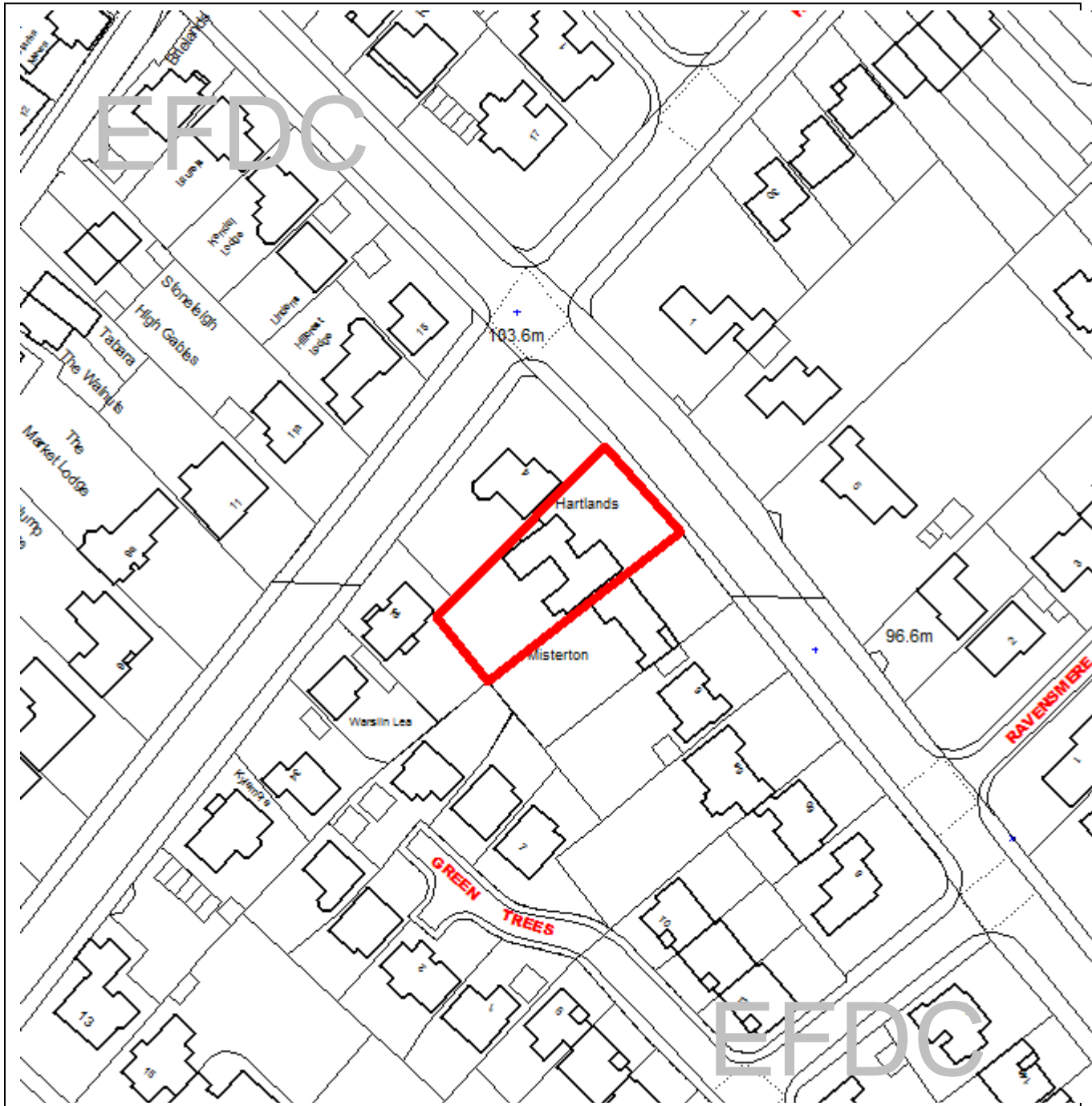


AREA PLANS SUB-COMMITTEE 'EAST'

6 December 2017

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/1401/17	Hartlands 4A Kendal Avenue Epping Essex CM16 4PN	Grant Permission (With Conditions)	28
2	EPF/2162/17	Plot 3 Ashlings Farm Ashlings Farm Lane High Ongar Ingatestone Essex CM4 0JU	Refuse Permission	42
3	EPF/2173/17	16 Kendal Avenue Epping Essex CM16 4PW	Grant Permission (With Conditions)	50
4	EPF/2185/17	NHS Radio Mast Site New Road Lambourne End Essex RM4 1AR	Grant Permission (With Conditions)	62
5	EPF/2441/17	54 Rayfield Epping Essex CM16 5AH	Grant Permission (With Conditions)	70
6	EPF/2448/17	38 High Road North Weald Bassett Epping Essex CM16 6BU	Grant Permission (With Conditions)	76
7	EPF/2500/17	Oakbank Theydon Park Road Theydon Bois Essex CM16 7LS	Grant Permission (With Conditions)	84
8	EPF/2504/17	Land to rear of 1-7 Rodney Road, 2-22 Fairfield Road and 2- 6 Glebe Road Ongar Essex CM5 9HJ	Grant Permission (With Conditions)	90
9	EPF/2735/17	Merlin Way North Weald Epping Essex CM16 6HR	Grant Permission (With Conditions)	102



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Application Number:	EPF/1401/17
Site Name:	Hartlands, 4A Kendal Avenue, Epping, CM16 4PN
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1401/17
SITE ADDRESS:	Hartlands 4A Kendal Avenue Epping Essex CM16 4PN
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Pathtown Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling house and erection of a new build project consisting of 5 flats
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594804

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: 292-EX-01 Existing Front & Rear Elevations, 292-PL-01 A Site & Location Plans, 292-PL-02 D Proposed Ground Floor Plan & Landscape, 292-PL-03 B Proposed First & Second Floor Plan, 292-PL-04 B Proposed Roof Plan, 292-PL-05 D Existing & Proposed Street Elevations, 292-PL-06 B Proposed Front & Rear Elevations, 292-PL-07 A Proposed NW & SE Elevations, 292-PL-08 C Proposed Basement, 292-PL-09 A Proposed Construction Method, 292-DA-01 A Design & Access Statement, Arboricultural Report & AIA - Rev C, Tree Protection Plan - Rev C.
- 3 Before any works on site commence a drainage impact assessment and/or a hydrological study shall be carried out and a report submitted to the LPA to ensure that the proposed subterranean development will not detrimentally affect the drainage, sewage, surface water and ground water flows and levels to the site and/or neighbouring properties and/or the immediate vicinity in general in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 and U3B of the adopted Local Plan and Alterations.

