may not have generated much activity, this does not of itself mean that the use does not meet the requirements to be considered as having been continuous. While noting the doubts raised in public consultation, officers cannot find any evidence to support these reservations. It is considered therefore that on the balance of probability, the use has continued for in excess of 10 years.

The use is therefore considered to be lawful and the certificate should be issued.

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:

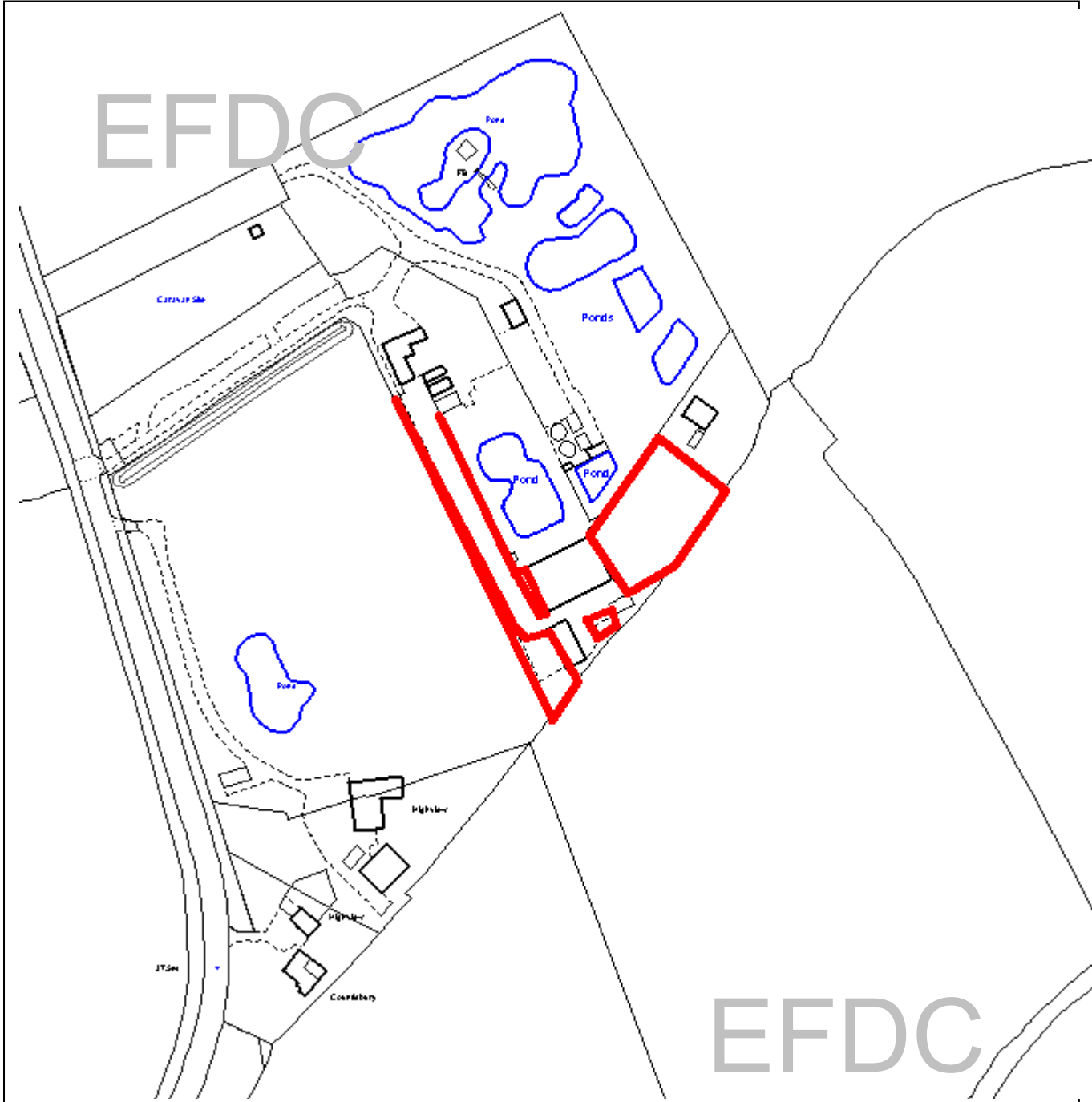
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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Agenda Item Number 3



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Application Number:	EPF/1227/16
Site Name:	Mossford Green Nursery, Abridge Road, Theydon Bois, CM16 7NR
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/1227/16
SITE ADDRESS:	Mossford Green Nursery Abridge Road Theydon Bois Epping Essex CM16 7NR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Owen Rowland
DESCRIPTION OF PROPOSAL:	Certificate of Lawful Development for existing use of site for storage of vehicles, caravans, motorhomes, trailers and machinery.
RECOMMENDED DECISION:	Lawful

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=584461

CONDITIONS

- 1 Having regard to the evidence submitted the Council is satisfied that the existing use of the land for parking and storage of vehicles, caravans, motor homes trailers and machinery has been extant for a period in excess of 10 years. The unit therefore benefits from existing use rights and is immune from any potential enforcement action.

This application is before this Committee since it is for a Certificate of Lawfulness in respect of existing use where the recommendation is that the development is lawful contrary to an objection from a local council (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site lies to the east side of Abridge Road, the site has a single access to the road and limited road frontage. It is located between the northern and eastern boundaries of the adjacent dwelling, Highview and the western and southern boundaries of Hillcroft Nursery. The site houses a mix of uses and buildings, there is a chalet bungalow located centrally within the site. The land closest to the road frontage is used for recreational parking of motor homes, caravans etc. At the southern end of the site lie two buildings, the larger used for storage and the smaller for general vehicle repairs.

The surrounding area comprises open fields, other than the immediate neighbours above. The site and surrounding areas lies within the Green Belt.

Description of Proposal:

The application seeks a lawful development certificate for use of open areas of the site for vehicle storage, including caravans, motor homes trailers and similar. The application plan is specific in defining the areas so used, comprising a single large hard surface area at the south-eastern end of the site, two smaller areas between buildings along the southern edge ;of he site and along either side of the access road abutting the boundary with Highview.

The initial application was accompanied by a series of aerial photographs purportedly taken from Google Earth covering the period 2003- 2011 showing vehicles parked in various locations around the site. These also indicated a new largest area of storage was laid around 2005 – 06.

The application is further accompanied by the applicants bookings diaries from 2007 – 2012 showing records of bookings over different periods, the case officer has also seen a five year diary for the more recent period which remains actively in use for current bookings. A bank paying in book showing consistent payments of similar amounts (which the applicant advises are standard storage charges) has also been submitted. The applicant has also submitted 8 letters purported to be signed by customers who have stored vehicles at the site (including 5 from business occupiers) who state that they have stored vehicles and caravans at the site over a range of periods from the mid-1990's to the present day.

Following a request for more information, an additional statement was submitted by the applicant. The statement, in the form of a Statutory Declaration states that he has owned the site since 1995 and has stored vehicles in various locations since. In late 2005 (when the adjacent storage building was built), an existing hard surface to the east of the buildings at the southern end was cleared and redressed to allow further storage and the use has continued to evolve since that time. Throughout the subsequent period, areas of hard standing have continued to be maintained and renewed as required. Vehicles are parked for differing periods, agreements are usually for 6 month periods although owners may remove their vehicles for varying periods depending on the time of year. Demand and maintenance requirements mean that vehicles may have been moved around the site but the area of hardstanding has remained the same throughout the period.

Relevant History:

The site has an extensive planning history including applications for dwellings (all refused) and agricultural buildings (generally approved). The current applicant's name first appears on application submitted in 1995.

- EPF/0948/95 Workshop building approved – this is the building at the southern end of the site (see EPF/2267/14)
- EPF/0950/95 Use of dwelling for agricultural use approved.
- EPF/0119/96 Retention of entrance gates approved.
- EPF/2050/01 Dwelling in south east corner of site refused
- EPF/0842/05 Replacement agricultural building for breeding insects refused on the bulk of the building
- EPF/1355/05 Revised application as above approved. It should be noted that this is the building referred to in the applicant's declaration as being built in late 2005.
- EPF/1431/13 Change of use to allow 25 holiday let mobile homes / caravans refused on Green Belt grounds – this relates to the land at the northern end of the site
- EPF/0744/14 Revised application for 15 pitches approved
- EPF/2267/14 Lawful Development certificate issued for use of workshop building for vehicle repairs.

Policies Applied:

Not relevant to LDC applications.

Consultation Carried Out and Summary of Representations Received

Date of site visit: 09 June 2016

Number of neighbours consulted: Four

Site notice posted: No, not required

Responses received: No response received from neighbours consulted.

Comments have however been received from the Theydon Bois & District Rural Preservation Society and Theydon Bois Action Group. Comments from the former refer to the applications in 2013 and 2014 for holiday pitches and argue that the application would breach to conditions in those applications. Their view is that the permitted scheme sets the limits for caravans on the site. However, officers are satisfied that the site boundaries to which the permitted scheme relates are clearly identified in that application and do not include the land subject of the current application.

Comments from the later question the evidence submitted arguing that the aerial photographs are unclear as to the level of storage and the areas concerned. They note that the main hard surface area is not surfaces in the 2005 photo and only appears in November 2006 (less than 10 years ago). They also query whether the use was evident when the LDC application was considered in 2014.

THEYDON BOIS PARISH COUNCIL object to the application:

'It is the Parish Council's view that the evidence supplied is not conclusive. In particular the aerial photos represent a snapshot in time rather than proof of any continuous use of the site. Who has validated the accuracy of the dates on the photographs? Two of the photographs appear to be identical although they have different dates on them.

There does not seem to be any significant intensification of the use of the site until 2010. Any vehicles on site prior to this date could be ancillary to the use of the site rather than being stored for any continuous period of time.

There is no lawful planning consent for anything other than that provided under applications EPF/0744/14 and EPF/2267/14. In conjunction with these applications, we assume that visits from the planning department were made and would have registered any activity going on at the site.

In conclusion the evidence does not appear to be sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability'.

Main Issues and Considerations:

Council records are largely silent in relation to the parking of vehicles on the areas of land the subject of the application, photographs retained in the database tend to be specific to the proposals they relate to and general shots of the main hardstanding area are taken only in the last two years showing caravans parked thereon. A number of complaints have been investigated by the Enforcement Team in relation to caravans on the site, but these investigations have specifically been focussed on the land now benefitting from planning permission.

Thus, the primary evidence for consideration remains that submitted by the applicant. Officers have noted there is a consistency between the statement and the history of planning application submitted for the site.

The Council has undertaken a review of aerial photographs within its own database and have confirmed that these are consistent with the applicants submission. These show vehicles parked on various parts of the application site throughout the ten year period, the number of vehicles increasing in more recent years. They also show the area which the applicant states was cleared on overgrowth and redressed with a new top surface, although it is impossible to verify this solely from the photographs which would equally support the objectors contention that this was a new hard surface. While noting the aerial photograph showing the hard surface is dated November 2006, less than 10 years ago, this of itself does not dispute the applicants claim that the work was carried out at the same time as the adjacent building (EPF/1355/05) some time between the granting of the permission for that building in September 2005 and the end of that year.

Officers have examined further the supporting evidence submitted in the form of diaries purporting to record bookings. A detailed analysis has been carried out of the 2007 entries which record the following:

- 46 identifiable separate entries
- 22 repeat entries for named entries later in the year
- 18 references to storing caravans, 2 to camper vans, 8 cars, 1 trailer, 1 container and 3 references to general storage.
- 7 entries, referring to inside storage and 4 to outside storage

Other diaries show a consistent approach to the monitoring of bookings.

Officers have therefore had regard to the tests in National Planning Guidance in respect of the determination of lawful development applications whereby if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. While noting the evidence does contain some gaps, there is a clear pattern that emerges from the applicants statement and supporting information.

It is evident that the overall level of storage has increased in recent years, the aerial photographs clearly demonstrate this incremental increase. Relevant case law on intensification (*in particular Herts CC vs SSCLG / M & W Recycling Ltd 2012*) suggests however that the evolution of a use will rarely result in a material change of use. For such a change to have occurred, it is necessary to establish that the use results in a definable change in the character of the land and operations. In this regard, it is apparent that the character of the land has not substantially altered. The areas used for housing vehicles have existed throughout the period, notwithstanding the point made by the objector in relation to the November 2006 photograph not meeting the 10 year period (the works to this area evidently took place between 2005 and 2006 and vehicles are shown in the photograph suggesting the surfacing work had been completed some time before) . No other evident alterations have been made to the land to accommodate additional vehicles. The pattern of activity also remains unchanged – vehicles are stored for differing periods and may be removed from time to time during that period on a random basis. As such, a change of use through intensification could not be argued.

Conclusion:

The evidence submitted by the applicant has been reviewed and found to be generally consistent with Council records both from the evolution of planning applications and aerial photographs. Officers attach considerable weight to the evidence of the diaries which show a clear pattern of storage of caravans and other vehicles and trailers over an extended period. It is also noted that there is little evidence that actually contradicts what has been submitted, including no comments or complaints from immediate neighbours.

The use has clearly increased but for the reasons above this has not resulted in a material change in the character of the overall use.

Thus, the evidence is sufficient to show on a balance of probability that the use is lawful.

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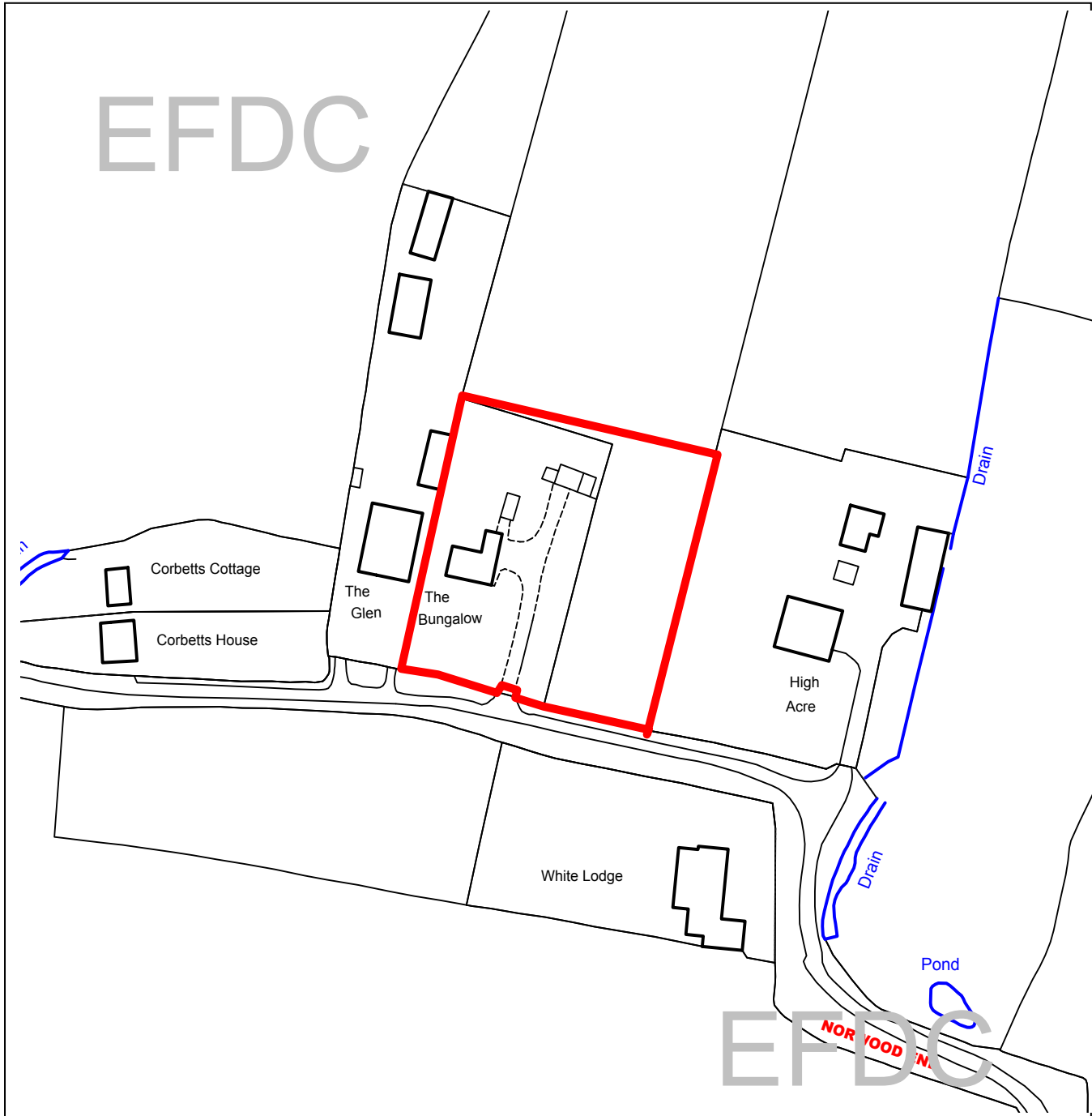
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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Agenda Item Number 4



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Application Number:	EPF/1320/16
Site Name:	The Bungalow, Norwood End, Fyfield, CM5 0RW
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1320/16
SITE ADDRESS:	The Bungalow Norwood End Fyfield Essex CM5 0RW
PARISH:	Fyfield
WARD:	Moreton and Fyfield
APPLICANT:	Mr Garry Hobson
DESCRIPTION OF PROPOSAL:	Demolition of a detached bungalow and erection of a detached dwelling (Resubmitted application to EPF/0564/16)
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=584697

CONDITIONS

- 1 The proposed replacement dwelling would be materially larger than the existing building and therefore constitutes inappropriate development harmful to the Green Belt. There are no very special circumstances that clearly outweigh the harm to the Green Belt and therefore the proposal fails to comply with the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

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

Description of Site:

The application site is a detached bungalow located on the northern side of Norwood End. The application site is within the Metropolitan Green Belt and is part of a small enclave containing six dwellings on this part of Norwood End. When originally constructed both The Bungalow and The Glen were identical properties.

Description of Proposal:

Consent is being sought for the demolition of the existing bungalow and ancillary outbuildings and the erection of a new two storey dwelling. The new dwelling would measure a maximum of 18.2m in width and maximum of 10.8m in depth with a pitched roof with two front to back gable

projections. These would each have a ridge height of 7.9m with the central section of roof between the two being 7.5m in height. The central section of roof would have a catslide roof to the front with a single pitched roof dormer window.