If it appears from the results of the assessment and/or study that the subterranean development has the potential to detrimentally affect the drainage, sewage, increase the flood risk to the site and/or to neighbouring properties and/or the immediate

surrounding area, then details of appropriate mitigating measures and /or systems must be submitted to the LPA and be approved before any works commence on site. Thereafter the approved measures and/or systems shall be properly implemented and properly maintained by the owner of the site.

- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 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.
- 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 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.
- 8 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 9 No development, including works of demolition or site clearance, shall take place until driveway details have been submitted to the Local Planning Authority and approved in writing. These shall consist of an above ground, no dig construction with a porous finish and included an Arboricultural supervision timetable. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 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.
- 11 Prior to first occupation of the development hereby approved, the proposed rooflight openings in the north western roofslope over the master bedroom of flat 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.
- 12 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.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 Prior to the first occupation of the development the access arrangements, vehicle parking, car lift and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking, car lift and turning areas shall be retained in perpetuity for their intended purpose.
- 15 Prior to the first occupation of the development the existing access to the south of the site shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height.
- 16 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, 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.

- 17 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary, in accordance with the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and more than 4 objections material to the planning merits of the proposal to be approved have been received. (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The proposal site comprises a part single storey part two storey detached house and large curtilage located on the western side of Kendal Avenue. The Lime and Sycamore Trees to the front of the site are protected by preservation orders. The character of the surrounding area is defined by a variety of forms of detached houses with ample frontages. 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.

The site is within an urban area which is outside of a conservation area and is not listed.

Description of Proposal:

Permission is sought for the Demolition of existing dwelling house and erection of a new build project consisting of 5 flats with a car lift leading to an underground carpark and bin/cycle storage facilities.

The building will provide 1x1 bedroom and 4 two bedroom flats

The building measures a maximum of 16m wide by 15 deep on north western flank facing 4 Kendal Avenue and 11.5m deep on the south eastern flank facing Misterton. It has a maximum height of 10m at the ridge of the north western gable, 8.85m to the top of the central section and 9.45 to ridge of the south eastern gable. A car lift is proposed to be attached to the north western side flank and extend beyond the front elevation. It measures 3m wide 5.7m deep and 2.05m high to its flat roof.

Access is to remain as existing.

6 car parking spaces are provided within a basement car park access via a car lift and a cycle storage /refuse storage unit is proposed in the front forecourt of the property. It will hold up to 6 bikes.

Relevant History:

Permission was granted under reference TPO/EPF/0035/84 for the crown lifting, dead wooding and thinning of the canopy (by 25%) of 1 preserved lime and 2 preserved sycamore trees.

Policies Applied:

Adopted Local Plan:

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: New Buildings
DBE2: Effect on neighbouring properties
DBE8: Private amenity space
DBE9: Neighbouring residential amenity
LL10: Adequacy of provision for landscape retention
LL11 Landscaping schemes
ST1: Location of development
ST2: Accessibility of Development
ST4: Road safety
ST6: Parking provision
H2A: Previously developed land
H4A: dwelling mix
HC6: Character, appearance and setting of conservation areas
HC7: Development within Conservation Areas.
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.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development
H1 – Housing mix and accommodation types
H2 – Affordable housing
T1 – Sustainable transport choices
DM9 – High quality design
DM10 – Housing design and quality
DM 11 – Waste recycling facilities on new developments
DM16 – Sustainable drainage systems
DM18 – On site management of waste water and water supply
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 18
Site notice posted: Yes

OBJECTIONS received from **1, 3, 4, 5, 6, 8,10, 11 and 13 Ambleside; 5 and 6 Green Trees; Stoneleigh Hemnell Street; 11A, 15, 32, 32A and Robert Scott Hartlands Road; 1, 6, 6A, 6B,**

12, 18A, 29, Misterton, Lindens, Kippen Kendal Avenue; June Windrow (no address given) and David MB Smith (no address given).

The proposed development is out of keeping with existing properties in Kendal Ave and will significantly change the street scene.

The planning application for the erection of 5 flats is overdevelopment of the site in bulk and scale; will dominate the appearance of Misterton and would be out of keeping with the area and harmful to the street scene, contrary to Policies DBE1 and CP7 of the Adopted Local Plan.

The existing property is somewhat unique in design and should be retained.

To excavate a large underground parking area for these flats is likely to have a considerable impact on below ground drainage with potential implications for surrounding properties. Before any such work could be started a method statement would need to be produced detailing the measures required to prevent collapse of the loose ground. Erecting sheet piling by vibrating into the soil is also likely to have an adverse effect on existing property foundations and structure. The negative impact of a deep excavation so close to other property foundations could have very real consequences. A full or partial collapse of trench sides would be a possibility and sheet shoring would be required. Surely sheet piling cannot occur so close to a property without causing disturbance of existing footings. The council will need to review the method of works to establish negative impacts on surrounding areas and properties.

The area has many trees with large roots which will be adversely affected by such excavation works.

The impact on neighbouring properties during the course of such a major excavation will be considerable, with several hundred cubic metres of soil needing removal. The environmental impact of soil removal on this scale will be considerable.

The impact of large lorries undertaking soil removal will cause further traffic issues in Kendal Ave. The junction of Kendal Ave /Hartland Rd already suffers many accidents and congestion. The increased density will have a major knock on effect in terms of traffic, parking and increased emissions. Traffic and parking in Kendal Ave is already an issue without the addition of a further five properties, which is likely to generate an additional 10 vehicles for parking and access to an already busy road.

Epping's demographics are being changed by the vast number of flats being built by speculative developers.

There is inadequate parking which will lead to indiscriminate parking and congestion in the local area.

The proposed application will be harmful to the visual amenity and density in Kendal Avenue and contrary to policy DBE1 and CP7 of the Local Plan.

Loss of light to living room and the upstairs bedroom from the afternoon onwards until sunset. Secondly, this would result in Misterton having to use artificial light at a financial cost for a significant proportion of the day. This is due to the dominant and overbearing size of the proposed building.

Proposal will cause loss of privacy at Misterton.

Increased pressure on already squeezed amenities, noise, nuisance resulting from such increased dwelling numbers on a relatively small space.

Planning application at 4 Hartlands for 6 flats was refused. This application should also be refused.

Cycle store breaks covenant

Noise and vibrations the lift would make when in use

The site is not large enough to accommodate such a basement system and will cause weight of structure.

This proposed solution does not offer any solution for visitor parking.

I am mindful of flooding which could occur within such a proposed basement.

I am extremely concerned about how much the ground would move causing ground movement under Misterton.