Relevant History:

EPF/0564/16 - Demolition of existing bungalow and erection of a detached dwelling – withdrawn
04/05/16

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
GB2A – Development within the Green Belt
GB15A – Replacement dwellings
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
RP3 – Water quality
RP4 – Contaminated land

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:

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

PARISH COUNCIL – None received.

HIGH ACRE, NORWOOD END – No objection to the proposed replacement house however concerned about some inconsistencies/errors on the plans.

Main Issues and Considerations:

The key considerations are the impact on the Green Belt, the design and impact on the area, and any harm to neighbours amenities.

Green Belt:

Paragraph 89 of the National Planning Policy Framework states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”, however does provide a list of exceptions to this. This includes “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”. Within this exception the key consideration relates to whether the replacement dwelling would have a greater impact on the openness of the Green Belt than the existing building.

The footprint of the existing dwelling on the site is 80.83m² and this has a total volume of 295.5m³. The proposed new dwelling would have a footprint of 127m² and volume of 830m³. As such the

proposed new dwelling would be 57% larger in footprint and 180% larger in volume than the existing dwelling, which is clearly materially larger than the existing building.

The National Planning Policy Framework states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" and that "*when considering any planning application, local planning authorities should ensure 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 inappropriateness, and any other harm, is clearly outweighed by other considerations*". Paragraph 88 of the Framework states that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*".

The matters put forward by the applicant in favour of the proposal are summarised as follows:

- The proposed development involves the demolition of the existing outbuildings;
- The existing building benefits from a permitted development 'fallback position'; and
- The neighbouring property at The Glen, which was originally the same size as The Bungalow, measures approximately the same as this proposal.

Existing outbuildings:

There are two outbuildings proposed to be removed as part of this application which have footprints of 16.6m² and 35.4m² and volumes of 45.38m³ and 162.84m³. When taking into account the outbuildings to be demolished the proposed new dwelling would result in a 4.4% reduction in footprint but still increases the volume of the built form on the site by 64%.

Whilst there is no requirement to include the volume/floor area of outbuildings when assessing replacement houses such 'trade-offs' have been given some weight in certain instances. However in this case, even when taking into account the existing outbuildings the proposed replacement dwelling would still be some 64% larger than the existing built form on the site and therefore would continue to be material larger than the existing building(s). As such the removal of the outbuildings would not constitute very special circumstances that clearly outweigh the harm from this inappropriate development.

Permitted development 'fallback':

The existing bungalow has a single storey flat roofed rear addition however there does not appear to be any planning consent for this and the rear projection is visible on the 1972 plotting sheets. Therefore there is a chance that this extension pre-dates planning and would be classed as 'original'. There have been no other additions to the original bungalow.

The existing dwelling benefits from full permitted development rights and therefore could significantly extend without the need for planning consent. In addition a number of further outbuildings could be erected without prior consent. Whilst the volume of this permitted development has not been calculated it is accepted that there is a likely 'fallback position' in this case that could see a significant increase in built form on site. Although this is given some weight in this assessment there has been no lawful development certificates granted, or indeed any plans indicating the level of permitted development fallback, and as such the weight currently given to this matter is fairly limited.

Whilst it is accepted in some instances that permitted development extensions can result in visually intrusive and poor development this is not always the case and it is perfectly feasible that appropriately designed extensions erected as permitted development could be undertaken on this site without causing undue harm to the character and appearance of the area.

Neighbouring property:

Both The Bungalow and The Glen were originally identical bungalows when erected. Whilst very little has been done to The Bungalow the adjacent dwelling has been extended on several occasions starting in 1966 and most recently obtaining consent in January 2016 to increase the ridge height and insert new dormer windows. As a result of the various extensions the neighbouring bungalow now has a footprint of 146m² and volume of 817m³.

It is accepted that the extensions added to the neighbouring property are a material planning consideration that weighs in favour of the proposal these extensions have been added over a long period of time, several of them predate the most recent guidance, and the requirements for residential extensions differ to those for new dwellings.

Although nearby development and 'precedent' are material planning considerations each proposal is assessed on its individual merits. Whilst it was clearly considered that there was sufficient justification to allow for the extension of the neighbouring property it is not considered that this matter is sufficient enough to allow for such a materially larger replacement dwelling on this site. It must be remembered that if planning permission is granted for a replacement dwelling, whilst permitted development rights could be removed, the new dwelling in planning terms would be the "original building" and future applications for extensions could only be refused if they were deemed to be fall outside the scope of the policy that allows proportionate extensions over and above the original building. Inspectors have in the past not accepted an argument that where we have allowed a larger house and removed Permitted development Rights further extension should be resisted.

Green Belt conclusion:

Given the above it is not considered that the matters put forward by the applicant in favour of the development are sufficient enough in themselves, or when considered cumulatively, to clearly outweigh the harm from this inappropriate development. Therefore the proposal would be contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies CP2 and GB2A.

Design:

Whilst the proposed new dwelling would be two storeys it would be similar in height to the adjacent one-and-a-half storey chalet bungalow. The overall design of the proposed new dwelling is considered sufficient and would not be detrimental to the character and appearance of the street scene or surrounding area.

Amenities:

Given the location of the dwelling within the site there would be no physical loss of amenities to any neighbouring residents. Concern has been raised by the resident at High Acre that some of the submitted plans have incorporated an area of agricultural field into the residential site, however it is clearly stated within the submitted Planning Statement that "*for the purposes of the application we have defined the residential curtilage in red and the remainder of the site in blue*". This is shown on the proposed site plan as the smaller area, excluding the part of the field and could be conditioned as such.

Other Matters:

The applicant is proposing to dispose of foul sewage by package treatment plant and surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may

not be suitable for the site. As such further details are required regarding drainage, which can be dealt with by condition.

Domestic dwellings with gardens are classified as a particularly sensitive use that are vulnerable to the presence of contamination. All readily available Council held desk study information for this site has been assessed and no evidence can be found of any potentially significant contaminating activities having taking place historically on the site (records indicate that the site has formed part of a field since at least the 19th Century) . 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. 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 should suffice.

Conclusion:

The proposed replacement dwelling would be materially larger than the existing building and therefore constitutes inappropriate development harmful to the Green Belt. The matters put forward in favour of the development are not sufficient to clearly outweigh this harm and therefore there are no very special circumstances in this instance. Due to this the proposal fails to comply with the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations and as such is recommended for refusal.

Possible way forward:

Given the Green Belt designation of the site only a replacement dwelling not materially larger than the one that it replaces would be permitted.

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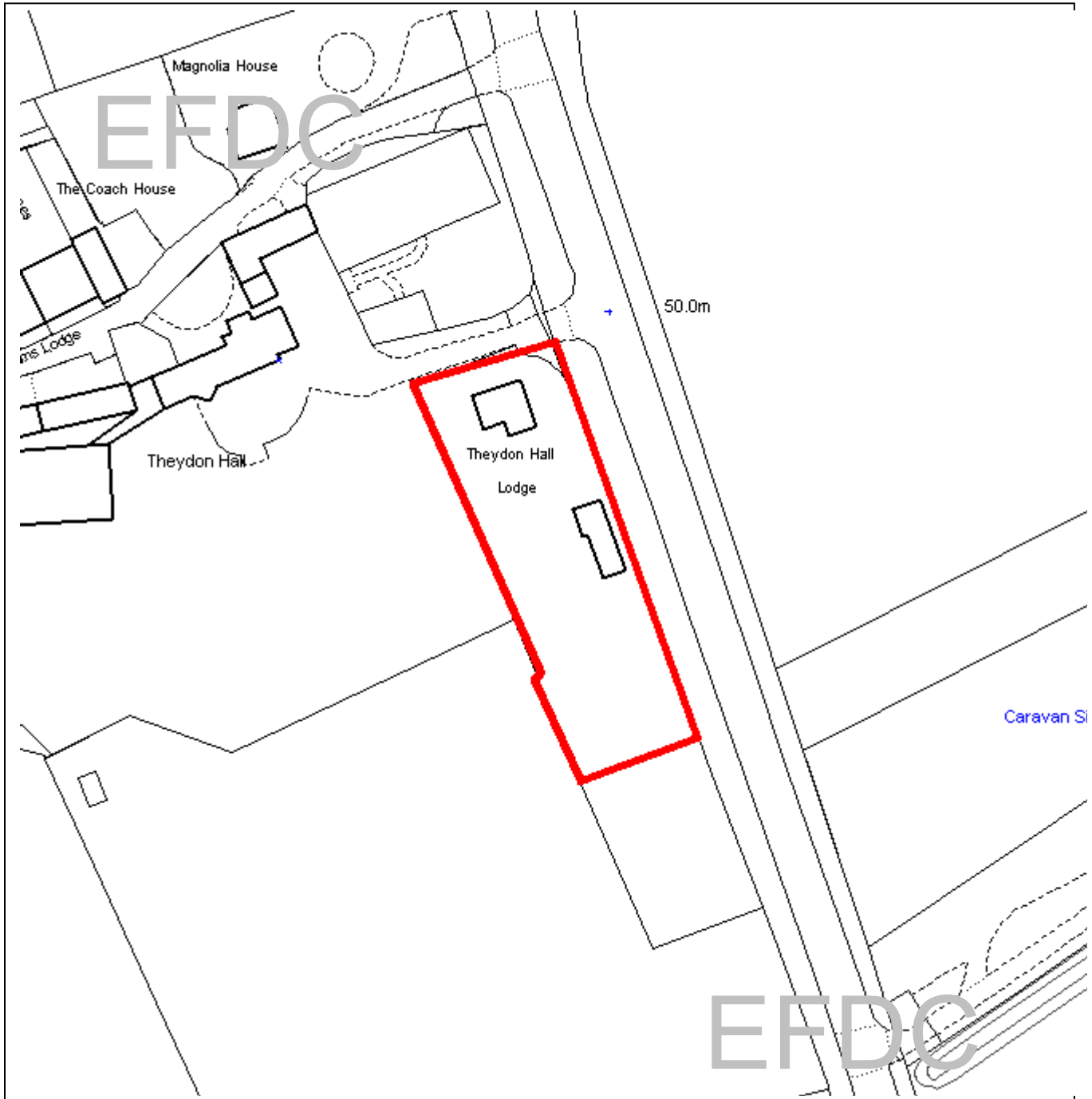
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Application Number:	EPF/1464/16
Site Name:	Theydon Hall Lodge, Abridge Road, Theydon Bois, CM16 7NR
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1464/16
SITE ADDRESS:	Theydon Hall Lodge Abridge Road Theydon Bois Epping Essex CM16 7NR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Roger Mansfield
DESCRIPTION OF PROPOSAL:	Conversion of existing storage building into a two-bedroom annexe.
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=584924

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Theydon Hall Lodge

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:

Theydon Hall Lodge is located to the east of Abridge Road. The main building lies towards the northern end of the site and comprises a two storey detached house. To the south, abutting the road boundary but set behind the high boundary wall to the site lie two structures; closest to the house is a timber garage building and to the south of this lies the building subject of the application comprising a garage / store and three stable stalls. Vehicle access to the site lies immediately south of this building.

The area around the buildings is laid as gardens and driveway and is visually distinct from the area to the south of the vehicle access, wherein lies an area of hard surface but not maintained to the same standard, and a paddock to the south west.

The site lies immediately south of the entrance to Theydon Hall which is set back from the road and there are other buildings to the north of this is residential use, otherwise the site is generally surrounding by open land. The whole area is within the Green Belt.

Description of Proposal:

The application proposes alterations to the stable / store building to create a two bedroom self contained unit to be used as an annexe to the existing house. Planning permission is effectively required as a variation to conditions imposed on the construction of the building which state:

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1988 (or of any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and for no other purpose whatsoever.

The proposed stable accommodation shall be used solely for the domestic needs and personal enjoyment of the occupants of the dwelling and shall not be used for any form of business or commercial use whatsoever.

The external alterations to the building are all on the west face of the building; two stable doors are replaced by glazed doors and one is bricked up and the garage opening is replaced doors by in the centre with brickwork to the remainder of the opening. No other alterations to the site layout are proposed.

The applicant has submitted a supporting letter confirming the building is intended for use by a dependant relative, his brother, who currently resides in a care home in Sussex with no other relatives in the area, and that he has considered using the accommodation alternatively for his daughter to live in.

Relevant History:

- EPF/1152/94 Detached garage and stables in rear garden – approved subject to conditions including the above.
- EPF/0500/98 Garden implement building – refused on Green Belt grounds. This building was located south of the vehicle entrance gate.
- EPF/1119/98 Garden implement building –approved. This building is that located north of the application building.
- EPF1421/15 Chalet bungalow with cart lodge and new access – refused on green belt and sustainability grounds. This application proposed a separate unit on the southern part of the land within the site and was substantially different to the current scheme.

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

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: 11 July 2016

Number of neighbours consulted: three

Site notice posted: No, not required

Responses received: No response received from neighbours, however local amenity groups Theydon Bois & District Rural Preservation Society and Theydon Bois Action Group (TBAG) have both objected to the application. Both groups consider that the size of the unit and nature of the accommodation mean the proposal effectively creates a separate unit which is functionally independent. They raise further concerns that the building is too remote from the main dwelling. Reference is also made to previous applications, including the conditions on the earlier permission and the refused application for a separate dwelling in 2015.

TBAG also refer to there being two accesses into the site which would facilitate independent use but this is incorrect, the access closest to the existing building serves only Theydon Hall and all access to the Lodge site is from the access to the south.

TBAG have also supplied a 2013 appeal decision relating to ancillary residential accommodation within the curtilage of a dwelling house. This is considered further below.

THEYDON BOIS PARISH COUNCIL objects to the application and have commented as under:

We would first refer to a previous application no. EPF/1152/94 for a detached garage and stables (now referred to as an existing 'storage building' in the current application) which was approved with the following conditions:

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and for no other purposes whatsoever.
4. The proposed stable accommodation shall be used solely for the domestic needs and personal enjoyment of the occupants of the dwelling'

Further, application no EPF/1119/98 for a new garden implement building was approved and was built and is now being referred to as a separate 'garage'. This 'garage' further emphasises the physical separation of the subject of this application, the 'storage building', from the main dwelling and its positioning within the plot boundary to facilitate independent vehicular access. In addition, a further recent application no EPF/1421/15 to create a new dwelling within the boundary lines of this site as presently shown on the current plans was refused.

The conditions imposed under EPF/1152/94 clearly show there was a concern to specifically restrict the use of this site. The current application would create a fully self-contained new dwelling within the green belt with all services and situated some distance from the main dwelling and in a site situation where separate access and parking could easily be established for each dwelling. The applicant has not demonstrated any special circumstances in support of the current application for consideration and the conditions as above under EPF/1152/94 together with the Green Belt NPPF and Local Plan provisions should take precedence and this application be refused.

Lastly, we are concerned that the plans submitted are misleading in that the plot boundary is lined in red when the boundary should be in blue and only the residential curtilage outlined in red. We would therefore ask that this application should not be considered until the boundary and residential curtilage are correctly defined on submitted plans.

In the event that permission should be granted, we would ask that conditions are imposed which ensure that all future use of this building must remain as an ancillary to the residential use of the main dwelling and not become a separate primary dwelling with independent access and separate permitted development rights.”

Main Issues and Considerations:

In considering the application, it is firstly necessary to determine whether the proposal can be considered as ancillary to the dwelling and thereafter to assess the application against national and local policy and assess amenity considerations.

Comments from residents groups and the Parish Council raise matters relating to the siting of the building, and to issues around what may constitute the residential curtilage. The applicants have now supplied a revised plan which identifies the residential curtilage which reflects the curtilage identified by officers when visiting the site and shows the building within that part of the site.

The appeal decision submitted with the comments provides useful comment. That decision, relating to a Lawful Development certificate, identifies that there should be some functional relationship between the primary use and the ancillary use. The Inspector also cites the case *Uttlesford DC vs SSE & White (1992)* where the Court considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit, it is a matter of fact and degree. The Inspector further stated that if the outbuilding remains part of the same planning unit, and the planning unit remains occupied in single family occupation, then no material change occurs. In the appeal case, the Inspector identified evidence of physical separation between the dwellings including separate gardens fenced off (which is evidently not the case with the current application).

Officers are satisfied that there is physical connection between the two buildings. Irrespective of the precise distance between the buildings, they clearly lie within residential part of the site, share the same access and are not visually or physically separate; in fact it would not be possible to separate without significant and disruptive alterations to the grounds. Planning permission would be required to utilise the unit as a separate dwelling and this is not what has been applied for here. Given the length of time since the original consent for the building it is not considered that there has been any intention to deceive. The building was clearly built and used for its then stated purpose.

In Green Belt terms, the development is not proposing any additional built development or expansion of curtilage, nor does it result in the creation of a new dwelling and as a result does not adversely impact on the protection of the Green Belt. In amenity terms, buildings on adjoining sites

are some distance from any common boundaries and no adverse impact results. The physical alterations to the building are minor and raise no design concerns.

While noting the conditions imposed on previous permissions, officers consider these specifically related to the issues arising from the application proposals and were not intended to permanently preclude consideration of any other use of the buildings.

Conclusion:

The proposal meets the key tests for ancillary accommodation in that the building lies within the established residential curtilage, is not physically separate within the site and shares the same access. The previous conditions, which the application effectively seeks to remove, were not intended to prevent any alternative use, simply to ensure that such a use was considered through the appropriate process.

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:

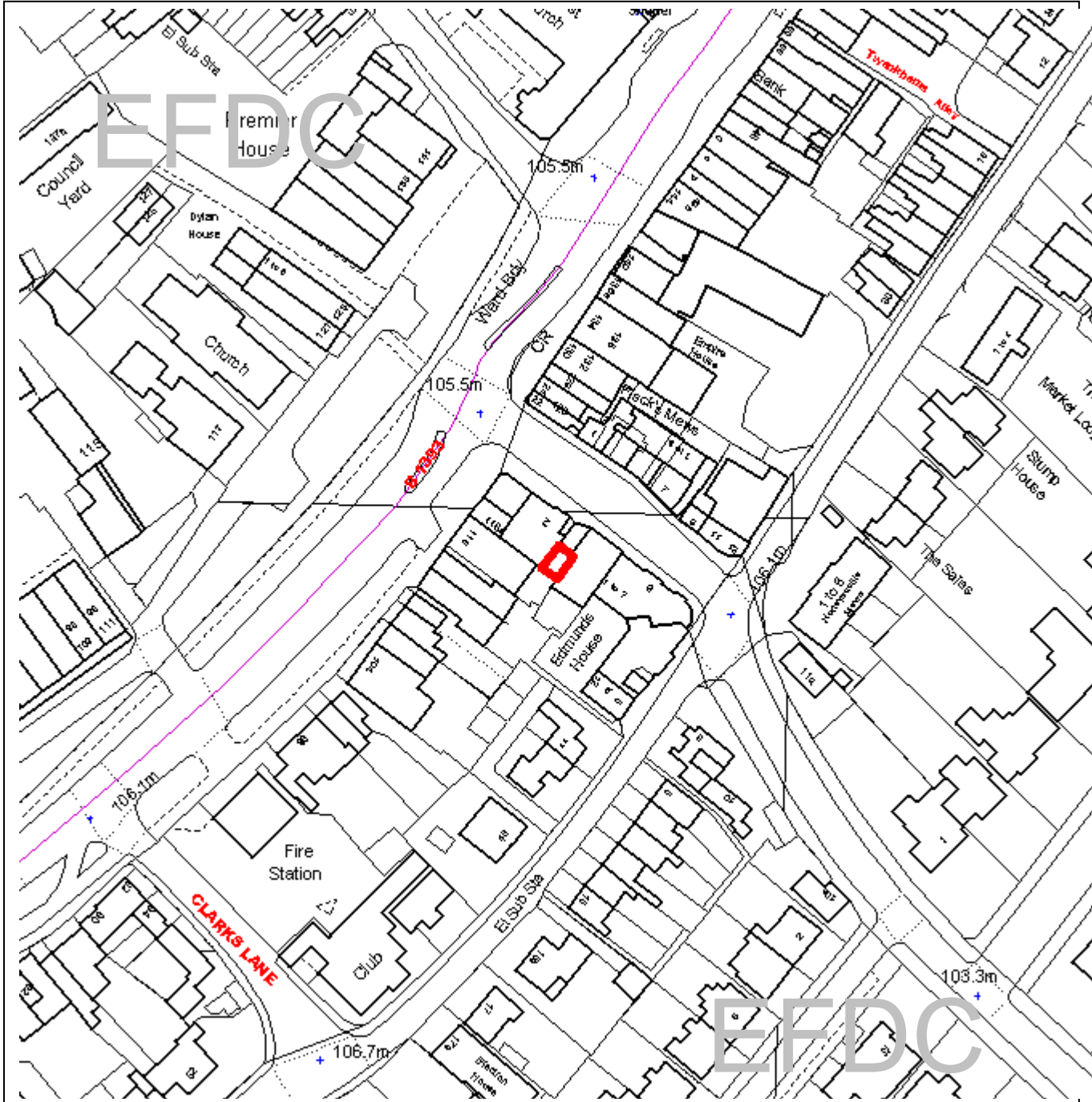
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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/1471/16
Site Name:	4 Station Road (R/O 118 High Street), Epping, CM16 4AF
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1471/16
SITE ADDRESS:	4 Station Road (R/O 118 High Street) Epping Essex CM16 4AF
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Ben Spencer
DESCRIPTION OF PROPOSAL:	Change of use of a storage area (B8) to the rear of 118 High Street to use as a Taxi Office (Sui Generis).
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=584955

- 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: (PL)100-P1, (EX)100-P1, (EX)300-P1

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 rear section of No. 118 High Street (also known as 4 Station Road). The site currently contains a small storage unit to the rear of the existing bicycle shop at 118 High Street, which is located on the junction of the High Street and Station Road.

Description of proposal:

Consent is being sought for a change of use of the existing B8 storage unit to a *Sui Generis* taxi office.

Relevant History:

None relevant.

Policies Applied:

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP8 – Sustainable economic development
- TC3 – Town centre function
- TC4 – Non-retail frontage
- HC6 – Character, appearance and setting of Conservation Areas
- HC7 – Development within Conservation Areas
- ST4 – Road safety
- ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

29 neighbouring properties were consulted and a Site Notice was displayed. A reconsultation was sent to the Town Council after the receipt of the recently submitted Transport Statement. At the time of producing the Committee Report no further comments had been received however any additional comments will be verbally reported to Members at Committee.

TOWN COUNCIL – Object. The taxi office would be sited on a very busy road, with parking restrictions, close to a busy pedestrian crossing and key roundabout. The increased pedestrian and vehicle use would be detrimental to highway safety.

Main Issues and Considerations:

The main issues with the application are considered to be the effect on highway safety, the vitality and viability of the town centre and the character and appearance of the conservation area.

Highway considerations:

At the request of the Planning Officer a Traffic Statement has been submitted with regards to the proposed development, primarily due to its position close to the roundabout on the junction of the High Street and Station Road.

The proposed taxi office would be used by Elite Cars, which currently operates from 291 High Street. The Traffic Statement confirms that "*the office's main function will be as a call centre acting*

as a switchboard between customer and taxi driver. We understand this will be via a PDA system – a small mobile hand held device that provides computing information storage and retrieval functions, which includes GPS mapping capabilities”.

The majority of the stated business associated with the proposed use is stated to take the form of either ‘call outs’, whereby the call centre notifies drivers of a pick-up, or customers flagging down vehicles on-street. Approximately 10% of the proposed business would be by way of ‘walking in customers’. Such ‘walk-ins’ would be directed to a collection point away from Station Road.

The final function of the proposed office is to provide toilet facilities for taxi drivers. It is stated in the Traffic Statement that *“during this scenario taxi drivers will temporarily park in one of the car parks they currently use for waiting in their existing office set up or within legitimate on-street parking opportunities before walking to the office”.*

It is expected that drivers will be out on jobs for most of their shifts since this is the most economically viable scenario for the business, however when not on a job the drivers will continue to make use of the three existing taxi rank spaces located outside of 287-291 High Street (as per the existing situation), within the short stay parking bays on the High Street, or within one of the off-street car parks within the vicinity of the site. The most likely car parks to be used are stated as:

- Tesco Car Park on High Street (Monday – Saturday 06:00-00:00 Sunday 10:00-16:00 offering free parking);
- Epping Station Car Park on Station Road (Monday – Sunday All Day with charges at all times);
- Epping Forest District Council Car Park on Cottis Lane (Monday – Sunday All Day with charges between Monday – Sunday 07:30-18:00);
- Epping Forest District Council Car Park on Bakers Lane (Monday – Sunday All Day with charges between Monday – Sunday 08:00-18:00); and
- Epping Forest District Council Car Park on High Street (Monday – Sunday All Day with charges between Monday – Sunday 08:00-18:00).

Whilst concerns have been raised by the Town Council about the potential impact on the *“busy pedestrian crossing and key roundabout”* this stretch of road is heavily restricted with zig-zag markings associated with the zebra crossing and double yellow lines. These restrictions would ensure that taxis would be unable to park up or even stop directly outside of the unit since this would run the risk of parking enforcement. It is because of this that the Essex County Council Highways Officer has responded stating that *“there are no highway issues associated with the above planning application”*.

Town centre:

The application site is located within the designated town centre but outside of the key frontage. Given the current storage use of the existing site the proposed development would make better use of this existing unit by encouraging additional footfall and business use within this town centre location.

The occupant would be Elite Cars, who currently operate from 291 High Street however are vacating due to a recent planning consent on their existing site. Therefore the proposal would enable the retention of this existing local business and would assist in the continued vitality and viability of the town centre.

Conservation area:

The application site is located within Epping Conservation Area however the proposed change of use would not have any detrimental impact on the character or appearance of the area.

Conclusion:

The proposed development would not be detrimental to highway safety or the character and appearance of the conservation area and would positively aid the vitality and viability of the town centre. As such the proposal 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***

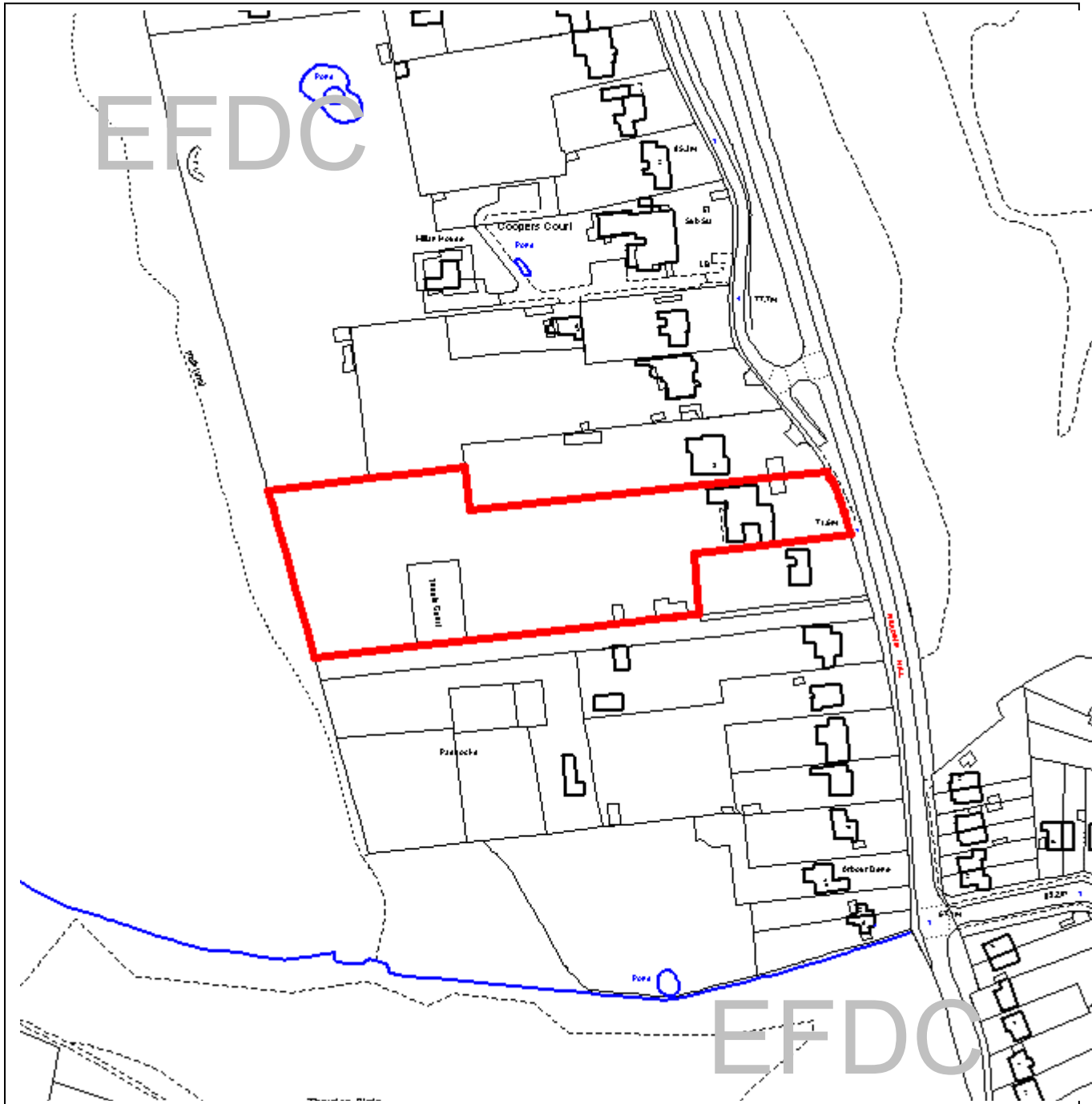
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Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/1548/16
Site Name:	26 Piercing Hill, Theydon Bois, Epping, CM16 7JW
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/1548/16
SITE ADDRESS:	26 Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Ari Demetriou
DESCRIPTION OF PROPOSAL:	Replacement dwelling and detached garage; pitched roof to existing garage; and front wall/railings and gates with altered access point/crossover. (Revised application to EPF/2687/15)
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=585156

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be a maximum of 5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 4 Prior to first occupation of the development the existing redundant dropped kerb crossing points shall be fully reinstated to full height kerbing and footway.
- 5 There shall be no discharge of surface water onto the Highway.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan 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.
- 9 The development hereby permitted will be completed strictly in accordance with the approved drawings numbered 1, 2, and 4, a street scene elevation, a 1/500 block plan amended Aug 2016, a 1/1250 site location plan, a plan of front gates and railings, a plan showing alterations to rear garage off side lane, and 3 plans numbered 1616; 01, :02, and :03.
- 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 until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

- 12 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation for approval is contrary to a) an objection from a local council and b) to more than two objections received, which are material to the planning merits of the proposal, (pursuant to the 'constitution, part three:scheme of delegation, appendix 3.).

Description of Site:

A substantial bungalow with rooms in the roof and located on a very large plot on the west side of Piercing Hill. The dwelling lies in the Green Belt but in a staggered row or enclave of houses that lie on the west side of Piercing Hill. The property is not listed nor does it lie within a conservation area.

Description of Proposal:

Demolition of existing dwelling, and erection of a two storey house with accommodation in the roof and at basement level. Provision of a pitched roof over the existing garage to the rear, erection of new front garage, and provision of new wall, railings and gates on the front boundary, and alterations to existing crossover.

Relevant History:

EPF/2004/15 proposed a replacement dwelling in a recessed position with the same front and rear building lines as the neighbouring no.27 Piercing Hill. This application was withdrawn partly because officers felt its recessed position would significantly detract from the other neighbour at no.25 – and consequently it was likely to be refused planning permission.

EPF/2687/15 proposed a replacement dwelling in a more forward position. However planning permission was refused because of its impact on the outlook and amenity of no.25 – please see below. An appeal has been lodged against this refusal but has yet to be decided.

Policies Applied:

GB2A – Development in the Green Belt
CP2 – Protecting the quality of the rural and built environment.
DBE1 – Design of new buildings.
LL10 - Adequacy of provision for landscape protection
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking

National Planning Policy Framework

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – objection. The changes made to the previously refused EPF/2687/15 are noted but these are relatively minor and do not overcome the main reasons for refusal. We note that the recommendations of the planning officer ‘in terms of a way forward’ have been ignored by the applicant. The dwelling is still positioned entirely behind the rear of the neighbouring no.25 which is unacceptable. The increased height of the building, coupled with the difference in ground levels, will make it tower over its neighbour affecting amenity. The proposed pitch roof over the rear garage will also add to the overbearing ‘hemmed in’ effect. The double garage proposed in front of the house will be in front of the building line and visually intrusive, and the replacement of trees and shrubs with block paving is out of character. The Council has been made aware of further concerns. The residential curtilage of is not correctly shown and an attempt is being made to include the entire 7 acre site as residential curtilage, and there is still concern about the accuracy of the block plan. In conclusion the Council recommends refusal of this application and the proposed dwelling should be positioned further forward as suggested previously by the planning officer.

THEYDON BOIS ACTION GROUP – this is a sensitive area in the Green Belt. The additional height and mass of the dwelling would be a conspicuous development contrary to policy GB7 A. Additionally it is clearly materially larger than the dwelling it replaces, and is therefore contrary to Green Belt policies in the NPPF. We consider the rear part of the plot to be outside the residential curtilage and if permitted development rights were used further inappropriate development would occur. If the proposal is allowed permitted development rights should be removed. The proposed front high boundary treatment will be incongruous in the street scene. The property could be used as a circular traffic island around no.25. Finally, the revisions proposed do not adequately address the reason for refusal of EPF/2687/15.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – object – the building appears to be materially greater in volume than the existing building, and is therefore inappropriate in the Green Belt. The provision of two side extensions does not provide for subservient extensions built elsewhere in this row of properties, and the provision of a hardstanding and parking area at the front would be unsympathetic.

CITY OF LONDON – object - the height of the new building, and its roof profile and dormer windows, would be conspicuous and would have a materially greater impact on the open character of the Green Belt. Similarly the proposed detached garage at the front, and new roof over the existing garage at the rear, would also have an adverse effect on openness.

NEIGHBOURS – 16 properties consulted and 10 replies received:-

25 PIERCING HILL – Object – contrary to what is stated in the applicants Design and Access statement the revised proposal does not address the comments made in the officers delegated report when refusing the previous application. For example the proposed dwelling still lies wholly to the rear of no.25, and an inverted L shaped footprint has not been provided, nor has a single storey rear section been proposed closer to the boundary with no.25. Other concerns relate to the amount of glass still being proposed in the front elevation; the ridge heights of the side extensions have only seemingly been lowered by a small amount; the stepping in of the rear wing of the house by 500mm on the ground floor, and 800mm on first floor are minor amendments; the provision now of a basement could cause damage to our foundations and cause surface water flooding; the rear balcony now proposed will cause overlooking; the new house with its attic rooms and basement, and extensive footprint compared to other dwellings, will be over dominant and would clearly be, in Green Belt terms, materially larger than the dwelling it replaces; the block plan and street scene are inaccurate and misleading; the proposed new garage at the front of the house would appear incongruous in the street scene, and combined with the garage at the rear could result in a large no. of vehicles using the site; the proposed roof over the garage to the rear,

which lies 3m from our boundary, would be intrusive and oppressive; the front parking area and erection of tall metal gates and brick piers will not be in keeping with the street scene. A further letter from a consultant acting for the householders at no.25 has also been received. It reiterates that the applicants have failed to amend their scheme in ways suggested in the officer's report on the previously refused application. It also cites 5 other serious deficiencies with the application. Firstly, the demolition of the roof of the existing dwelling, and creation of new roof over the rear garage, could affect a protected species ie bats and an independent survey is required to identify their occurrence or not before any planning decision can be arrived at. Secondly, the application has not properly addressed impact on the openness of the Green Belt, and clearly the extra height and flank size of the new dwelling detracts from the openness of the Green Belt and is therefore inappropriate. Thirdly, the proposal to provide an extensive basement has not been accompanied by evidence to assess a) ground water and surface water run-off in an area which has previously experienced flooding, b) effects on the structure of neighbouring properties, c) a construction management plan, and d) a basement impact assessment. Fourthly, the changes made to the proposal do not significantly reduce the impact of the bulk and height of the dwelling on my clients amenity, and overlooking, and a perception of being overlooked, will also be caused. Fifthly, the stark security gates and walls on the front boundary would harm the wooded appearance and rural character of this part of Piercing Hill.

29 PIERCING HILL – object – the design is out of keeping and out of scale with other houses on the Hill, as is the proposed entrance gates. The proposed new house would loom over the house on lower ground at no.25 and will give rise to overlooking.