EPHING TOWN COUNCIL: OBJECT: Whilst Committee notes that the number of units has been reduced from six to five, many of their other concerns have not been addressed and some made worse. The proposal is still a vast overdevelopment of the site in terms of its height, bulk, scale and density. The proposal would be much higher than the existing property and will be overbearing and have an overly dominant effect on the street scene, which will be detrimental to the character of the surrounding area, particularly the carefully styled properties on Kendal Avenue. A flatted development is not appropriate in this location and the basement design of this development, with external entrance at ground floor level is not in keeping with the streetscene, nor right for this location. There are many geological issues relating the land in this area and basement excavations and the removal of trees would cause irrevocable damage to the area.

The layout of the building is not in keeping with the street scene and highlights this as a flatted development in contrast to the large, detached individual family homes that are characteristic of this avenue style road. The intensification of use from a three bedroom family home to five individual apartments would impact adversely on the surrounding area in terms of noise, nuisance, disturbance and additional traffic. The new proposal has reduced the number of parking spaces from eleven to seven which is not sufficient.

The property is located close to a junction and the vast increase in the number of vehicles using the property would have a harmful effect on highway safety and on the character of the area through which the new traffic would move.

The proposed basement car lift system would result in a loss of amenity for neighbouring properties in terms of noise nuisance and disturbance. The site is not large enough or suitable to accommodate such a complex basement parking system.

The implementation of such a system may result in major issues for the immediate neighbours, damaging their properties, due to excavation depths. The awkwardness of this basement system, and visitors to the flats, would result in additional car parking in the neighbouring roads which already suffer from commuter and weekend parking. Additional commuter parking would detract from this high quality urban environment. There are severe parking issues in Epping and the

insufficient parking from this scheme will put additional pressures on the surrounding roads. The generation of additional traffic and refuse in this already busy location, will result in a loss of amenity in terms of noise and disturbance. Residents have for many years, respected the style and character of this area and this proposal will cause unnecessary harm to the urban environment here.

Committee object to the demolition of this large family home, which are as necessary as flats and do not feel this is the most suitable location. A mix of dwelling types is required and removing large, family homes does not contribute to this objective. Constantly granting permission for flats at the expense of good quality family homes, will adversely affect the mix of dwellings types available in the town and alter the core character of this prestigious road. It will also set an undesirable precedent in the town and alter the core character of this prestigious road. It will also set an undesirable precedent which will result in the erosion of the area's core. Flats are needed but not in this location.

Committee do not support the removal of trees which are integral to both the character of the area and which collectively impact on the water table. Kendal Avenue is a leafy, wide road and this character will be irreversibly harmed if each house continues to remove prominent trees.

National policy states that the character of individual areas must be taken into consideration this development does not respect Kendal Avenue. Local and national policy state that the emphasis should be improving the quality of life in urban areas, not reducing that quality for future generations. Constantly allowing flats at the expense of family houses reduces the mix of dwelling types available and thus reduces choice. The need for flats is being catered for within the new Draft Local Plan and building plans set until 2033 within such plan.

Relevant policies: CP2, CP6, CP7, DBE1, DBE2, DBE9, H3A, H4A, ST4, ST6. NPPF Paras 17, 55 64.

Emerging Local Plan H1A (ii) and (iii), DM9J

Epping Society OBJECT: The above application has been considered by the committee of this Society and we wish to object to the proposal as submitted for the following reasons.

The existing property is an attractive well designed building. It is a fine example of early 1960s low level open plan and contributes to the mix of housing in our town.

The proposed design is much higher than the roof lines of the adjacent properties. That is to say - it does not follow an expected line approximately parallel with the adjacent roof heights and the incline of Kendal Avenue. The proposed parking and the associated structures on the frontage will create the look of a building that demands the use every square meter without regard to the surrounding scale or aesthetics.

The sheer height of the proposed building will create major issues of overlooking into the rear gardens of neighbouring properties.

These flats will have a major negative impact on the street scene leading to a loss of amenity for its neighbours. We would expect a minimum of 12 parking places for such a large block of flats, the town has major parking issues and the 6 spaces proposed are insufficient. The proposed 5 additional households in this development will generate many more visitors. They will inevitably use the street parking outside the flats.

Main Issues and Considerations:

The key considerations for the determination of this application area:

The principle of the development;
Impact on the character and appearance of the site and surrounding area.
Impact on the living conditions of surrounding residents;
Quality of resulting residential accommodation;
Impact on existing trees and
Impact on parking provision and highway safety.

Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

Five year housing supply

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

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.5 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 50 units per hectare. This density is higher than neighbouring properties however since the location of the site is close to sustainable modes of transport and local amenities, it remains consistent with the requirements of policies CP1, CP3 and H3A of the Local Plan and with paragraph 47 of the NPPF which seeks to boost significantly the supply of housing.

Impact on the character and appearance of the area

One of the 12 core planning principles of the NPPF is that decision makers should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 56 "attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 58 of the NPPF requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identity of local surroundings.

Policy DBE1 of the Local Plan requires that new buildings will:-

- (i) Respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing;
- (ii) Are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and
- (iii) Only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.

The proposal has the visual appearance of a large single dwelling house which draws references from the characteristics of surrounding dwellings. It contains three distinct elements, the central crown topped horizontal gable roof connects two book end front facing gable projections forming the north western and south eastern flanks of the building. Materials include grey roof tiles, brick, render and timber cladding for the walls and metal framed fenestration.

The building has a position within the plot; width, depth and materials which are all in keeping with character and of the street.

It is acknowledged that the ridge heights of the gables are higher than neighbouring dwellings. The south eastern gable facing Misterton is 0.6m higher and north western gable facing 4 Kendal Avenue is 1.15m higher). However given that the gaps between it and the neighbouring properties (1.7m from the boundary with Misterton and 3m above the car lift and 4 Kendal Avenue. The eaves levels being in keeping with the slope of the road and position of the eaves level of these neighbouring properties; the gables being front facing points together with the exemplar contemporary design of the building and existing trees screening the storage buildings and car lift which appears as a garage structure being screened by existing planting, it is on balance considered that refusal on this grounds of height and ancillary buildings within the front forecourt of the building could not be justified on appeal It is for these reasons considered that overall the proposal meets the requirements of chapter 7 of the NPPF and policy DBE1 and DBE3 of the Local Plan.

Trees

The initial plans submitted as part of this application raised a number of concerns in relation to the protection of existing protected trees within the front forecourt of the property, due to the size of the basement parking area (which originally proposed 10 parking spaces The plans were then revised on a number of occasions in order to find an acceptable solution which could adequately ensure that sufficient parking was provided without harming the health and stability of these trees. The existing width of the northern access is to be widened so that it is closer to the northern boundary of the site. Two new trees within the rear garden will replace the existing category C trees (Weeping Birch and Hornbeam) located near the lift structure. The Tree Officer is now satisfied that the details contained within plan no. 292-PL-02 rev D will subject to further monitoring by the Council and safeguarding conditions ensure that trees shown to be retained are protected. The proposal on this basis is considered to comply with the requirements of policy LL10 of the Local Plan.