21 PIERCING HILL – object – the proposed dwelling is too large, out of character, contains a basement which could cause damage to neighbours, and there is concern over possible development of the large area of land to the rear.

22 Piercing HILL – object – while many of these late nineteenth century houses have been extended they all retain a similar character. However the size of the proposed house is nearly twice that of our extended house, and that and its design, including front dormers, make sit out of keeping with its surroundings. The proposal impacts considerably on the neighbouring no.25 which stands on lower ground, and the front garage is also inappropriate in the street scene.

9, PIERCING HILL – object on grounds of overdevelopment, impact on no.25, loss of privacy caused by the balcony, and excessive height of security gates.

37, THEYDON PARK ROAD – object – the revised proposal does little to respond to the officer's views on the previous application. Also objects on similar grounds as cited above regarding the size and height of the proposed dwelling, impact on street scene, provision of basement and rear balcony, new garage and raised roof over rear garage, and form of front boundary treatment.

NUMBERS 23, 15, 24 and 5 PIERCING HILL - objections received on similar grounds to those set out above.

ESSEX COUNTY COUNCIL HIGHWAYS - from a highway and transportation perspective the impact of the proposal is acceptable – subject to conditions being imposed regarding detailed matters relating to the revised access.

EFDC TREES SECTION – Details of tree protection and an arboricultural report have been submitted. We have no objection to the proposals subject to conditions being added regarding tree protection and details of proposed landscaping to be submitted.

Issues and Considerations:

The main issue raised by this application is whether the revisions made are sufficient to address the reason for refusal of the previous application for a replacement dwelling under EPF/2687/15. The reason for refusal was as follows:-

The proposed dwelling, by reason of its position to the rear of the neighbouring number 25, its depth and height, its proximity to the side boundary and its raised ground level, would be an unneighbourly and obtrusive development that would detract from the outlook and amenity of the neighbouring house at number 25. The proposal would therefore be contrary to policy DBE9 of the adopted Local Plan and Alterations and contrary to the National Planning Policy Framework.

Changes made are firstly that the flank of the house has been moved further away from the side boundary with no.25. The main front section of the proposed house, with a gable end roof, is now positioned 4.3m in from the boundary with no.25 as opposed to 4m on the previous proposal. The ground floor of the rear 2 storey wing is now 5m away from the boundary compared to the previous 4.5m, and the first floor is further recessed being 5.8m from the boundary. Secondly, the ridge of the sloping roof over the part one and part two storey wing has been reduced by 0.4m and the proposed dwelling will now be cut into the ground level of the site so that the dwelling as a whole will be 0.5m lower in height. These changes will reduce the proposed dwellings impact on no.25. It should be noted, as shown on the block plan, that the existing dwelling lies far closer to this boundary than the proposed replacement dwelling, and it extends a sizeable 8m further in depth at the rear. While it is acknowledged that the proposed 2 storey dwelling has a greater height than the generally one and a half stories height of the existing dwelling, its more forward position on the site means that it is positioned well behind a 45 degree line drawn from the nearest habitable room window in no.25. Consequently its impact is more angled away from view and this more forward position is an improvement on the much deeper footprint of the existing dwelling. The existing boundary with no.25 also contains high leylandi trees which have been lopped and are not particularly attractive. These trees lie inside the boundary of no.26 and it is proposed to replace these leylandi trees with a replacement mature specimen hedge of laurel or other agreed species. Further details of this replacement hedge will be covered by a condition.

Taken together the above revisions do lessen the impact of the proposal on the amenity of no. 25 to an acceptable level. However, many of the objections received to this application feel that the revisions made are minor in nature, and that in particular the dwelling has not been brought forward so that part of its footprint would stand alongside the flank of no.25. Although a more forward position on site may be desirable it is considered that the other changes made are sufficient to provide for a satisfactory reduction in impact.

In terms of overlooking a first floor side window facing no.25 is proposed. However this window is to be obscured glazed and serves a non habitable dressing room. Nevertheless it is acknowledged that this window could give rise to a perception of being overlooked. As such officers are suggesting to the applicant that this window be reduced in size to a high level window, and the outcome of these discussions will be reported verbally at Committee. A first floor rear balcony is now proposed in this revised proposal. This balcony is partly recessed between the two wings of the house, and a privacy screen is proposed preventing side facing views into the rear section of the rear garden of no.25. Consequently, this roof terrace will not give rise to any appreciable loss of privacy.

In respect of the previous application EPF/2687/15, other reasons for refusal, relating to impact on openness of the Green Belt, and design, were given close consideration. While the new dwelling was a higher building its volume was smaller, and given that its position was on a 'logical' staggered line between existing 2 storied dwelling, it was deemed not to reduce the openness of the Green Belt, in any case the development can be regarded as limited infilling within a village

and is therefore not inappropriate development in Green Belt terms. In terms of design the typical Victorian appearance of the proposed house was considered to represent a considerable improvement over the appearance of the 'utilitarian' design of the large existing dwelling. It was also considered that the proposed two wings, as opposed to one wing, was not inappropriate. Given that these two matters did not form part of the previous refusal it could be seen as unreasonable to refuse this current application on these grounds – although clearly objectors have repeated these grounds of objection again on this current application. Notwithstanding this point the current proposal does show changes that improve the scheme's design and reduces its impact on openness. Firstly, dormer windows have been removed from each two storey wing, less windows are proposed in the elevations of these wings, and their ridge height has been lowered. These changes help to reduce the prominence of the wings and make them more subservient to the main dwelling. The removal of dormer windows at roof level also reduces the bulk of the dwelling in terms of the Green Belt, and although a basement is now proposed it is a recognised planning view that below ground accommodation does not affect the openness of the Green Belt. In this context the objections received to this current application on design and Green belt grounds are not considered to be significant to justify a refusal of consent.

In respect of other matters the proposed new gates, 2.2m high, are proposed 5m back from the front of the site and their impact is therefore lessened. A 0.9m high curved wall with 2.2m railings and new planting behind, will form the remainder of the frontage, and having regard to the nature of the locality this form of treatment is acceptable. The proposed garage in the front area will have an eaves height of 2.5m with a four roof slopes above leading to a roof point of 4.5m in height. Its size and profile is acceptable and will have a limited impact on the amenity of the nearest neighbour at no.25. Finally, at the rear of the site it is proposed to erect a sloping roof over the existing flat roofed garage. The new proposed ridge will therefore be 1.1m higher than the existing flat roof, and this modest change, plus vegetation on the nearest boundary with no.25, plus the rear garden depth of no.25, will mean that this new roof will have also have a small impact on the amenity and outlook of no.25.

Conclusions:

For the reasons set out above the revisions to the proposal are sufficient to reduce impact on the amenity and outlook to no.25 to an acceptable level. The revised proposal also makes some improvements to the proposal in respect of its design and impact on openness. It is therefore recommended that planning permission be granted subject to conditions.

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

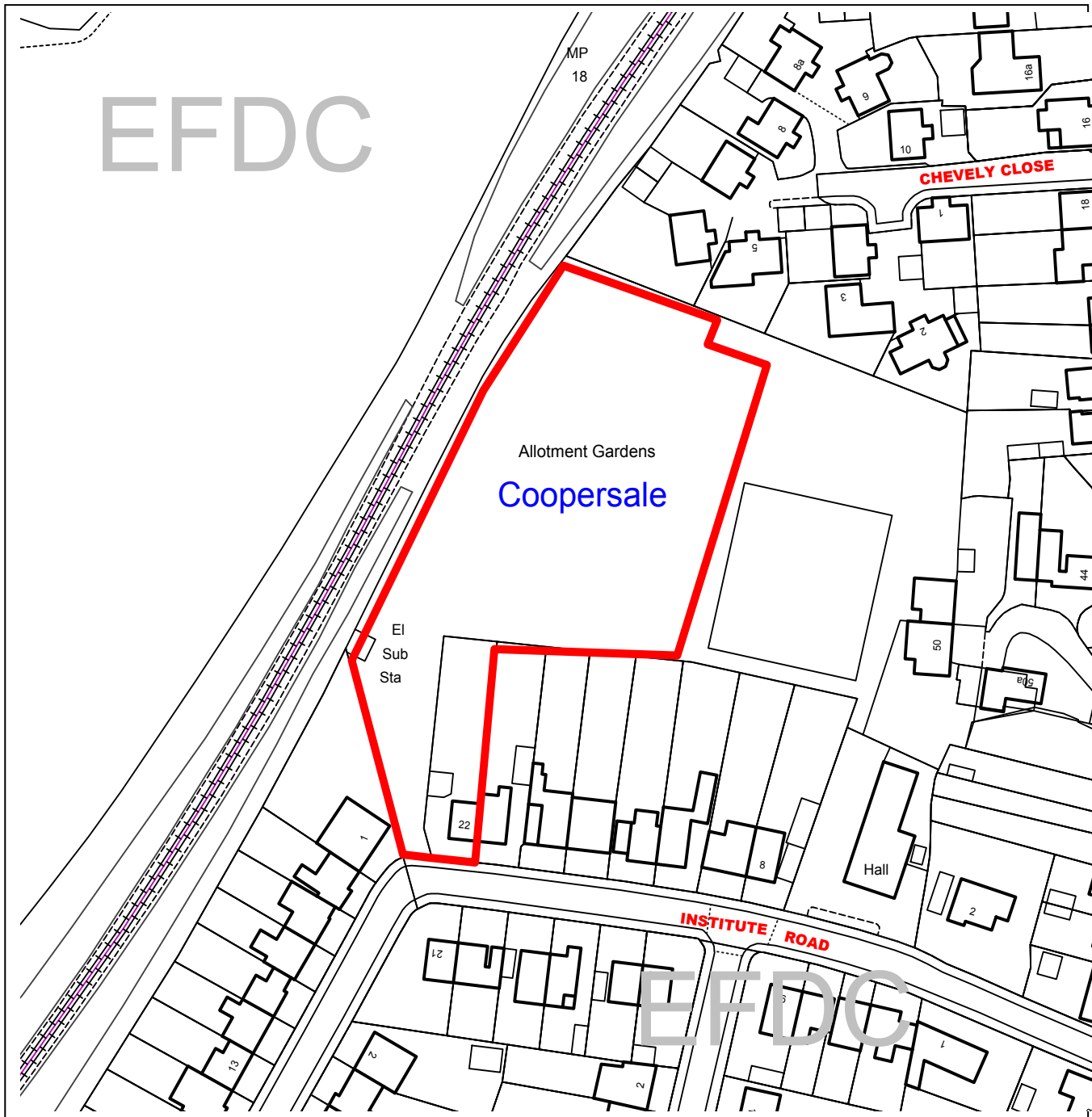
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/1549/16
Site Name:	Allotments rear of 8 to 22 Institute Road, Coopersale, Epping, CM16 7QY
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1549/16
SITE ADDRESS:	Allotments rear of 8 to 22 Institute Road Coopersale Epping Essex CM16 7QY
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Phillip Wright
DESCRIPTION OF PROPOSAL:	Erection of 19 dwellings, including access, parking, amenity and landscaping, re-submission following the refusal of application EPF/2163/15
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585157

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:001. 200.0.18, 201 0.6, 202 02, 203 0.3, 204 0.3, 205 0.2, 206 0.0, 207 0.3, 208 0.3, 209 0.2, 211 0.3,
- 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 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 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 & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 All elements of the recommendations for reptile mitigation, compensation and enhancement set out within the submitted Reptile Survey by Ethos Environment Planning Dated October 2015 shall be carried out in full.
- 8 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.
- 9 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.
- 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 (staff) and visitors vehicles.
- 11 The turning area shown on the approved plans shall be provided prior to the first occupation of the site and retained thereafter free of obstruction to enable a vehicle to turn and leave in a forward gear.
- 12 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice

tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

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

before the submission of details pursuant to the verification report condition that follows]

- 16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 17 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 18 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.
- 19 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.
- 20 Prior to the first occupation of the development the access arrangements and visibility splays shown in principle on drawing number 410.201 rev 06, including the implementation of a Traffic regulation Order for parking restrictions in the vicinity of the site access on Institute road, shall be fully implemented and maintained as such in perpetuity.

21 All elements of the bat mitigation and enhancement recommendations set out within the submitted bat Survey by Ethos Environment Planning (October 2015) shall be carried out in full.

And subject to the applicant first entering into a Legal Agreement under Section 106, to secure 6, two bed apartments as affordable rented accommodation and 3, three bed dwellings as shared ownership units. The agreement must be completed before the 12th of September 2016 unless an alternative date has been agreed in writing with 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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(a)), and, it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d)), and, it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) and, 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 consists of privately owned former allotment land located to the rear of properties in Institute Road, Coopersale, bounded to the west by the Epping to Ongar railway line and to the north by properties in Chevely Close. To the east there is a hard court belonging to the adjacent village hall and further allotments. Access is at a sharp bend in the road between number 1 Laburnum Road and number 22 Institute Road, via a gated track. The site itself amounts to approximately half a hectare in area and slopes gently up from south to north. There are trees and hedgerows around the perimeter of the site and it is currently overgrown. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

The application under consideration is for the erection of 19 dwellings consisting of 6 two bed apartments (with shared ownership) in a 2.5 storey block, 5 three bed houses and 8 four bed houses.

The proposal is that the 6 apartments will be affordable rented units and 3 of the three bed houses will be shared ownership, the remaining houses would be open market housing.

The dwellings are traditionally designed 2 and 2.5 storey dwellings set around a cul de sac. The proposed houses all have on site parking for at least 2 cars and the flats each have 2 allocated spaces. In addition 5 visitor parking spaces are proposed close to the entrance to the site.

Relevant History:

In 1964 Outline Planning permission was refused for development of the allotments as a residential estate, on Green belt and access grounds.
EPF/2163/15 for 18 dwellings was refused on the basis that inadequate affordable housing was proposed. That decision is currently at appeal.

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
CP7 – Urban form and quality
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
H1A - Housing provision
H3A - Housing Density
H4A - Dwelling mix
H5A – Provision of Affordable housing
H6A - Thresholds for Affordable housing
H7A - Levels of Affordable Housing
H8A - Availability of Affordable housing in Perpetuity
LL5 – Protection of Urban open Spaces
LL6 – Partial Development of Urban Open Spaces
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U3A – Catchment effects
U3B – Sustainable drainage Systems
RP4 – Contaminated Land
RST13 - Allotments

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

Consultation Carried Out and Summary of Representations Received:

158 neighbours were consulted and a Site Notice was displayed,

OBJECTIONS were received from the following addresses:

6, 7 CHEVELEY CLOSE,

2, 6, 17 , 35 LABURNUM ROAD

14, 15, 16, 18, 20 INSTITUTE ROAD

66A COOPERSALE COMMON

2 St ALBANS ROAD

EPPING SOCIETY

The objections received relate to the following issues;

- Harm to highway safety, due to increased traffic on very narrow road where cars frequently park on the pavements and there is congestion particularly when the adjacent hall is in use. Also concern over increased use of the junction of Institute Road with Coopersale Common, which is seen to be dangerous. Concern that the traffic survey was carried out at wrong time and in wrong way giving false results. Proposed access inadequate and dangerous. Inadequate access for emergency vehicles.
- Inadequate parking provision within the site. likely to result in increase in on street parking in surrounding roads, which are already over parked. Loss of on street parking in Institute Road will cause inconvenience.
- Development is too large for the village out of character with the rural/village nature of the area, flats and houses not in keeping with local design and layout.
- Harm to residential amenity and highway safety during the construction period, with heavy vehicles likely to cause damage and congestion as well as noise and disturbance.
- Loss of the allotments, which have not been well advertised and some local people showed interest in them but received no reply to their calls. Deliberately kept vacant in order to enable redevelopment. Contrary to original intentions when land was given over for recreation of villagers
- The development will cause loss of light and privacy to numbers 5 and 6 Chevely Close, due to proximity to south facing rear gardens and windows. Proposed boundary planting will cause additional loss of light.
- Both the local school and the local doctor's surgery are oversubscribed and the development is not therefore sustainable.
- Inadequate water pressure in the area to meet the needs of the new development.
- Electricity problems in the locality with frequent power cuts at peak times. This will make it worse.
- Loss of important natural habitat.
- Development will be harmful to quality of life of surrounding residents and the village community.
- The opportunity should be taken to improve facilities for the community which has been growing over the years with now new facilities.

- Harm to tree in my garden
- Proposed garages too close to rear garden.
- Loss of light outlook and privacy.

TOWN COUNCIL - Committee Object to this application. Whilst committee note the new application, their major concerns have not been addressed. The access to the site for both vehicles and pedestrians is not adequate and is likely to lead to an excessive degree of traffic congestion and have an adverse effect on the character and environment of the existing area, contrary to ST4.

The NPPF, para 32 states that safe and suitable access to the site should be achieved for all people. This would also have a detrimental effect on neighbouring properties in terms of noise nuisance and disturbance, contrary to DBE2 and DBE9.

Committee also have concerns over the capacity of the existing infrastructure to cope with an additional 19 dwellings (including doctors and schools) and the removal of vital street lighting, in accordance with policies CP3(i) and U1. The position of street lighting would result in loss of amenity for neighbouring properties in terms of light nuisance (policies DBE2 and DBE9)

The planning system has a social role in supporting strong, vibrant and healthy communities, by providing not only the housing required to meet present and future generations but also creating accessible local services that reflect the community's needs and supports its health and cultural well-being.

Main Issues and Considerations:

This application is very similar to the previous application EPF/2163/15 which was refused for only one reason;

The proposed development fails to provide an adequate amount of suitable affordable housing on site despite an independent assessment showing that such development would be economically feasible. The development is therefore contrary to Policies H4A, H5A, H6A H7A and H8A of the Adopted Local Plan and Alterations.

The key issue is therefore whether the affordable housing element now on offer is sufficient to overcome that previous reason for refusal, however this report will also cover the suitability of the site for such a development, affordable housing considerations, amenity considerations, design, highway and parking considerations, trees and landscaping, ecology, land contamination, flooding and drainage.

Suitability of site:

The site is within the urban area of Coopersale, is privately owned, but has been used as allotment land.

Policy RST13 of the Local Plan states:

“The Council will: (i) Not permit the development or change of use of existing allotment sites unless adequate replacement facilities are provided in close proximity: and (ii) seek to provide conveniently located allotments should there be a satisfactory demand.”

At present the applicants argues that only one of the allotments is utilised and that there are other allotment sites available close by. They also state that the allotments have been marketed but that there was only very limited interest which emphasises the lack of demand. They have provided a

report that details this. Whilst objectors have raised issue with the extent and veracity of the marketing exercise it is clear that the site has not been heavily used as allotment land for many years. This is privately owned land and there is no way to insist that the owners of the land keep it in such use. The allotment society has been consulted on the application but no response has been received. The land is not identified as Statutory Allotment land and is therefore not statutorily protected.

Given the current significant housing need in the District and the lack of a five year housing land supply, it is considered that this kind of site, outside of the Green Belt, can be suitable for residential development. In addition whilst the site can currently be regarded as Urban Open Space, which, in dense urban areas we would seek to retain for the benefit of the community, this site is within close proximity of public footpaths with access to the surrounding rural area, open spaces and Epping Forest and as such the need to retain such open space is less critical.

The site is largely hidden from public view by the surrounding housing and is therefore not as important as many urban open spaces with regard to contributing to the character and amenity of an area.

The site is within a relatively sustainable location close to the village shops and facilities.

On the basis of the above it is considered that the site is suitable for residential redevelopment.

5 Year Housing Land Supply

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.

Affordable Housing

The site is within a settlement with a population of less than 3000 and is a green field site, as such there is a requirement under current policies for 50% of any residential development to be affordable housing.

The current proposals would provide 6 no. 2 bed flats as affordable rented accommodation and 3, three bed shared ownership dwellings. This means that 9 out of the 19 dwellings would be “affordable” within the current definitions, which amounts to 47%. This is a significant improvement over the previously refused application EPF/2163/15, which included only 6 apartments for shared ownership with no affordable rented properties.

The Council’s Senior Housing Development Officer has been involved in the negotiations with regard to the affordable housing provision within the application, and whilst the affordable housing provision is not at the level and in the form that the Council would normally support he considers that there are factors which weigh in favour of the proposal such that it can now be supported.

“The Council currently has in excess of 1,500 applicants on our Housing Register, and the proposed provision of affordable housing at this location would assist in providing much-needed affordable rented housing. I would confirm that the location is sustainable in terms

of the provision of affordable rented housing for sufficient numbers of applicants already on our Housing Register.

In addition, as you are aware, property prices are very high in the Epping Forest District. Indeed, as evidenced by the National Housing Federation in their annual "Home Truths" studies, the ratio of average property prices (and lower quartile property prices) to average earnings is consistently the highest in Essex - and is within the highest 5 local authority Districts in the East of England. Therefore, the inclusion of an element of shared ownership is welcomed.

As you are aware, under Policy H6A of the Council's Local Plan, in settlements with a population of 3,000 population or less, the Council will seek affordable housing on developments comprising 2 or more dwellings on a greenfield site (subject to the site area being 0.1Ha or larger) or 3 or more dwellings on a previously developed (i.e. "brownfield") site (subject to the site area being 0.2Ha or larger).

On such sites, under Policy H7A of the Local Plan, 50% of the total number of dwellings will be sought as affordable housing on either greenfield or brownfield sites (or 33% where there is a total of only 3 dwellings).

Since this proposal is on a previously developed (i.e. brownfield) site in Coopersale, which I understand is a settlement with a population of less than 3,000, and only 9 of the total 19 dwellings (47.4%) are proposed as affordable housing, the affordable housing provision is just under the level that we would normally expect.

However, I confirm that the level of affordable housing reflects what we agreed through negotiations and is therefore acceptable.

Since 3 of the affordable housing dwellings will be delivered as shared ownership units, which is slightly more than the maximum 30% allowed by the requirements of the Council's Shared Ownership Policy, it is important that the other requirements of the Council's Shared Ownership Policy are met.

It needs to be understood that the mix of the affordable housing, compared to the mix of the market housing, is the main aspect with which the proposal does not meet the Council's normal expectations.

Ordinarily, the property mix for the affordable housing should reflect the property mix of the market housing, in terms of the ratio of 1, 2, 3 and 4 bedroom properties, which this application clearly does not.

However, I confirm that the mix reflects what we have agreed through negotiations and is therefore acceptable.

The Council would want to see the affordable housing provided by (i.e. sold by the developer to) one of the Council's Preferred Housing Association Partners.

This will be part of the legal agreement under Section 106.

Despite the fact that the affordable housing provision is not at the level and in the form that the Council would normally support, and only because the proposals meet other important planning objectives - particularly an improvement on the current usage of the land - the affordable housing proposals are supported."

On the basis of the above the question is whether the early development of this site which is not Green Belt and is located in a relatively sustainable location for much needed housing is sufficient to outweigh the usual policy requirement for 50% affordable housing reflective of the overall housing mix within the development.

Given that the proposals are now relatively close to meeting the current policy requirement, it is not considered reasonable to further delay development of much needed housing in the hope of achieving a marginal increase in affordable provision, particularly bearing in mind that in the longer term the Government is seeking changes to the definition of affordable housing which may lead to a significant change to our current policy requirements.

Amenity considerations:

The development is located such that very few properties are likely to be impacted by the built development. Whilst concern has been raised regarding overlooking and loss of privacy to the rear of properties in Institute road, the back to back distance is approximately 40m which is well in excess of the standard requirements, so there will be no adverse overlooking or loss of privacy. The other two properties most likely to be impacted are numbers 5 and 6 Chevely Close. These properties have shallow rear gardens bounded by the application site and whilst there are some existing trees along this boundary they are relatively sparse in winter. There is concern that the bulk and massing of the proposed nearest dwellings, which will be 2.5 storeys in height will have an adverse impact on light and outlook from these dwellings. Since the original submission the plans have been amended to remove side facing windows that would have overlooked these properties, in addition the houses have been handed, so that the greatest mass of the building is now set away from these properties. The orientation of the properties in Chevely Close is such that they are not facing directly on to the application site, and although there will be some loss of outlook and a greater sense of enclosure, it is not considered that there will be excessive loss of residential amenity as a result of the development, provided suitable landscaping, which is not of excessive height, can be provided along the shared boundary. This can be covered by a landscaping condition.

Concern has been raised regarding the impact of the proposed garage buildings on plots one and two which are close to the rear garden boundaries of properties in Institute Road, However these are some distance from the rear of the dwellings and will not cause an excessive harm to residential amenity.

The previous application was not refused on the grounds of any harm to residential amenity.

Design and layout

The development which results in the creation of a cul de sac off Institute Road provides a logical way of developing this site. The buildings are set more than 45m back from the access and will not be read as part of the street scene of Institute Road. The design of the buildings is relatively traditional with pitched roofs, gables and dormers and an appropriate palette of materials. Development provides a unified development which with suitable landscaping will provide an attractive street scene. There would not be excessive inter-overlooking between the properties and they will provide a good standard of accommodation with adequate private amenity space.

Whilst this proposal has achieved one additional dwelling over the previously reused scheme, this is achieved without harm to the basic layout and character of the development which was previously considered acceptable.

Parking provision/Highways:

It is acknowledged that Institute Road and the surrounding roads are narrow and suffer from on street parking, it is important therefore to ensure that the proposed development does not add to this problem.

The Essex County Council Vehicle Parking Standards require two parking spaces for every 2+ bed residential unit, plus 0.25 visitor spaces per unit (rounded up). The proposed development, originally indicated only one space for each of the two bed flats, but this has since been rectified. The scheme now more than meets the adopted standards, with 2 spaces for each of the flats, a space and a garage for the 3 bed units, and two spaces and a garage for each of the 4 bed units plus 5 visitor spaces. The garages and spaces are to the required Essex parking standard size, and conditions can be attached to prevent the loss of the garage spaces to other uses.

The proposal includes improvements to the existing access and adequate sight lines are achieved. The road and parking layout meets the required standards and there is no objection, subject to conditions, from Essex as the highway Authority. Adequate turning space is available and the site will be accessible to larger service vehicles.

Concern has been raised with regard to the increase use of the junction of Institute Road with Coopersale Common, which is perceived as a dangerous junction, this has been investigated but this is an existing heavily used junction within a 30 mile an hour area and it is not considered that the increase in traffic from this relatively small development would have an adverse impact, the additional movements generated even at peak times will be relatively small. The accident data for the last 5 years and there are no recorded accidents at this junction or along Institute road

The applicants have offered to make an application to County for the introduction of double yellow lines in Institute road in order to reduce the on street parking and visibility problems that currently exist, particularly when the adjacent hall is in use, and Essex County Highways consider that these restrictions are appropriate and can be required by condition.

There are no highway objections to the proposal subject to appropriate conditions.

Trees and landscaping

Tree and landscaping details were submitted with the application which indicates that trees along the boundaries of the site can largely be kept; only poor quality or category c trees are to be lost. There are no preserved trees at the site. The tree and landscape officer is satisfied that a suitable landscape scheme can be achieved at the site and that the development is appropriate in landscape terms so has raised no objection subject to conditions.

Ecology and wildlife

The site is significantly overgrown and at the pre application stage the applicant was advised to carry out a phase one habitat survey, they submitted with the application a phase 1 survey. An ecological assessment was submitted with the original application including an assessment for protected species and the ecological impacts of the development together with suggested mitigation.

This identified that the site provides a habitat for reptiles as slow worms were found, there is in addition medium potential for bats, high potential for breeding birds, low potential for badgers, medium potential for hedgehogs, low potential for dormice, low potential for Great crested newts and negligible potential for water vole and otter.

The report recommended additional surveys for reptiles and bats and these have now been carried out and submitted in support of the current application. The Council's Countryside

Manager is satisfied that with suitable mitigation as set out in the submitted reports the ecological value of the site can be maintained and the development is acceptable.

Contaminated Land:

A preliminary risk assessment indicates that there are potentially unacceptable risks of contamination on this site given that residential properties are considered a particularly vulnerable use; as such the contaminated land Officer has suggested the imposition of our standard contaminated land conditions to ensure that this is fully investigated and where necessary mitigated prior to development.

Flooding and Drainage:

The site is not within flood zones 2 or 3 where we would seek to restrict residential development , but The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Major developments are required to demonstrate that they have given priority to the use of SuDS in line with the Ministerial Statement made on 18 December 2014

A Flood risk assessment has been submitted and the applicants are in consultation with our land drainage section. It is clear that a scheme can be provided which will meet SuDs requirements and it is therefore considered that conditions can be applied to ensure suitable surface water drainage is provided. In addition land drainage consent is required.

Other issues

Water pressure and electricity problems.

Concern has been raised that the water pressure in the area is low and that there are problems with the electricity supply. Whilst these issues can be material to planning it is not considered that the scale of the development here is such that such matters would be grounds to refuse the application. It is for the providers of these services to ensure that adequate provision is made.

Inadequate school and GP places available.

Considerable concern has been raised with regard to the lack of primary school facilities and doctors in the vicinity. With regard to the primary school provision the education authority did confirm at the pre application stage that there is a shortfall in primary and early years provision in the locality, and suggested the imposition of a legal agreement to provide contributions towards such provision. Since then, however the ability to require such contributions has been severely restricted such that County are only requesting such contributions with regard to particularly major development.

Whilst the pressures are acknowledged, given the overriding need for additional residential development throughout the District it is not considered that the relatively small increase proposed will lead to such pressure as to warrant refusal of the application.

Parking, noise, disturbance and damage to roads and pavements during construction.

Considerable concern has been raised with regard to these issues, which is understandable due to the proximity of large numbers to residential properties and the narrowness of the surrounding road network. These are not material to the determination of the application, but a condition can be applied which requires details of the site management during construction to be agreed prior to commencement. This can cover how deliveries are handled, and the provision of storage parking

and turning space within the site. In addition restrictions to the hours during which works can take place can be applied.

Conclusion:

Whilst the proposal still falls slightly short of the required 50% affordable housing provision it is considered that given the lack of a demonstrable 5 year housing land supply and the changing government emphasis and definitions of affordable housing, the marginal shortfall is not sufficient to warrant refusal of this application which will provide much needed housing. The proposals are therefore considered sufficient to overcome the previous single reason for refusal. In all other aspects the application is in general accord with the NPPF and the adopted policies of the Local Plan and Alterations and is therefore recommended for approval subject to conditions and to the prior completion of a legal agreement under section 106, to secure the affordable housing.

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 564228***

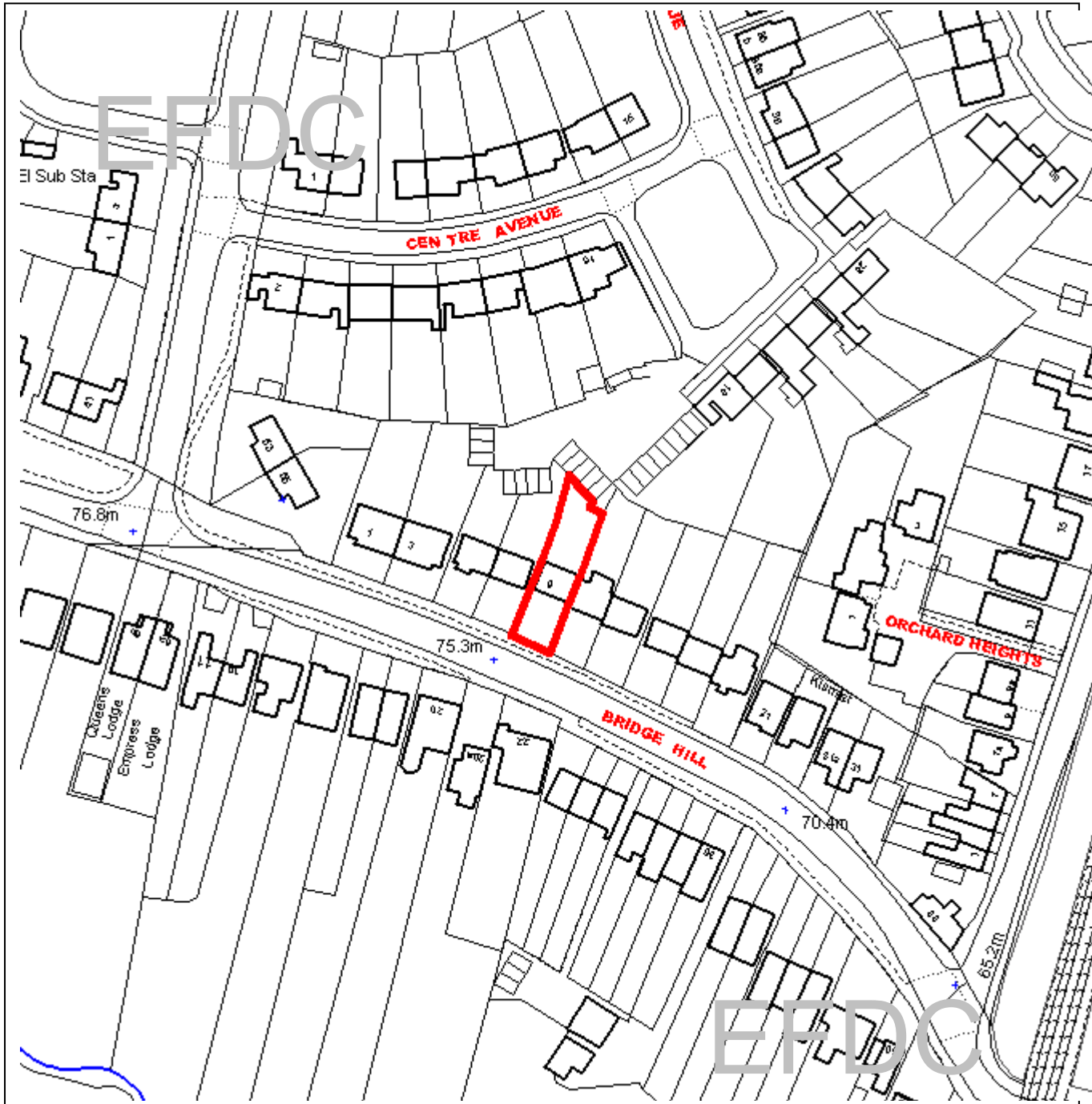
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Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/1558/16
Site Name:	9 Bridge Hill, Epping, CM16 4ER
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1558/16
SITE ADDRESS:	9 Bridge Hill Epping Essex CM16 4ER
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Robert Lockwood
DESCRIPTION OF PROPOSAL:	Rear two storey extension with conservatory and single storey extension to the front of the house.
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=585175

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The application site is an end of terrace dwelling located on the northern side of Bridge Hill within the settlement of Ivy Chimneys, which is on the edge of and forms part of the larger town of Epping. The site is not located within the Metropolitan Green Belt or any designated conservation area.

Bridge Hill slopes down from west to east and as such the properties step down with the detached neighbour (No. 7) being approximately 500mm higher than the application site and the attached neighbour (No. 11) being approximately 450mm lower. The sites also slope upwards towards the north such that the dwellings sit slightly higher than the highway, however the change in levels significantly increases within the rear gardens. To the rear of the site is a Council owned garage block that benefits from recent planning consent for redevelopment for affordable housing.

Description of Proposal:

Consent is being sought for the erection of a single storey front extension and a two storey rear extension.

The proposed front extension would measure 1.46m in depth and 4.2m in width and would extend the existing single storey front projection. This would continue the existing front pitched roof over the new addition to a height of 3.2m.

The proposed two storey rear extension would measure 3.47m in depth and 4.8m in width and would introduce a gabled end to a ridge height of 6.8m. The gable end would benefit from a large glazed section that leads into a first floor Juliet balcony with four panelled French doors below on the ground floor. The proposed rear addition would extend for an additional 1.9m in width at ground floor level (towards No. 11 Bridge Hill) as a fully glazed conservatory structure. This would have a pitched roof to a maximum height of 3m.

Relevant History:

EPF/0012/05 - Single storey front extension – approved/conditions 07/02/05
EPF/0340/09 - Vehicle crossover – approved/conditions 09/04/09

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity

DBE10 – Residential extension

ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

6 neighbouring residents were consulted. No Site Notice was required.

TOWN COUNCIL – Object. This proposal is a vast overdevelopment of the site in terms of its bulk, scale and form and would result in a loss of amenity for neighbouring properties in terms of light and overshadowing. It does not respect its setting in terms of scale and proportion. Development which results in over-intensive use, unsympathetic change and loss of amenity to neighbouring properties should not be permitted.

EPPING SOCIETY – Object. The proposed design is inappropriate for the setting. It is simply far too big and will lead to a loss of amenity for the surrounding households. The sheer bulk and height of the extension will overshadow the neighbouring properties. We do not object to the front extension.

7 BRIDGE HILL – Object due to the overshadowing, particularly to the large window (shown as a door on the submitted plans) that is the only window serving the kitchen, and as the design of the extension is out of keeping with the local area.