Quality of resulting residential accommodation

The single one bedroom and flat and 4 two bedroom flats are considered suitable for smaller households, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The proposed self - contained units have an adequate internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015) and the Essex Design Guide.

The amenity space provision is also private, useable and of sufficient size to meets requirements laid out by policy DBE 8 of the Local Plan.

Details regarding the storage of waste are also acceptable.

Impact on neighbouring residential amenity

It is considered that the increase in the number of residential units within the site will not lead to an over intensification of the site as the number of occupants will not be excessively more than if there was only a large single family occupying the site.

There is a gap of 2m between the application building and Misterton. The proposed building extends 2m beyond the main rear elevation of Misterton. Ground level of this property is approximately 1.3m lower than that of the application site. The nearest habitable room at ground floor level is used as a lounge. It contains 4 windows and is orientated south of the application site. Plans indicate that 45 degree daylight guidelines will not be breached and the natural high hedging will be retained. The side flank wall of Misterton which faces the application site contains two windows originally approved as serving bathrooms within a side extension approved under reference EPF/2527/14. During my site visit I found that the ground floor window now is a secondary window within the lounge. Given the basis on which it was approved, the other 4 windows that serve the lounge and this being a side flank wall it is considered that this property

The existing house on the site has a footprint which extends deeper into the garden then the proposed building albeit it is lower in height.

Only high level clerestory windows (2.1m above floor level) and high level rooflights (2.8m above floor level) are proposed to be inserted within the side flank walls. It is recommended that the secondary rooflight over the master bedroom within flat 3 is obscure glazed in order to prevent any direct or perceived overlooking of the private rear garden at 4 Kendal Avenue.

Number 4 Kendal Avenue is on higher ground and is separated from the main north western wall of the building by a width of 4.7m. It has no primary habitable room windows facing the application site.

The rear boundary of the site is also the side boundary of the rear garden at 32 Hartland Road. There is a 5m hedge along this mutual boundary. The distance between the application building and this neighbouring property is at least 21m away and is positioned perpendicular to the application site.

All other properties are sufficiently distant to ensure that they will not be materially affected.

It is for these reasons considered that the proposal will not excessively harm neighbouring amenity in terms of light, outlook, dominance or privacy. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan.

Highways

The proposal will retain the existing northern access and the existing southern access will be for pedestrians only. The site is located close to good public transport links and access and egress onto the site is acceptable. The Highways Authority is therefore satisfied that subject to conditions the proposal would not cause undue highway or parking concerns. Whilst the parking provision falls below normal requirements, given the location, close to the town centre and the tube station it is not considered appropriate to insist on 2 spaces per unit, particularly as these are not family units. The proposal therefore accords with the requirements of ST4 and ST6 of the Local Plan.

Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. However the development is of a size where it is necessary to avoid generating additional runoff and no details have been submitted in relation to surface water drainage. The Council's Land Drainage engineer therefore recommends a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan is imposed to any permission.

In addition, due to the proposed development including a large basement, the Land Drainage Team recommends that a further condition be added to any permission which requires that a drainage impact and / or a hydrological study shall be carried out and a report submitted to and approved by the Council in order to ensure that the development does not have a detrimental impact on the drainage, sewage, surface water and ground water flows and levels to the site and/or neighbouring properties and/or the immediate vicinity in general.

Other matters

Nuisance created as a result of construction works including excavation is not a material planning consideration as it is controlled by Environmental Health legislation and the Building Regulations.

Breach of covenants attached to the property would be a civil matter which is beyond the scope of planning legislation and therefore would not be relevant to the determination of this application.

Conclusion:

The proposal will provide much needed housing which is of a type which meets an existing local housing need within an urban and sustainable location. This benefit is considered to outweigh the perceived harm as a result of the proposal providing a higher density of dwellings compared with neighbouring dwellings as 50 dwellings per hectare remains in compliance with policy H3A and the site is sustainably located where the efficient use of land is encouraged. The height of the building exceeds that of neighbouring properties, but will not visually appear so, due to the slope of the road and the maximum height being contained at a highest point of the front facing gable roof. For the majority of the roof width, the height is consistent with neighbouring properties. Furthermore as a standalone the design and appearance of the building is considered by officers to be of significant merit, being of high quality contemporary design which will sit well with the eclectic mix of quality development in the locality.

The design of the flatted building appearing as a single dwelling is appropriate and is considered to preserve the character and appearance of this area. The protection of trees will be controlled by monitoring and conditions. A condition is recommended in relation to the impact the basement will have on drainage. The Highways Authority is satisfied that the proposal will not cause serious harm to highway safety or parking provision and will not have an excessive impact on neighbouring amenity. It is therefore considered that the proposal meets the requirements of

sustainable development in accordance with national and local policy. Approval is therefore recommended.

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:

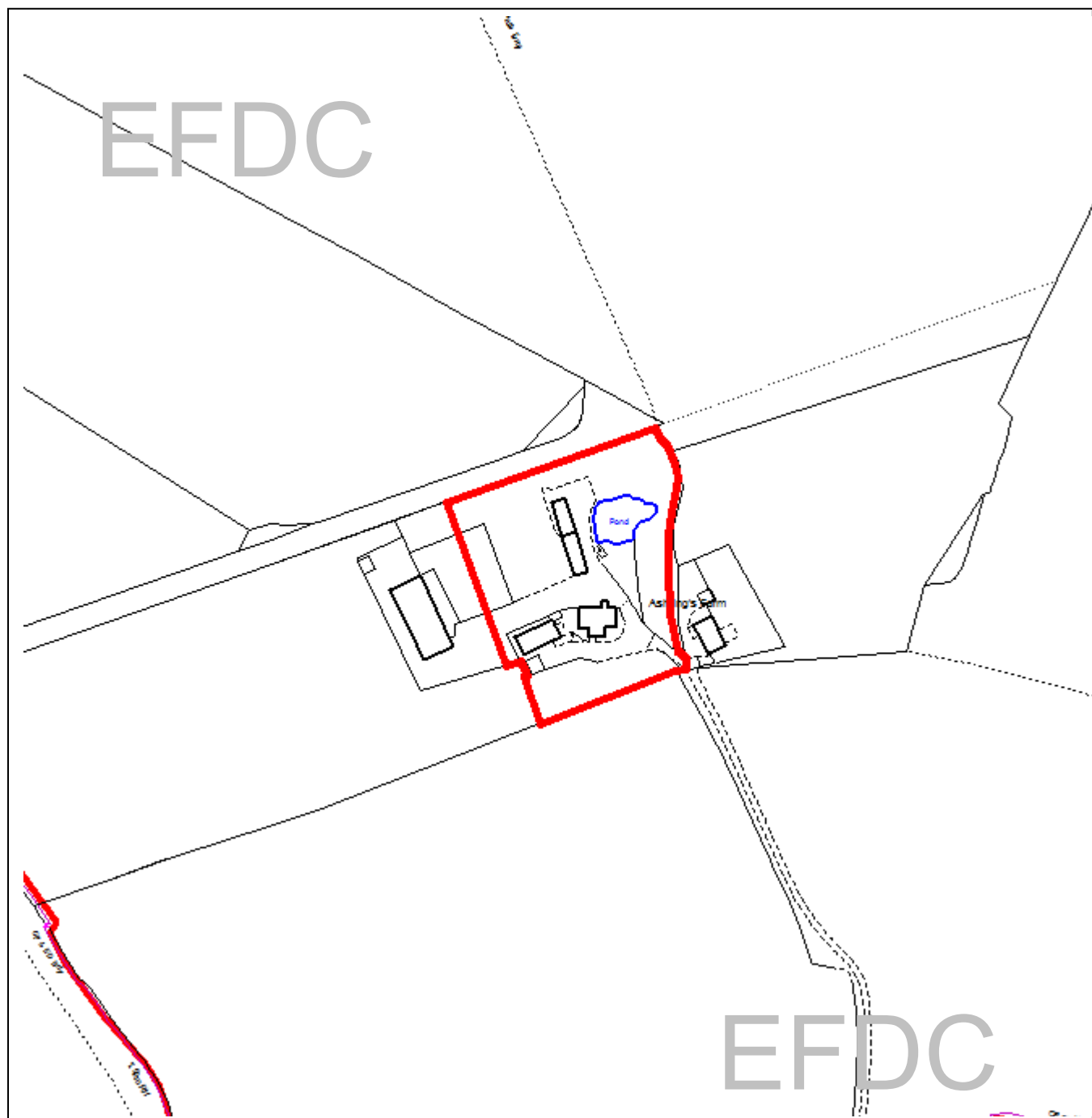
Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/2162/17
Site Name:	Plot 3, Ashlings Farm, Ashlings Farm Lane, High Ongar, CM4 0JU
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/2162/17
SITE ADDRESS:	Plot 3 Ashlings Farm Ashlings Farm Lane High Ongar Ingatestone Essex CM4 0JU
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr G Seaward
DESCRIPTION OF PROPOSAL:	Re-design and re-siting of dwelling on plot 3 previously approved under EPF/2066/15 for 3 no. dwellings on 3 no. plots. All other details to remain the same.
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=598233

REASON FOR REFUSAL

- 1 The reorientation of the building so that the front elevation faces the mutual boundary with Plot 2 and the rear facing elevation with main rear windows and patio doors faces at close proximity the rear boundary of the site, will create a blank frontage facing onto the access way and an illogical siting harmful to the visual character of the street scene. The proposal therefore conflicts with chapter 7 of the NPPF and policies DBE1 and DBE4 and DBE5 of the Local Plan and alterations.
- 2 The proposed siting results in the rear of the dwelling relying on the adjacent agricultural land to the east for its light and outlook, such that this land, is likely to be adopted into the residential garden of the property, particularly as the rear garden area proposed has no windows facing on to it and no access door. Such a change of use of land would require planning permission and would be contrary to Green Belt Policy, The proposed siting therefore fails to respect its setting contrary to policy DBE1 of the Adopted Local Plan and Alterations.
- 3 The proposal, by virtue of its size and position would result in an increased sense of enclosure and an increase in real and perceived loss of privacy to the adjoining residential dwelling to be built within plot 2, approved under planning permission reference EPF/2066/15. Accordingly, the proposal would cause significant harm to the living conditions of the approved adjacent dwelling at plot 2, contrary to the requirements of paragraphs 17 and 64 of the NPPF and policy DBE9 of the Epping Forest District Local Plan and Alterations.

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

Description of Site:

Ashlings Farm is located within a very sparse area of development accessed via a dirt road from Blackmore Road. The converted stables, swimming pool building and garage which were previously present on the site have now been demolished as a result of the planning approval for three houses under reference EPF/2066/17. However Ashlings Farm House currently remains. It should be demolished once the other two houses are built. There is a large agricultural looking building to the west of the site.

The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of Proposal:

Redesign and resiting of dwelling on plot 3 previously approved under EPF/2066/15 for 3 previously approved under EPF/2066/15 for 3 no. dwellings on 3 no. plots. All other details to remain the same.

Relevant History:

EPF/1304/85 - Outline application for erection of farm workers dwelling. – Approved

EPF/1393/87 - Two storey extension and renovations of existing house. – Allowed on appeal

EPF/0401/92 - Retention of dwelling without complying with agricultural occupancy condition (cond 3 of EPF/1304/58) and to discharge the condition. – Refused

CLD/EPF/0836/98 - Certificate of lawful development for swimming pool building. – Lawful

CLD/EPF/1153/99 - Certificate of lawfulness application for proposed stable block. – Lawful

EPF/0071/05 - Retention of dwelling without compliance with agricultural occupancy condition and, being tied to the holding. – Approved subject to legal agreement

EPF/0466/10 - Continued use of stable building as a 'granny annexe' to Ashlings Farmhouse. – Approved subject to legal agreement.

EPF/2066/15- Demolition of existing residential use buildings on site and erection of 3 no. new dwellings with associated new landscaping.-Approved.

EPF/2237/17 - Re-design and re-siting of dwelling on plot 3, previously approved under EPF/2066/15 for 3 no. dwellings on 3 no. plots. - Refused. The grounds for refusal were:-

The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal would be materially larger than the previous building it is proposed to replace and is materially larger than the house approved for this location

under EPF/2066/15 and as a result is inappropriate development, by definition harmful to the Green Belt. In addition it would physically have an adverse impact on the openness of the Green Belt and the purpose of including land within it. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 9 of the National Planning Policy Framework and Policy GB2A of the Combined Policies of Epping Forest District Local Plan and alterations 2008.

The reorientation of the building so that the front elevation faces the mutual boundary with Plot 2 of the approved scheme under reference EPF/2066/15 will create a blank frontage facing onto the access way and as a result will have a poor relationship to it that would undermine the visual character of the street scene. The proposal therefore conflicts with chapter 7 of the NPPF and policies DBE1 and DBE4 of the Local Plan and alterations.

The proposal, by virtue of its size and position would result in an increased sense of enclosure and an increase in real and perceived loss of privacy to the adjoining residential dwelling to be built within plot 2, approved under planning permission reference EPF/2066/15. Accordingly, the proposal would cause significant harm to the living conditions of the approved adjacent dwelling at plot 2, contrary to the requirements of paragraphs 17 and 64 of the NPPF and policy DBE9 of the Epping Forest District Local Plan and Alterations.