11 BRIDGE HILL – Object to both extensions as the proposed plan is too extensive and out of keeping with the surrounding. This would also result in overshadowing.

14 CENTRE AVENUE – Object due to the overlooking that would result from the high level windows and as the extension appears very large and out of keeping with the area.

Main Issues and Considerations:

The main issues of consideration in this instance are the design and impact on neighbouring residents.

Design:

The existing dwelling is a 1960's built end of terrace house that is of no particular architectural merit. The dwelling benefits from a single storey front extension that, along with the front porch additions on the other two dwellings in this terrace, adds some visual interest to the street scene. The proposed front extension would enlarge part of this existing front projection however would be designed to reflect the overall design of the existing addition. As such this would continue to provide visual interest to this terrace of properties without being detrimental to the overall character and appearance of the street scene.

The proposed two storey rear extension would be fairly standard in design since it would be a gable ended projection of standard proportion with a stepped down ridged roof. The external materials would match those of the existing dwelling. Whilst the proposal would introduce a large glazed section that leads into a first floor Juliet balcony this would provide a feature to this

extension that would provide interest to the development without being detrimental to the overall character and appearance of the area. Similarly the proposed single storey conservatory structure would be fully glazed with a relatively slim frame that would create a relatively modern and minimalist appearance without being too contemporary or out of character with the main dwelling.

Whilst neighbouring residents and the Town Council consider that this proposal would be overdevelopment of the site the overall scale and massing of the proposal is relatively traditional and similar examples could be found throughout the District. The depth of the proposed extension would be 3.47m, which is only 470mm larger than a standard 3m addition (which even at two storey height can be erected as permitted development). As such, whilst this proposal requires planning consent, a similar scheme reduced in depth by 470mm and relocated more centrally to the dwelling (to maintain a distance of 2m from each side boundary as opposed to 1.1m and 2.9m as proposed) could be undertaken without any form of planning consent and with no input with regards to the design. This 'fallback position' is given some weight in favour of the proposal.

Due to the above, despite concerns raised from third parties, it is not considered that the proposed extensions would be detrimental to the overall character and appearance of the area and whilst the extensions would appear more modern than the originally constructed 1960's dwelling the additions would nonetheless complement and enhance this uninspiring dwelling and therefore the proposal complies with Local Plan policies CP2 and DBE10.

Neighbour amenities:

The proposed front extension would be single storey and would only increase the western part of the existing front projection. Whilst this extension would project beyond the front wall of the detached neighbour's house it would be located 1m from the shared boundary and some 1.9m from the neighbouring dwelling, which sits on higher land than the application site. Given this, and the low height of the proposed front extension, this element would have no detrimental impact on the amenities of neighbouring residents.

The proposed two storey rear extension has been specifically located so that it would be set 2.9m from the shared boundary with the attached neighbour at No. 11 Bridge Hill. Whilst the extension is closer to the detached neighbour at No. 7 at around 1.1m from the shared boundary it would be 2m from the flank wall of No. 7 and this neighbour sits on land around 500mm higher than the application site.

The submitted plans show a kitchen door on the ground floor of No. 7 closest to the application site however this is in fact understood to be a window with the kitchen door being located on the side (given the level of existing boundary screening and difference in height it is difficult to fully view this part of the neighbouring property). The neighbour states that this is the only window serving the kitchen. On the first floor of the neighbouring dwelling closest to the application site are two small windows that appear to serve a bathroom (as shown on the submitted plans). The proposed extension would encroach within a 45 degree angle of this ground floor neighbouring window for the last 500mm however given the 1m set back from the shared boundary and the difference in land levels it is not considered that this slight encroachment would be unduly detrimental to the level of light and outlook from this kitchen window. In addition the rear elevations of these dwellings are north facing and as such there is very little direct sunlight reaching these rear windows.

Whilst the application site is located on land some 450mm higher than the attached neighbour at No. 11 the two storey element of the proposed extension would be stepped back 2.9m from the shared boundary. The proposed ground floor conservatory structure would be located closer to this shared boundary however would nonetheless still retain a 1m set back. Due to this, combined with the modest 3m maximum height and 2.4m eaves height and the predominantly glazed nature of this element, there would not be any excessive loss of amenity to this neighbouring resident.

Concern has been raised from the resident of No. 14 Centre Avenue with regards to potential overlooking from the 'high level windows' in the rear gable projection. These are intended only to provide light to the first floor and no rooms are proposed within this roof area, and as such would not allow views out, however, even if a roof room were to be provided at a later date, given the distance to properties at the rear (some 50m distance with a garage court (with consent to redevelop for housing) between the two., no adverse overlooking would arise.) The proposed first floor Juliet balcony would create no further overlooking than the existing first floor windows, albeit from slightly closer to the rear boundary.

Due to this it is not considered that the proposal would cause any significant harm to the amenities of the neighbouring residents and therefore the proposal complies with policy DBE9 of the Local Plan.

Other considerations:

The proposed front extension would reduce the level of front garden available for off-street parking however it would nonetheless retain sufficient space for three cars.

Conclusion:

The proposed extensions are appropriately sized additions that would not be detrimental to the character and appearance of the area or unduly harmful to the amenities of neighbouring residents. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

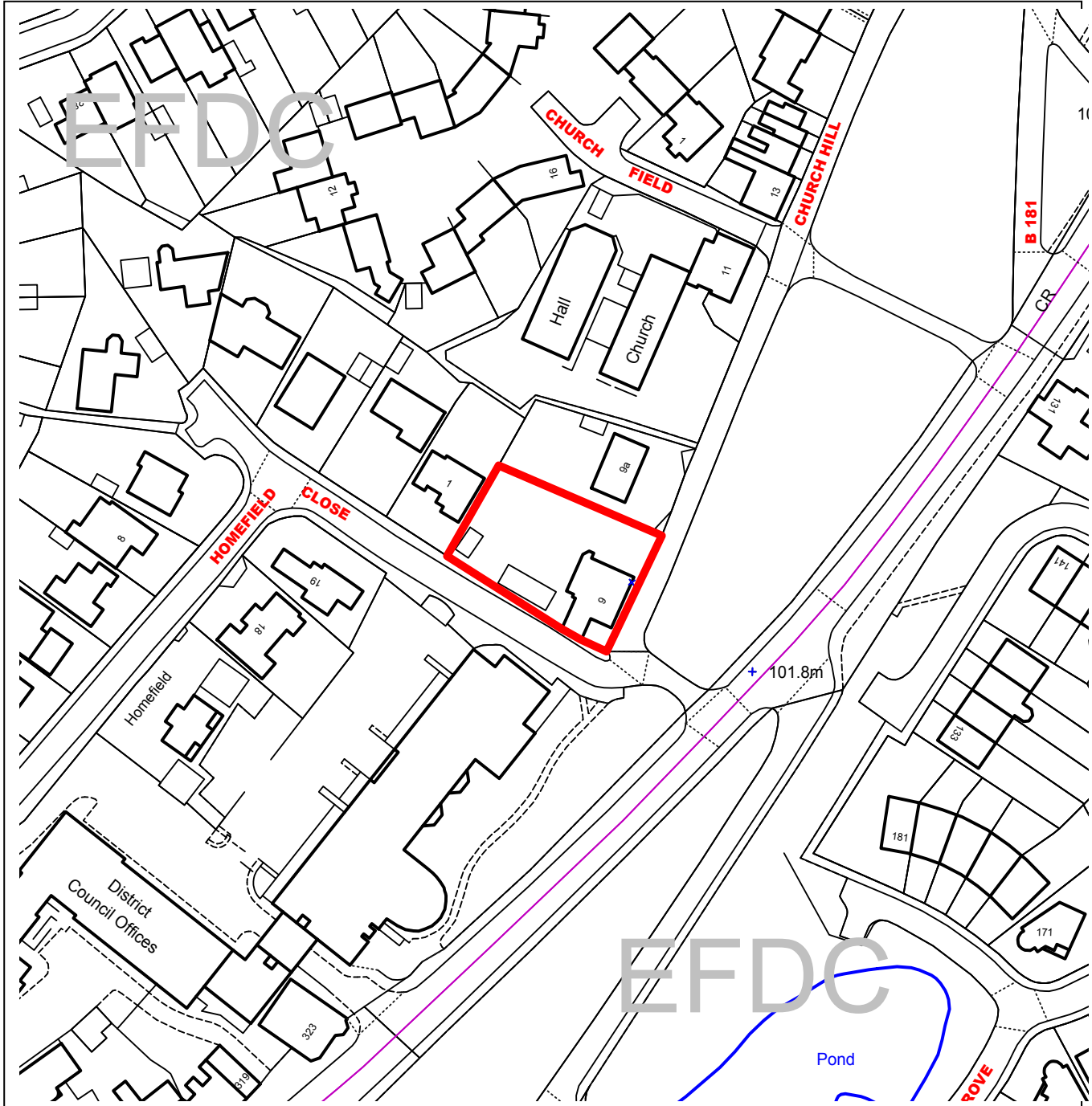
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 10



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Application Number:	EPF/1572/16
Site Name:	9 Church Hill, Epping, CM16 4RA
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/1572/16
SITE ADDRESS:	9 Church Hill Epping Essex CM16 4RA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Alan Dickinson
DESCRIPTION OF PROPOSAL:	Demolition of the existing single and 1.5 storey garage/store with the erection of a replacement single storey and 1.5 storey outbuilding providing ancillary accommodation to the main house
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=585218

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 development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Dane Lodge, 9 Church Hill, Epping.
- 4 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, and structural openings, 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 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank

Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The application site currently contains a large detached two storey dwelling with a collection of outbuildings located on the corner of Church Hill and Homefield Close. The dwelling is locally listed and sits within Epping Conservation Area.

Immediately adjacent to the site to the north and west are residential dwellings, and on the opposite junction of Homefield Close are the Council Offices. Adjacent to the site to the east is public open green space.

Description of Proposal:

Consent is being sought for the demolition of the outbuildings to the rear of the property and the erection of a replacement outbuilding. The proposed new detached building would measure 11.9m in depth and 5m wide. The building would be formed from two sections and would be used as ancillary residential accommodation. The section closest to the dwelling would be single storey with a ridge height of 4.5m and the furthest section would be two storeys with a maximum ridge height of 6.2m.

Relevant History:

EPF/3024/15 - Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store – refused 16/03/16 (currently being appealed)

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
HC13A – Local list of buildings
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE9 – Loss of amenity

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

Consultation Carried Out and Summary of Representations received:

3 neighbouring properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – Object to this application. Whilst committee note the new application, many of their concerns have not been addressed in this new proposal. The proposal is an overdevelopment of the site in terms of its mass and scale; it does not respect the character and setting of the conservation area and does not appear ancillary to the main accommodation. The proposal would have a detrimental effect on the street scene and within a conservation area, planning permission should not be granted for any development that is detrimental to the character, appearance or setting of the conservation area. The proposal includes the demolition of outbuildings which are integral to the character of the property and form part of its unique and historic character and setting. The demolition of a building in a conservation area will only be permitted if that building does not make a significant contribution to the character and appearance of that area. This property is a prominent locally listed building, which should receive special consideration in the planning process. Maintenance of these buildings should be encouraged and neglect taken into consideration in planning decisions. Committee request that any permission granted for this application is subject to a condition that states it must always be used as ancillary accommodation to the main dwelling and must not be used as a separate dwelling.

LITTLE DAYNE, 9A CHURCH HILL – Object as this is similar to part of the previously refused scheme, which proposed this building as a separate residential unit. This application would therefore conflict with the previous refusal.

1 HOMEFIELD CLOSE – Object as this appears to be the same as part of the previously refused scheme and therefore conflicts with the previous refusal.

7 HOMEFIELD CLOSE – Object as this new building would be out of character with the area as the walls are largely blank and featureless and would be detrimental to the street scene. Regret the loss of the historic building since this was allowed to fall into disrepair and request that conditions are imposed about the use of the building and drainage details.

Issues and Considerations:

Whilst concerns have been raised that the proposed replacement outbuilding is similar to part of the previously refused application, which proposed the provision of six residential units on the site, this proposal purely relates to the replacement of the existing outbuilding with a new outbuilding that would be used for ancillary residential purposes. The purpose of this application is due to the structural concerns regarding the existing outbuilding.

Due to this the main issues to be considered are the overall design and impact on the conservation area and locally listed building and regarding the potential impact on neighbour amenity.

Design:

The existing property is a late 19th century locally listed building within Epping Conservation Area. It occupies a prominent position on the corner of Church Hill and Homefield Close overlooking the green. The outbuilding is a historic feature of the site and can be seen on the Ordnance Survey Map dating back to 1862-1893.

The existing outbuilding to the rear is in poor structural condition and the application has been submitted with a Structural Survey. This concludes that *“The building is in a very poor structural condition and in my opinion a dangerous structure. The existing building is of its time and due to its condition has surpassed its life span. The property could be upgraded to current design standards;*

however, the cost would be uneconomical and inefficient with regards to both finances and energy levels; this upgrade would be a temporary measure and would not prolong the sustainability of the building. The existing building could also be seen to be an inefficient use of site footprint. It is the conclusion of this survey and report that the most efficient proposal would be to demolish and rebuild a replacement dwelling so to achieve up to date levels of sustainability and energy efficiency”.

The officer site visit to this outbuilding revealed that the building is in a poor state of repair and therefore, whilst it is regrettable to lose this historic outbuilding, the removal of this structure is considered to be acceptable.

The proposed building heights and fenestration detailing preserves the subservient character of this element of the existing building. Whilst concerns have been raised about the blank fascia of the replacement building this reflects the existing blank fascia of the existing outbuilding, plus the new development would be provided with visual interest through the use of high level fenestration.

Due to the above it is not considered that the proposed development would harm the character or appearance of the conservation area, the locally listed building or the street scene.

Amenities:

The proposed new outbuilding would replace the existing on the same footprint. As such this would not have any additional detrimental impact on the living conditions of neighbouring residents.

Other considerations:

Use:

Whilst concerns have been raised since this application is similar in form to part of the previously refused scheme ref: EPF/3024/15, which proposed the use of the new ‘outbuilding’ as a single self-contained residential unit this application is not proposes any separate residential use on the site. The intended use of the new outbuilding is for ancillary residential purposes (i.e. a ‘granny annexe’).

Although this permission would not allow for the use of this building as a separate dwelling, since further planning consent would be required for this, a condition could nonetheless be imposed to ensure that the building is only used for purposes incidental to the enjoyment of the main dwellinghouse and for no other purposes.

Drainage:

There has been no proposal to dispose of surface water. Since the geology of the area is predominantly clay, and therefore infiltration drainage may not be suitable, further details will be required regarding surface water drainage. This can be dealt with by way of a condition.

Conclusions:

Whilst it is regrettable to lose this historic outbuilding the existing building is in a poor state of repair and therefore the removal of this structure is considered to be acceptable. The proposed replacement building preserves the subservient character of this element of the existing building and would not harm the character or appearance of the conservation area, the locally listed building or the street scene. Therefore this application complies with the guidance contained within

the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

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

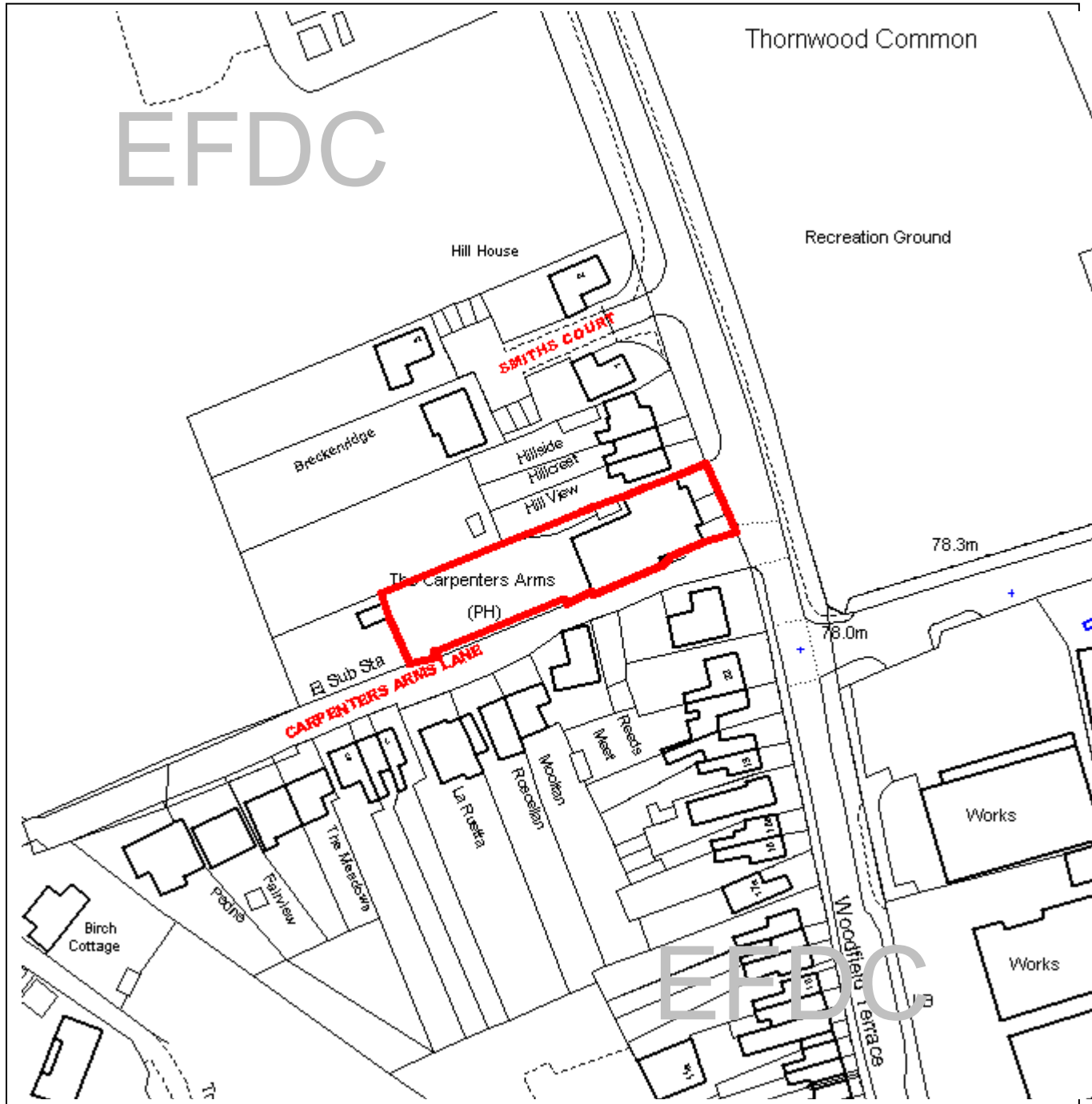
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 11



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Application Number:	EPF/1616/16
Site Name:	The Carpenters Arms, High Road, Thornwood, Epping, CM16 6LS
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/1616/16
SITE ADDRESS:	The Carpenters Arms High Road Thornwood Epping Essex CM16 6LS
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr G Paraskeva
DESCRIPTION OF PROPOSAL:	Demolition of existing building and erection of terrace of 3 no. three bedroom 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=585299

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/16/041/001, BRD/16/041/002, BRD/16/041/003
- 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 first floor 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, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed

finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No 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.
- 7 Prior to first occupation of the development the developer shall close off the existing layby on High Road and implement a footway to a minimum width of 2 metres across the site frontage, from the Carpenters Arms Lane junction to the existing footway to the north of the site; this shall include radius kerbing and the provision of dropped kerbs for the 3 vehicular accesses to the development. All details shall be agreed with the Highway Authority.
- 8 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 9 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 10 There shall be no discharge of surface water onto the Highway.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 12 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]

- 13 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]
- 14 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]
- 15 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.

- 16 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.
- 17 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is a relatively large, part two storey part single storey detached building that was previously a public house, however was last used as an Indian restaurant (now closed). To the rear of the building is an associated car park, most of which is now excluded from the application site and is not within the applicants ownership. The area covered by the existing building is located outside of the Metropolitan Green Belt however the rear section of the site (and adjacent car park area) is within the Green Belt.

To the immediate north of the site are residential properties fronting the High Road and within Smiths Court, and on the opposite side of Carpenters Arms Lane to the south are a row of residential properties leading down to Teazle Mead to the west of the site. To the west and east (on the opposite side of the High Road) are open fields. The site is located within an EFDC flood risk assessment zone and partially within an Environment Agency Flood Zone 2.

Description of Proposal:

Consent is being sought for the demolition of the existing building and construction of a terrace of three houses fronting onto the High Road. The proposed dwellings would each be 4.8m in width and between 12m and 13m in depth (excluding the front porches) at ground floor level, narrowing to a maximum of 10.5m at upper levels. The properties would have ridged roofs reaching a height

of 9m with the two end properties having front gable projections and all dwellings having a pitched roof rear dormer window.

The proposed properties would all be three bed houses and incorporate the roof space. Each of the units would benefit from one parking space per unit within the front garden areas (accessed from the High Road) with four additional spaces proposed to the rear of the site within a small car park accessed from Carpenters Arms Lane.

Relevant History:

EPF/1708/12 – Proposed demolition of existing building and construction of six houses – withdrawn 05/11/12
EPF/0340/13 – Demolition of existing building and the construction of five houses – refused 11/04/13
EPF/1810/14 – Demolition of existing public house and erection of 12 no. flats – withdrawn 12/11/14
EPF/2670/14 – Demolition of Restaurant. Erection of 3 town houses and 2 detached houses (resubmission following withdrawn application EPF/1810/14) – refused 10/04/15 (appeal dismissed 14/03/16)

Policies Applied:

CF12 – Retention of community facilities
CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
GB2A – Development within the Green Belt
GB7A – Conspicuous development
H2A – Previously developed land
H3A – Housing density
H4A – Dwelling mix
U2B – Flood risk assessment zones
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

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:

51 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – The Parish Council **objects to this application** due to the following concerns:

Concern that the development is three storey, this Parish Council has a Policy that they will object to Developments which include three Storeys within them. Concern at the number of parking spaces, and that there is insufficient space for turning of vehicles within the development. Also concern at vehicles having to reverse onto the High Road. There are Flooding Concerns, with regard to the Georgian Culvert. Concern of the necessity that one entrance door has to face onwards to Carpenters Arms Lane. If Members were minded to grant this application, could the entrance door in Carpenters Arms Lane be moved to face the High Road? Could the Parking Spaces for the properties be accessed via the back gardens, i.e. an entrance gate in the back fence? Would Carpenters Arms Lane be resurfaced after any building works? The TPO's on the site and the Trees and Hedgerows need to be protected.

MOOLTAN, CARPENTERS ARMS LANE – Object as the development would involve the erection of fencing that would affect the openness of the Green Belt and since the entrance to the car park would be moved closer to the TPO trees.

LA RUETTE, CARPENTERS ARMS LANE – Object as they cannot accurately interpret the proposed plans with regards to the encroachment and impact on neighbouring land, buildings and the protected trees, since the proposed entrance on the southern elevation would set a precedent for further development on Carpenters Arms Lane, and due to highway safety concerns with regards to the parking to the front of the properties. Also concerned about where wheelie bins would be stored and what would become of the adjacent car park land.

48 BLACKBUSH SPRING, HARLOW – Object as the development would constitute overdevelopment of the site and since there is inadequate parking provision.

ROSTELLAN, CARPENTERS ARMS LANE – Object to the provision of an entrance door onto Carpenters Arms Lane as this is a very difficult and dangerous junction.

HILLVIEW, HIGH ROAD – Object to the loss of privacy, light and outlook, due to concerns over boundary security, and since parking bays on the High Road would increase the danger to pedestrians.

1 NEW HOUSE, CARPENTERS ARMS LANE – Concerned about the loss and potential future use of the existing car park, the entrance of the end dwelling onto Carpenters Arms Lane, and due to infrastructure and drainage concerns.

HILLSIDE, HIGH ROAD – Concerned about the loss of existing car parking and feel that this should be turned into an open space for the local community by way of a legal agreement, due to drainage concerns, and since the three parking spaces to the front of the site would be a highway safety hazard.

Issues and Considerations:

The main issues here relate to the suitability of the site, the impact on the Green Belt, the loss of the community use, the character of the area, the neighbours amenities, impact on existing landscaping, and with regards to highway and parking issues.

The previous application proposed five dwellings, three of which were towards the front of the site similar to this proposal with two detached houses to the rear of the site within the adjacent car park (which no longer forms part of the application site). This previous application was refused consent for the following reasons:

1. *The two proposed detached dwellings are located within the Green Belt and would constitute inappropriate development within the Green Belt, harmful to the openness and character of this area. No very special circumstances exist to outweigh this harm and therefore the development fails to comply with Government guidance in the form of the National Planning Policy Framework and policies GB2A and GB7A of the adopted Local Plan and Alterations.*
2. *The proposed development, due to the number of dwellings and overall scale of works, would constitute overdevelopment of the site to the detriment of the character and appearance of the area, contrary to Government guidance in the form of the National Planning Policy Framework and policies CP1, CP2, CP3 and DBE1 of the adopted Local Plan and Alterations.*

The decision was appealed and subsequently dismissed on appeal.

The key difference between this proposal and that previously refused is that the latest application only proposes three dwellings to the front of the site within the area of land outside of the Metropolitan Green Belt. Whilst the proposed rear car park area would encroach into the Green Belt and would involve part of the existing rear car park area the majority of the rear car park is not within the current applicant's ownership and therefore falls outside of the proposed application site.

Suitability of the site:

The application site consists of a former public house that was last used as a restaurant, however is now vacant, within the village of Thornwood Common. The National Planning Policy Framework (NPPF) and Local Plan both seek to '*encourage the effective use of land by reusing land that has been previously development (brownfield land)*'.

Whilst the previous application proposed the erection of five dwellings on this site, which included two detached properties to the rear, this application now only proposes three dwellings along the High Road that would follow the building line of the existing settlement. As such it is not considered that this reduced scheme would constitute 'overdevelopment' of this site.

The previous application was not refused on issues of sustainability and as such it has clearly been previously concluded that the location and principle of the proposed development of this site is acceptable.

Green Belt:

It was previously concluded, as can be seen within the stated reason for refusal, that only the two detached dwellings to the rear of the site would constitute inappropriate development harmful to the Green Belt. Since this application no longer proposes any houses to the rear of the site, within the designated Green Belt, the reason for refusal is not relevant to this application.

The only part of the proposed development that would encroach into the designated Green Belt would be the rear car park area (and very last section of the proposed gardens), which would be formed from part of the existing car park. As such there would be no change of use of this land and no greater impact on openness than the existing situation.

Concerns have been raised with regards to the potential future use of the remainder of the car park, however this parcel of land is not within the ownership of the current applicants and therefore is not under consideration. Any proposed development on the adjacent land would be subject to planning permission and would be assessed on its own merits.

Loss of community/employment use:

The previous planning application was not refused due to the loss of the existing restaurant. As such this cannot be considered as a reason to refuse planning consent for this application.

Design/character of the area:

The proposed new dwellings would continue the existing linear development along the western side of the High Road and would consist of two storey houses with additional rooms in the roof slope. The dwellings along this stretch of the High Road are all two storey houses varying in size and style. Although not many of the surrounding houses appear to have extended into the roof area the exception to this appears to be the property known as Thornwood House, which is located on the opposite corner of the High Road and Carpenters Arms Lane and contains front and rear rooflights.

The second floor (habitable roof space) of the proposed terrace of houses would be served by front gable projections (on the two end houses) and a single rear dormer window on each dwelling. The houses would have a traditional appearance that is considered to be in keeping with the existing street scene.

The maximum height of the proposed terrace of properties would be 9m. Whilst this would be approximately 400mm higher than the ridge height of the neighbour at Hillview it is not considered that the slight increase in height would be detrimental to the overall character and appearance of the streetscene, particularly given the sites prominent corner location.

One of the key concerns from neighbouring residents appears to be the inclusion of a side entrance door to plot 3 since they consider that this could set a precedent and introduce additional built form along the northern side of Carpenters Arms Lane. Despite the location of the proposed entrance door the property would still front onto the High Road. It is not uncommon for properties to benefit from an entrance in their flank wall and this would assist in the continuous terrace of properties being 'broken up' and slightly more varied. The pathway to the entrance door would run from an access onto the High Road and this is likely to be physically separated from Carpenters Arms Lane and as such it is not considered that the flank elevation facing the lane would be read as the 'principle elevation'.

The existing building benefits from several unsympathetic additions, including a flat roofed front extension and extremely large rear addition, and is of no architectural merit. As such the removal of the existing building could be viewed as a positive impact on the overall character and appearance of the area.

Amenities:

The proposed development would remove the existing public house/restaurant, which has a far greater footprint and depth than the proposed houses. The proposed dwellings would extend approximately 2m beyond the rear wall of the adjacent neighbour and would be located between 2.8m and 3m from the neighbours flank wall. As such the new houses would be an improvement to the visual amenities of the neighbours than the existing public house.

Whilst the proposed dwellings would be marginally higher than the neighbouring property at Hillview, and extend 2m beyond the rear wall, it is not considered that these would result in any significantly greater loss of light than the existing public house. The only flank windows in the proposed houses would serve bathrooms and therefore would be obscure glazed (and can be conditioned as such). Due to this the proposal would not result in any undue overlooking or loss of privacy.

Landscaping:

There are some existing trees along the boundary of the former public house site, some of which are preserved by TPOs. This reduced application site only covers two of the preserved trees adjacent to the existing car park and are proposed for retention.

Tree information has been submitted with this application and it is considered that the retention and wellbeing of these trees can be adequately protected by way of conditions.

Highways/parking:

The Essex County Council Vehicle Parking Standards requires two parking spaces for each of the dwellings plus one visitor parking spaces (0.25 spaces per dwelling rounded up). The proposed development meets these requirements since it proposes that each of the three terrace properties would have a single parking space within the front garden with the remaining four spaces being laid out within a small car park to the rear of the site.

Essex County Council raised no objection to the level of parking provision proposed or its location/layout. Whilst the front parking spaces accessed directly off of the High Road would result in cars either entering or leaving the site in reverse there are several other examples of this within the village and it is not considered that this would further impact on highway safety or the free flow of traffic. Furthermore the accident record has been interrogated and there are no recorded accidents in the vicinity for the last 3 years.

The removal of the existing lay-by at the front of the site would remove an existing highway hazard since cars parked within this lay-by currently block sight lines to the north of the Carpenters Arms Lane junction. The proposed off-street parking to the front of the terrace properties would be further back from the edge of the highway and therefore would improve sight lines over the existing situation.

Whilst concerns have been expressed regarding the loss of the existing car park and the impact that this would have on on-street parking within the area, as the car park is private property and access is only granted for public parking out of goodwill the owner, loss of this car park cannot be given any weight as the area could be closed off from public use without the need for planning permission.

Other issues:

The application site is located within an EFDC flood risk assessment zone and is partially within an EA Flood Zone 2 and is of a size where it is necessary to avoid generating additional runoff. As such a flood risk assessment should be agreed for the development, however this can be done by way of a condition.

Due to the former light industrial/stables use on this site there is the potential for contaminants to be present. As domestic dwellings and gardens are classified as a particularly sensitive use contaminated land investigations and possible mitigation measures will need to take place on site. These can be controlled by the imposition of conditions.

Conclusion:

The application no longer proposes the erection of any new dwellings within the Green Belt and would not constitute an overdevelopment of the site. The proposal would not be detrimental to the character and appearance of the streetscene and surrounding area and would not be harmful to the amenities of surrounding residents. All required car parking would be provided and the proposal would not be detrimental to highway safety or the free flow of traffic. As a result of the above it is considered that the application complies with the guidance contained within the

National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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

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

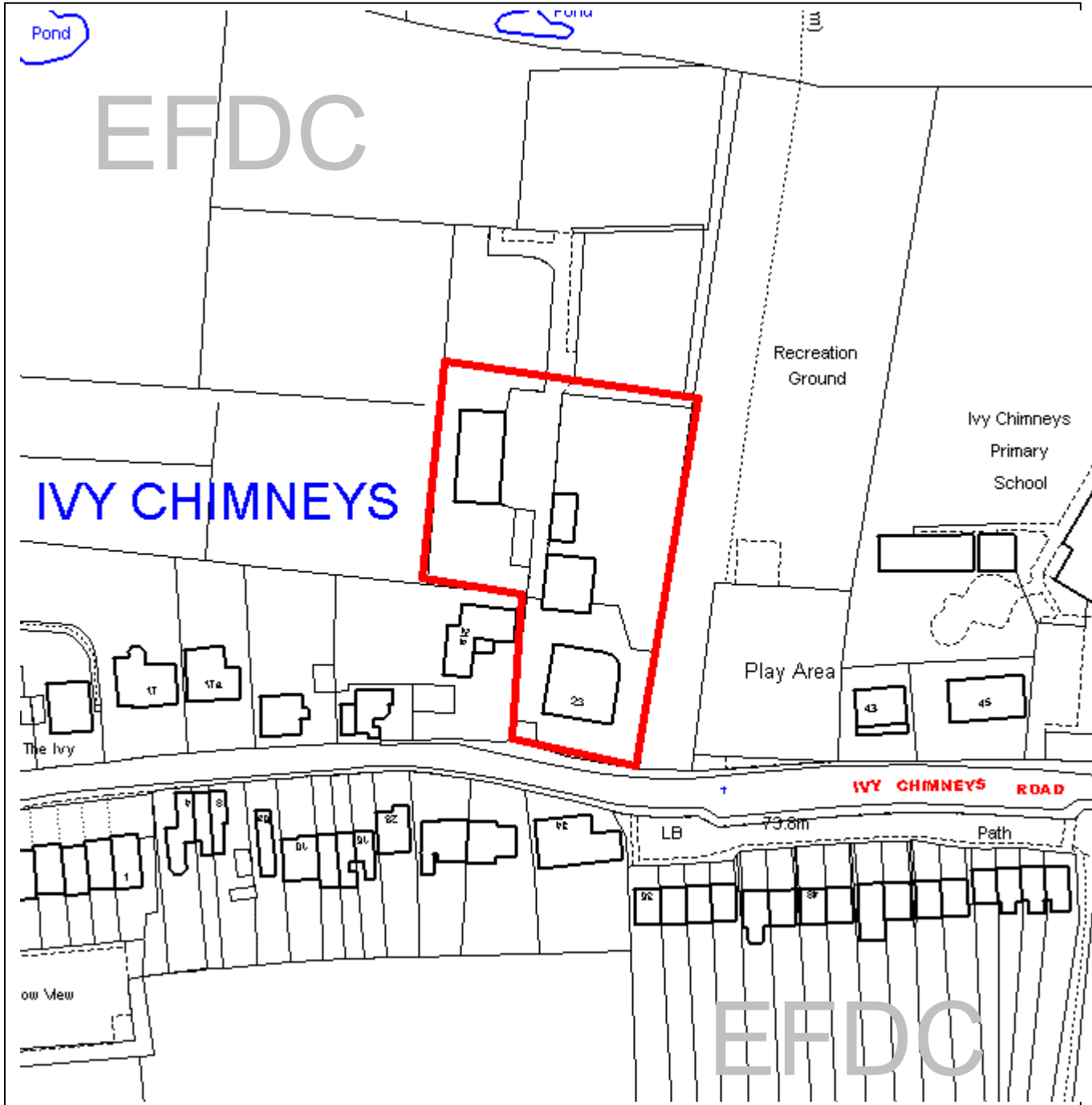
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 12



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Application Number:	EPF/1690/16
Site Name:	Broadbanks, 23 Ivy Chimneys Road, Epping, CM16 4EL
Scale of Plot:	1/1250

Report Item No: 12

APPLICATION No:	EPF/1690/16
SITE ADDRESS:	Broadbanks 23 Ivy Chimneys Road Epping Essex CM16 4EL
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Mike Payne
DESCRIPTION OF PROPOSAL:	Demolition of stables and hardstanding, excavation over site to reduce levels and removal of all from site. Provision of access road and turning head. Erection of three detached dwellings and garages including ancillary works and landscaping.
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=585435

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan, Existing Site Plan and drawings nos: 3010/3, 3010/1/A, 3010/2/A, 3010/4/A, 3010/1/B, 3010/2/B, 3010/4/B, 3010/1/C, 3010/2/C, 3010/3/C
- 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 opening in the southern first floor flank elevation of dwelling A as shown on drawing No. 3010/3 shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to

clean vehicles immediately before leaving the site.