Policies Applied:

Adopted Local Plan:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
H6A – Site Thresholds for affordable housing
H7A – Levels of affordable housing
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
GB17A – Agricultural, Horticultural and Forestry Workers Dwellings
U3B – Sustainable drainage systems

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.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9	High Quality Design
SP5	Green Belt and District Open Land
SP6	The Natural Environment, Landscape Character and Green Infrastructure

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 8

Site notice posted: No, not required

Responses received: No response received from neighbours

PARISH COUNCIL: No comments received.

Main Issues and Considerations:

The volume of the house has already been approved under reference EPF/2066/15, and its positioning has only been rotated 90 degrees. It is therefore considered that the proposal does not constitute inappropriate development in Green Belt. These changes will not have a significant additional impact on the openness of the site within the Green Belt. The proposal is therefore considered to comply with the requirements of chapter 9 of the NPPF and policy GB2A of the Local Plan.

Design

One of the 12 core planning principles of the NPPF is that decision makers should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 56 “attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Paragraph 58 of the NPPF requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identity of local surroundings.

Policy DBE1 of the Local Plan requires that new buildings will:-

- (i) Respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing;
- (ii) Are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and
- (iii) Only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.

Policy DBE4- Design in Green Belt

Within the Green Belt, new buildings will be required to ensure that:

- (i) Their location respects the wider landscape setting of the site; and
- (ii) They are of a design which respects local character in terms of traditional plan form and detailing.

The reoriented house will result in the front elevation being moved to the mutual side boundary with plot 2 and the blank side elevation of the house being the principle elevation facing the street. The blank frontage would be harmful to the visual character of the public realm in this location and would remove clearly defined public and private space.

This is harmful to the visual character of the site as having results the removal of clearly defined public and private spaces and would undermine security. The proposal therefore fails to integrate properly into its surroundings and as such is considered to undermine the function and quality of the area. The proposal is therefore contrary to the requirements of paragraph 17 and Chapter 7 of the NPPF, policies DBE1 and DBE4 of the Local Plan and the Essex Urban Design Guide.

It is noted that planning permission has been granted under reference EPF/2235/17 for the demolition of existing residential annexe and construction of new dwelling house within Plot 1 of the originally approved larger 3 house scheme under reference EPF/2066/15. This house has its side elevation facing the road. However the boundaries of this plot do not adjoin another residential property and access to it is via its own slip road from the main cul-de-sac route. It therefore appears as an isolated Arcadian dwelling which will in time be screened from public views by hedges and trees. It is for this reason that it does not undermine the appearance of the street or neighbouring residential amenity and as such is not considered to act as a precedent to justify approval of the application scheme.

Trees

The Tree Officer finds the preliminary tree survey report acceptable. She therefore raises no objections to the scheme subject to conditions requiring tree protection and further details of the soft landscaping proposed. On this basis the proposal is considered to comply with the requirements policies LL10 and LL11 of the Local Plan.

Impact on neighbouring residential amenity

The proposed front elevation will be 6m away from the boundary with Plot 2 and 18m from the building line of this property. This will result in the rear garden of plot 2 being overlooked. The proposal is therefore contrary to the requirements of paragraph 17 of the NPPF and policy DBE9 of the Local Plan.

Plot 2 would also be blighted as future occupiers would not be able to carry out extensions on the property as this would have a harmful impact on the living conditions of the occupiers of the application site.

Conclusion:

Paragraph 64 of the NPPF requires that "Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of the area and the way it functions.

The proposal will result in a development which due to its position will have a harmful impact on the visual character of the public realm and the amenities of future occupiers of plot 2 as a result of their garden being overlooked.

Given that both of the sites have not been built, and the existing extant permission, there is a greater requirement that the Council require that the development be of 'good design'.

It is for these reasons that the proposal conflicts with the National Planning Policy Framework which requires that only sustainable development be approved without delay. The NPPF defines sustainable development as development which provides economic, social and environmental benefits. The proposal would not meet the environmental standards set by the NPPF in order to be deemed sustainable and as such is recommended for refusal.

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

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

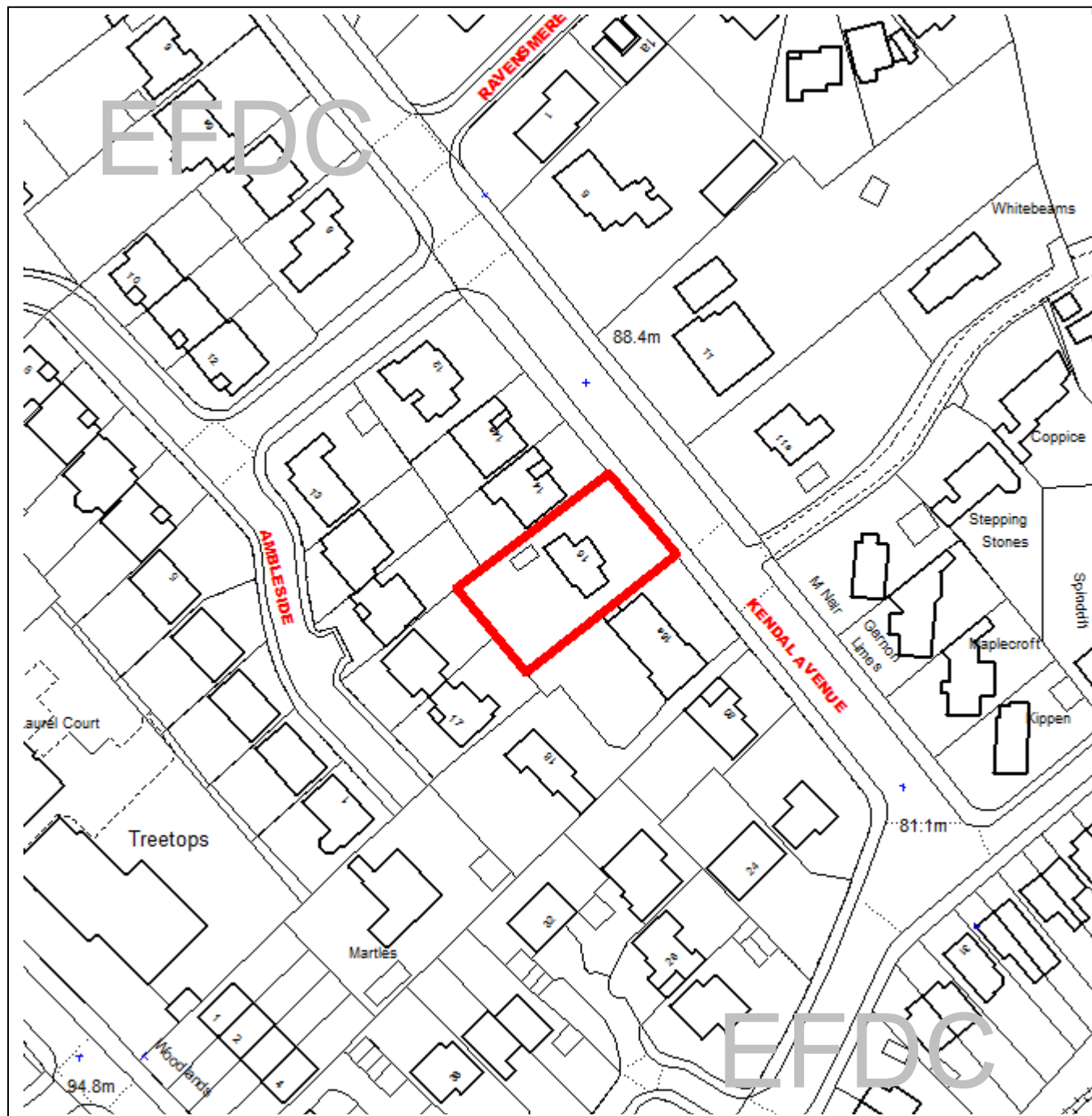
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/2173/17
Site Name:	16 Kendal Avenue, Epping, CM16 4PW
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2173/17
SITE ADDRESS:	16 Kendal Avenue Epping Essex CM16 4PW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs Kylie and Leon Hunter
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and construction of 2 new detached 4 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=598296

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 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, C and E of Part " of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No development shall take place until details of foul and surface water disposal being drainage and run off 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 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]

- 6 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]
- 7 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]
- 8 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.

- 9 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.
- 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, 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.
- 12 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The

development shall be carried out in accordance with those approved details.

- 14 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 15 Documentary and photographic details of the types and colours of the boundary fencing used to define the common boundaries between the new dwelling as well as the front boundary adjacent to the highway and the proposed gates shall be submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

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

Description of Site:

The northern most area of Kendal Avenue forms part of the Epping Town Conservation Area. The Conservation Area boundaries divide the north and south of Kendal Avenue and although 16 Kendal Avenue is located to the south and does not form part of the Conservation Area, Kendal Avenue as a whole occupies a prominent position within Epping. Kendal Avenue provides direct vehicular and pedestrian access to Epping Tube Station which is located to the far south and is an important thoroughfare to Epping High Street. As such, the design and scale of any new development should be of the highest quality and respect the significance of the streetscene.

The lower end of Kendal Avenue is predominately characterized by large detached dwellings set back from the highway and located centrally within the site. These properties sit well within their plots and do not appear excessively prominent within the streetscene. Many have differing ridge levels due to the south eastern, downward gradient of Kendal Avenue and are single storey in some elements. Located immediately adjacent to the subject site are detached houses of a reasonably modest scale, particular reference is made to no's.14 and 14a Kendal Avenue. The general composition is of low density housing.

The subject site is verdant in nature with mature shrubs and trees some of which are subject to Preservation Orders. In terms of built form, the site is occupied by a two storey dwelling house which is currently in a state of disrepair. The existing dwelling is 7m high from ground to ridge, is 13.6m wide including a single storey side element and is 8.7m deep. The dwelling is off set from the common boundary with no.14 Kendal Avenue by 3.8m and by 4.6m from no.18. A garage is located forward of the front building line adjacent to the common boundary with no.16.

Description of Proposal:

Planning permission is sought for the demolition of the existing dwelling and the construction of two detached four bedroom dwellings.

The existing site would be centrally divided to provide two plots both measuring 11.2m wide. Plot 1 will be off set from the common boundary with no.16 Kendal Avenue by 1m. Plot 2 will be off set

from the common boundary with no.14 by 1.2m fronting Kendal Avenue which tapers to 0.9m to the rear building line. The new dwellings will be off set from a newly created common boundary by 1m creating an overall gap between the dwellings of 2m.

The dwellings would be mirrored in design measuring 9.1m wide and a maximum of 13.5m deep. The height of plot 1 would be 8.9m and plot 2 would be 8.6m. The main roof structures will be gabled with pitches to the front and rear. Two velux windows are proposed within the front roof slope and a small pitched dormer window 1.2m wide and 2.2m high to the rear.

The proposal provides an area of rear amenity space for both dwellings measuring approximately 11.5m x 15m for plot 1 and 10.5m x 15m for plot 2. A patio projecting from the rear elevation is also included for both plots.

An integral garage is proposed with hard standing to provide off street parking for two vehicles which is enclosed by gates.

Relevant History:

An appeal is pending under reference PINS REF: APP/J1535/W/17/3182457 against the following planning application:

EPF/0309/17 - Demolition of existing 3 bedroom house. Construction of new 5 bedroom house. Refused for the following reason:

The proposed development would have a scale, mass, prominence and roof design that would not be in keeping with the established pattern of development in the area, thus failing to preserve the distinctive local character. As such the proposals are contrary to Chapter 7 of the National Planning Policy Framework (NPPF) and Policies CP7 and DBE1 of the Adopted Local Plan and Alterations.

EPF/1783/15 - Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self-contained two bed roomed flats. Removal of Cypress tree. REFUSED for the following reason:

The proposed development, by reason of its bulk and scale, in particular its width and proximity to site boundaries, is out of keeping with the character of the area and harmful to the streetscene contrary to policies CP7 and DBE1 of the adopted Local Plan and Alterations.

A subsequent appeal was dismissed 25/5/16 under reference APP/J1535/W/16/3142789.

EPF/2835/14 - Demolish existing defective structure. Removal of one "Cypress" tree. Erection of three storey structure including basement with a fourth floor within the roof providing a total of 5 no. self contained 2 bedroom flats. REFUSED for issues relating to: *bulk, parking layout, introduction of balconies, flats roofs and the loss of trees.*

Policies Applied:

Adopted Local Plan:

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP7- Urban Form and Quality
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE3 Design in Urban Areas
- DBE8 – Private amenity space
- DBE9 – Loss of amenity
- LL10 – Adequacy of provision of landscape retention

NC4 – Protection of established habitat
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

NPPF:

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

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 High Quality Design
DM10 Housing Design and Quality
DM11 Waste recycling facilities on new development and light wells
DM16 Sustainable Drainage Systems
DM19 Sustainable Water use
DM21 Local Environmental Impacts, Pollution and Land Contamination
P1 Epping

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 15
Site notice posted: Yes
Responses received:

14 KENDAL AVENUE – OBJECT. The proposed buildings far exceed the height depth and width of the existing dwelling affecting light to property and the 5m rear garden.... High ridge in relation to existing gradient....loss of privacy and right to light....too large and too close to boundary.