- 6 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.
- 7 Prior to first occupation of 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 of carriageway and provided with an appropriate dropped kerb crossing of the footway.
- 8 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 9 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.
- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 11 There shall be no discharge of surface water onto the Highway.
- 12 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 13 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved 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]

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

scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 18 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.
- 19 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

The application site consists of a 0.39 hectare equestrian site containing stables, barns, a manege and various other areas of hardstanding. The fields beyond and to the west of the site are also within the applicants ownership.

The application site is located on the northern side of Ivy Chimneys and doglegs around the rear of No. 21a Ivy Chimneys Road. The site is located within the designated Metropolitan Green Belt. To the east of the site is a recreational ground with Ivy Chimneys Primary School beyond this.

Description of Proposal:

Consent is being sought for the demolition and removal of the stables and hardstanding and the excavation of part of the site to reduce the levels (with the excavated material to be removed), and the erection of three detached dwellings and garages with all associated works.

Each of the three proposed dwellings would measure 15m in width and 11m in depth with hip ended pitched roofs to a ridge height of 10m. The dwellings would each be four bed properties with detached double garages. These would be served by a single roadway following the existing access road through the site that would utilise the existing vehicle crossover onto Ivy Chimneys.

Relevant History:

OUT/EPF/1430/85 - Outline application for the erection of a dwelling house with garage in garden of 'Broadbanks' – refused 27/01/86

OUT/EPF/2056/14 - Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping – refused 11/12/14 (appeal dismissed 27/07/15)

OUT/EPF/0458/15 - Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of three detached dwellings with garages and car spaces including ancillary works and landscaping (revised application to EPF/2056/14) – approved/conditions 22/04/15)

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
GB2A - Development in the Green Belt
H3A - Housing density
H4A - Dwelling mix
DBE2 - Effect on neighbouring properties
DBE8 - Private amenity space
DBE9 - Loss of amenity
ST1 - Location of development
ST4 - Road safety
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:

48 neighbouring residents were consulted and a Site Notice was displayed.

TOWN COUNCIL – Object. The more intense use of the site would be detrimental to Highway safety. This is a busy and dangerous road, particularly for pedestrians and this is exacerbated by parking issues. The proximity of Ivy Chimneys Playground and Ivy Chimneys Primary School means that vehicle traffic and footfall at peak times is far greater than would be the case in a similar location without the school and playground nearby. Committee do not consider the infrastructure sufficient to enable an access drive that is 5.5m in width. The increased use of the site would result in more traffic at a point where traffic is moving downhill, resulting in adverse effects in an already dangerous area. Committee do not object to the number or type of houses proposed.

EPPING SOCIETY – Object. The scale of the development proposed for this area is unsuitable. There are potential road safety issues. The relatively narrow entrance is on the bend of a busy road. The area is particularly sensitive due to its proximity to Ivy Chimneys Primary School.

5 MEADOW VIEW – Object as the road is very busy and dangerous and this development would increase the traffic and chance of accidents. If permission is allowed then there should be no parking provided. Also there would be a loss of equestrian space and damage to the semi-rural character of the neighbourhood.

34 IVY CHIMNEYS ROAD – Object due to highway implications, additional parking congestion, and since this would be an inappropriate use harmful to the Green Belt and the rural area.

Main Issues and Considerations:

In 2015 outline planning consent ref: OUT/EPF/0458/15 was granted for the demolition of the existing equestrian structures and the erection of three detached dwellings with detached garages.

This proposed application is not a Reserved Matters application but rather a full planning consent, however it is similar in terms of scale and layout to the indicative plans previously submitted with OUT/EPF/0458/15.

Prior to this previous outline approval a scheme for five dwellings was refused consent at Area Plans East Committee in December 2014 for the following reason:

The number of dwellings proposed and the use of the currently open area to the rear of the site as residential and / or garden land amounts to inappropriate development in the Green Belt, harmful to the rural character of the area, contrary to policies GB2A and CP2 of the Adopted Local Plan and Alterations.

The printed minutes of this meeting state the possible way forward as:

“Members suggested that a possible way forward would be to reduce the number of dwellings and remove the menage/hardstanding area (which is currently open) from the application site such that there will be no greater impact on openness than existing and no intrusion of residential paraphernalia into the rural area which is harmful to the character of the area”.

Both the revised outline application (which was approved) and this proposed application have followed the above advice by reducing the proposed number of dwelling to three and excluding the rear part of the site from development. Whilst the manege and hardstanding area have still been included within the Red Line, the applicant’s agent has been asked to amend this, but if no such amendment is received before committee, a condition could be imposed clearly stating that no development or garden encroachment can take place within these two areas.

Green Belt:

Whilst located within the Green Belt the site is on the edge of the urban area of Ivy Chimneys, which itself forms part of the larger town of Epping. The erection of buildings within the Green Belt are considered inappropriate development unless they meet one of the exceptions as laid out within the National Planning Policy Framework (NPPF) or where the harm is clearly outweighed by very special circumstances. These exceptions include the following:

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

The definition of previously developed land is laid out within Annex 2 of the NPPF and reads:

Land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The existing use of the site is for the stabling of horses and associated equestrian purposes. This use has been continuing on site since at least 2005 as recorded by photographs taken by Planning Enforcement as a result of investigations. The site would not fall into any of the exclusions of previously developed land as specified within the definition and therefore this site would constitute brownfield land.

Consent has already been granted for the redevelopment of the site for three dwellings that indicatively were shown to be of a scale and size similar to this proposal. The dwellings would be smaller in footprint when compared to the existing structures on site however, due to the increased height would result in approximately 35% increase in terms of volume.

This application also proposes to reduce the ground level of the site by 1.5m. Whilst this is primarily intended to provide a level site for ease of construction and to remove any potential contamination it also has the benefit of reducing the potential impact on the openness of the Green Belt. Whilst the reduction in the entire site would not technically impact upon the 'above ground works' this reduced site level would in effect reduce the overall volume of the above (current) ground level development to a 10% increase over and above the existing equestrian buildings.

The menage and hardstanding area to the rear of the site, which previously were proposed to be built on, are now excluded from any built form. Whilst they are still included within the Red Line application site a condition could be imposed clearly stating that there shall be no garden encroachment into these two areas, which would most likely be retained as a communal open area

Although there would be some increase in the overall volume of buildings on the site there would be a reduction in footprint and, given the location of the site, no significant impact on the openness of the Green Belt. As such it is not considered that the proposal would constitute inappropriate development harmful to the Green Belt.

Design:

The three proposed dwellings would all be identical in terms of size and detailing however would differ in external materials/finishing. The properties would be fairly simple and traditionally designed and would be wholly appropriate to this edge of settlement location.

Amenity concerns:

Given the location of the site and proposed houses there would be no undue harm on the amenities of any surrounding residents. The closest property to a neighbouring resident is house A, which would be located side on to the shared boundary with 21A Ivy Chimneys, however there is significant distance to ensure that there would be no excessive loss of light or outlook. A first floor flank window is proposed facing this neighbour, however this can be conditioned to be obscure glazed and fixed shut to protect against any overlooking or loss of privacy.

The proposed dwelling A and B do have fairly small areas of private amenity space compared to the size of the houses, ranging from 120m² to 235m², however given the presence of the open parcel of land to the rear, the nearby park, and the relatively short distance to other public open land it is not considered that this level of amenity space would be unduly detrimental to the future residents of the site. Dwelling C has a more appropriately sized garden area measuring some 480m².

Access and Parking:

The proposed development would require two off-street parking spaces per dwelling plus one visitor parking space to serve the entire site. Each of the proposed dwellings would be served by a double garage and two additional off-street parking spaces, along with informal parking along the private access road. As such there is more than adequate space on site to allow for the required parking provision.

The proposed development would be served by the existing driveway onto Ivy Chimneys. There is no objection from ECC Highways subject to conditions regarding the following:

- The proposed private drive should be to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway. This should not be finished in any form of unbound material to avoid the displacement of loose material onto the highway;
- 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;
- No unbound material shall be used in the surface treatment of the vehicle access;
- There shall be no discharge of surface water onto the highway; and
- Residential Travel Information Pack for sustainable transport should be provided to the future occupants.

The existing access is 5.5m for at least the first 6m from the back edge of the highway and benefits from existing gates set back approximately 8m from the highway. Therefore the proposed development already complies with ECC Highways requirements and as such would not be detrimental to highway safety.

Other Concerns:

Due to the sites current use as a stable yard there is the potential for contaminants to be present on site. Since domestic dwellings with gardens are classified as particularly sensitive uses contaminated land investigations and, where required, remediation will be necessary. The statement in the covering letter *“upon clearance of the site, ground level over the whole site is to be reduced by some 1.5 metres, and the subsoil removed from the site. The purpose of this is:-3) To remove the onerous effect of contamination conditions otherwise likely to be imposed on permission if granted”* however this is not sufficient in lieu of the required contamination assessment, and a preliminary risk assessment will still be required.

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a flood risk assessment is required, which can be dealt with by condition.

Conclusion

The proposed development is similar to the indicative layout plan submitted with the previously approved outline planning consent. Despite the slight increase in volume the proposed dwellings would not constitute inappropriate development harmful to the Green Belt, would not detrimentally impact on neighbours amenities, and would not be harmful to highway safety or traffic generation. The dwellings would be appropriately designed and would provide adequate amenity space and off-street parking provision. Therefore, subject to conditions, the proposal complies with the guidance contained within the NPPF 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***

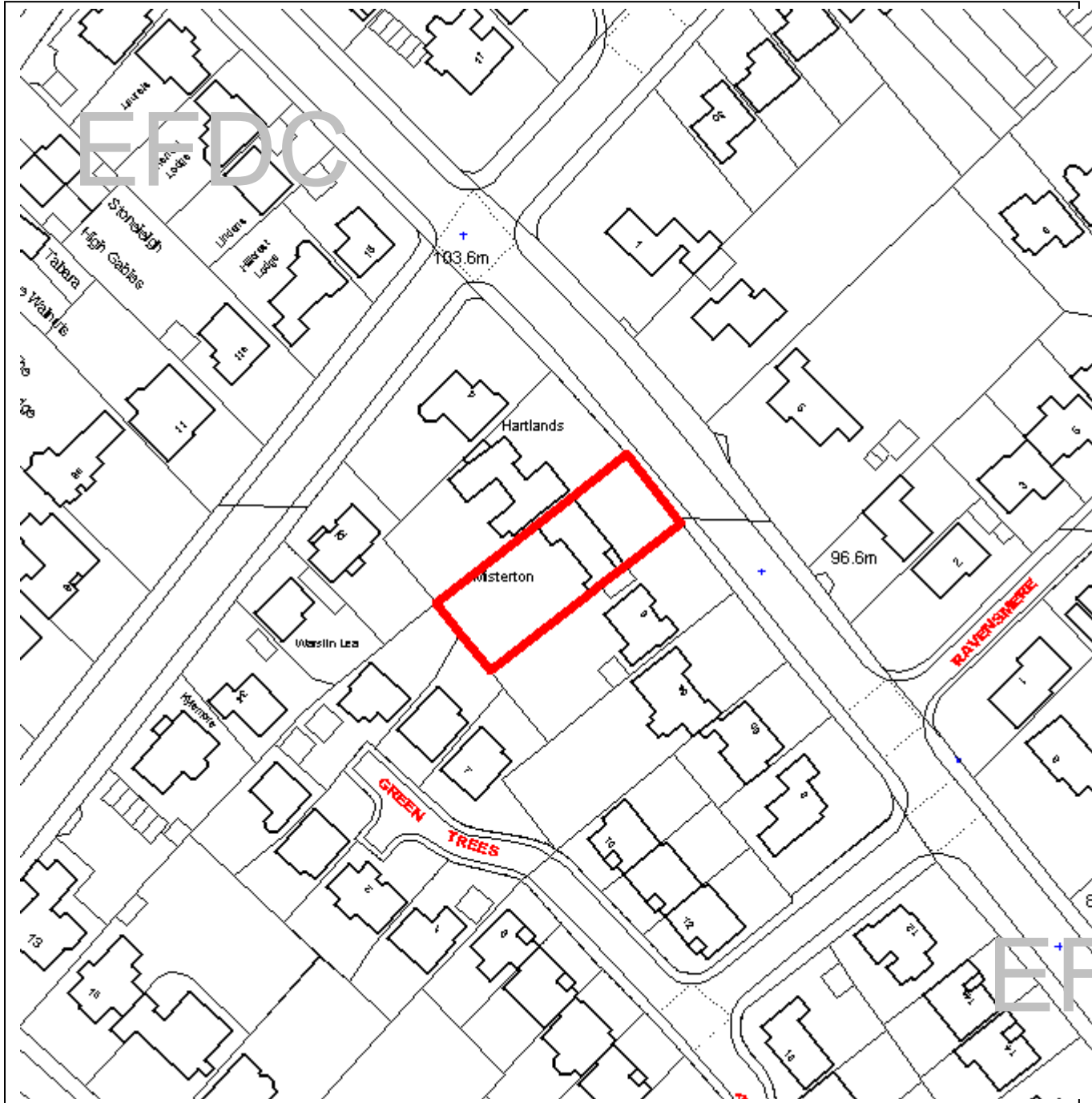
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 13



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Application Number:	EPF/1747/16
Site Name:	Misterton, Kendal Avenue, Eping, CM16 4PN
Scale of Plot:	1/1250

Report Item No: 13

APPLICATION No:	EPF/1747/16
SITE ADDRESS:	Misterton Kendal Avenue Epping Essex CM16 4PN
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mr Miller and Stanley
DESCRIPTION OF PROPOSAL:	Two storey side extension, single storey rear extension and loft conversion with 2 front slope dormers and 2 rear slope dormers.
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=585541

CONDITIONS

- 1 Prior to first occupation of the development hereby approved, the proposed upper floor flank window in the northern flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four 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 proposal site comprises a two-storey detached house and curtilage located on the western side of Kendal Avenue. The character of the surrounding area is defined by similar types of housing. The site is located within an urban area and is not Listed or in a Conservation Area. Ground levels around the site rise to the northwest and fall to the southeast.

Description of Proposal:

Permission is sought for a two storey side extension, single storey rear extension and loft conversion.

This application is retrospective and is an amendment to the previously approved two storey side/rear extension with Juliet balcony, single storey rear extension and loft conversion with two front and two rear dormer windows and roof lantern to front gable at this site under reference EPF/2527/14.

The amendments include enlarging the rear dormers so they measure 2.3m wide and 2.15m high to ridge of their gable roofs.

Two additional roof lights have been installed and 1 high level oriel window has been inserted into the first floor rear elevation to serve bedroom 1.

The external walls are proposed to be covered by white painted render.

All other details remain as that approved under EPF/2527/14.

Relevant History:

Planning permission was granted under EPF/2527/14 for two storey side/rear extension with Juliet balcony, single storey rear extension and loft conversion with two front and two rear dormer windows and roof lantern to front gable at this site

Policies Applied:

National Planning Policy Framework
National Planning Policy Guidance

Epping Forest District Local Plan (1998) and alterations (2006).

DBE9: Loss of amenity
DBE10: Residential extensions
LL10: Adequacy of provision for landscape retention

Consultation Carried out and Representations Received

12 neighbours were consulted

The following responses have been received

TOWN COUNCIL – No Objection

7 Green Trees:- The materials used for the external finish do not match the proposed description which is facing brick work and render. The dormer windows at the rear of the property are considerably larger than planned and overlook our property. The new Juliet balcony windows do not have obscured glass in them. The completed property is out of character with other properties in the neighbourhood. This is the first time we have been consulted regarding this property.

6a Kendal Avenue: Works have already been carried out. Advert displayed which announces the house is for sale and ready for occupation in August.

6 Green Trees: Disappointed that our objections regarding the original planning were dismissed. This neighbour repeats the concerns raised by 7 Green Trees and further adds that rear dormers are substantially larger than those at the front and would be difficult to be described as subordinate. Two additional roof lights have also been added causing significant overlooking to house and garden. Also points out inconsistencies in the plan. Occupiers of the application property will also have compromised privacy due to 5 and 6 Green Trees can see directly into all rooms within the rear elevation. The Epping Society and Epping Town Council both objected to the previous scheme.

5 Green Trees: repeats the concerns raised by 5 and 6 Green Trees.

Resident in Kendall Avenue: Work has already been carried out. I have no objection to the development however there are three large and attractive trees (including Scots Pine, Sweet Chestnut and another species) and the contractor is excavating very close to them and already exposed roots of the pine.

Main Issues and Considerations:

The key considerations for the determination of this application are the impact of the proposal will have on the character and appearance of the area and neighbouring residential amenity.

Character and appearance

The rear dormers whilst larger in size than previously approved remain below the ridge line and are centrally located and remain subordinate in size and character to the main roof.

The site is not located within a conservation area. The painted render reflects the overall modern appearance of the extended property. It is therefore considered the change from half rendered walls and half brick to full render is not so significant as to justify refusal of the scheme.

There are also other examples of first floor high level oriel windows on other properties along this street.

The proposed roof lights fall within the permitted developments limitations of the property and do not materially alter appearance of the property.

It is therefore considered to preserve the character and appearance of the area in accordance with Chapter 7 of the NPPF and policy DBE10 of the Local Plan.

Trees

No conditions were imposed regarding tree protection when the initial application under EPF/2527/14 was approved. With the submission of this application the Tree Officer has put a Tree Preservation Order on all three trees on the front of the site. The Tree Officer is also making regular visits to the property to ensure that construction work does not impinge on the health of these protected trees. The proposal therefore complies with the requirements of LL10 of the Local Plan.

Impact on neighbouring amenity.

The nearest window to window distance from the rear elevation to properties at Green Trees is 35m. This distance accords with the standards set out in the Essex Design Guide and is more

generous than existing window to window distances at for example between 10 Green Trees and 6B Kendal Avenue. It is therefore considered that there will be no significant loss of privacy to neighbouring residents on Green Trees.

The clear Juliet balcony windows have already been approved under EPF/2527/16 and given the existing distance between neighbouring properties no overlooking issues arise.

Other matters

5 and 6 Green raise concern about the differences in the approved plans. It is correct that plan number M/KA/14/F14 shows bedroom 5 having a front elevation window. The agent has corrected the drawings to show the plans which reflect what has been built. Other discrepancies relate to the differences between the previously approved application and what is proposed now. Since these discrepancies are what is being applied for, they do not alter the determination of this application.

Conclusion

In conclusion the proposal accords with the NPPF and Combined Policies of Epping Forest District Local Plan and Alterations and is therefore recommended for approval.

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

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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