17 Kendal Avenue - OBJECT. There would be no visual gap with two houses. Proximity to the site boundaries. the bulk and scale of the proposed buildings are not suitable for that moderate in size plot. Instead of the green shrub at the front the applicant is suggesting putting gates and railings - it's not in keeping with the character of the street.

18a KENDAL AVENUE - No objection in principle...The proposed development must overcome previous reasons for refusal...importance of visual gaps within the streetscene...proposed gap is limited and would lead to a terracing effect...dwellings too large for plot comparable to 14a and 14 Kendal Avenue...the proposals appear to be "shoe-horned" into the site.... garage space is insufficient....conditions suggested for off street parking....pre-application advice.

15 AMBLESIDE – OBJECT. large over intensification of building on the plot....negative visual impact....loss of trees....loss of privacy.

TOWN COUNCIL - The proposed would have a detrimental effect on both the streetscene and the character of the urban area. It is an overdevelopment and over intensification of the site which does not respect its setting. Kendal Avenue is characterised by large detached family dwellings and this proposal seeks to alter this character by squishing two dwelling on the site of one. The two dwellings on this site ill be overly dominant for neighbouring properties, resulting in a loss of

amenity in terms of visual impact. Erecting two dwellings on this site would adversely affect the visual gaps between buildings resulting in a terracing effect in a tree lined avenue with no terracing. Whilst the commitment to replace the trees is noted, they do not support the loss of trees in this leafy location.

Main Issues and Considerations:

Principle

In terms of planning policy, the site is within the urban area in a sustainable location and the best use of such land is encouraged, provided it maintains the character of the area. The application includes a structural survey report which concludes that the house is beyond viable economical repair. The proposal therefore complies with the requirements of policy H2A.

Policy CP7 (iv) of the Local Plan and Alterations encourages higher densities where compatible with the character of the area. The dwellings have been designed to be more in keeping with the general pattern of the area, than the previously refused schemes, and although one additional dwelling is proposed on site, it would be difficult to argue that this would create a density so high as would be an overdevelopment harmful to the character of the area and as such, the issue of density contained within the policy did not form the basis of the reasons used to refuse the previous schemes. As such the principle of development within the site is acceptable and conforms to council policy.

Design

The proposed dwellings follow the established linear building line to the south western side of Kendal Avenue. The built form, although comparably smaller than most detached dwellings in the area, is similar in terms of width, scale and massing to no.14 and 14a Kendal Avenue. Both no.14 and no.14a Kendal Avenue are closely sited and off set from the common boundaries by 1m and benefit from a single storey garage to the side. No.14 occupies a slightly higher position within the linear building line than the subject site.

No.18 Kendal Avenue is a large detached dwelling of approximately 8.8m high and covers most of its plot width and is 2.2m from the common boundary with no.16. A secondary access with a flat roof canopy is located within the side elevation adjacent to the common boundary with no.16. This particular dwelling occupies a slightly lower position within the linear building line than the subject site.

When dismissing the appeal against planning reference EPF/1783/15 (for a building containing 4, 2 bedroom flats) the Planning Inspector noted that *"the appeal proposal would be two storey for its entire width and with the limited gap (1.6m) to the side boundaries of neighbouring dwellings would have a scale, mass and plot coverage at odds with the established pattern of development in the locality and the character and appearance of the area."*

The Planning Inspector clearly stated that *"the gaps between dwellings in Kendal Avenue provided a welcome visual break to the built form within the area"*. In order to conform to this positive characteristic of the streetscene and to reduce the scale, mass and plot coverage of the proposed built form on site, the current proposal seeks to provide a 2m gap between the proposed dwellings. In order to achieve this, the gap between the common boundaries of no.14 and 18 has been marginally reduced from 1.6m to 1.m.

Policy CP7 ensures that *"new development which results in an overdevelopment or unsympathetic changewill not be permitted"* It is acknowledged that the proposed development does not offer a reduction in the overall width of development within the plot and is closer to the common boundaries than the previous scheme. Whilst the height of the proposed development has not

been reduced it is considered that by splitting the mass into 2 and creating a gap of two metres between the new properties, the bulk, scale and massing of the proposed dwellings is more in keeping with the established pattern of built form within the immediate area and would better relate to the context of the site resulting in a positive relationship with the surrounding detached dwellings. The proposed gaps are sufficient to safeguard the streetscene from a terracing effect, The buildings will not appear visually joined.. As such, the provision of two detached family dwellings would constitute a sympathetic change which is in accordance with policy CP7.

Furthermore, policy DBE1 point ii) requires that the design of new buildings are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use and function. The proposed development would have similar characteristics to a 1930's detached dwellings in terms of the scale and bulk with specific reference to design elements such as the two storey bay with pitch roof to the front elevation and the integral garages. These design approach compliments the character of the existing dwellings and the pattern of development within the streetscene and would provide a suitably prominent frontage within the streetscene to the benefit of the area as a whole, compliant with the objectives of this policy.

Quality of accommodation.

The proposed dwelling houses are of an acceptable internal size and layout and therefore complies with current standards contained within the Essex Design Guide. The rear amenity space also exceeds minimum requirements laid out within policy DBE8 of the Local Plan.

Private amenity space

Policy DBE8 expects all new residential developments to provide private amenity space which is to the rear of new dwellings, directly accessible, of a size, shape and nature which enable reasonable use, aspects which ensure reasonable parts receive sunlight throughout the year, no excessive sloping and privacy.

The dwellings are located within plots which are of a suitable size to provide deep front amenity/parking space in keeping with the established character of the area and rear gardens which are of an adequate square meterage and topography. The gardens to the rear benefit from verdant boundary screening. Whilst there is a substantial Oak Tree located within the rear garden of plot 2 is this considered that the canopy is high enough to enable sufficient sunlight throughout the year. As such it is considered that the dwellings are located within plots which provide sufficient private amenity space to comply with policy DBE8 of the Local Plan.

Residential amenity

Given the natural screening on site, the distance of 2.4m from the side flank wall of no.14, the distance of 3.2m from the side flank of no.18 and a distance of separation of over 20m from the rear elevations of the proposed dwellings to the rear elevation of properties on Ambleside along with this issue not being material to the dismissal of the previous application, It is considered that the proposal will not result in excessive loss of amenity in terms of loss of light, outlook, privacy or dominance to neighbouring residential properties. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan.

Permitted development rights

Although the proposed dwellings sit comfortably within their plots it is considered prudent to remove permitted development rights in class A, B, C which covers the extension of the dwelling to the rear, side and within the roof. In addition, given the proposed area of decking and the proximity of trees protected by TPO's it would also benefit the site to remove right in class E for the

erection of outbuildings. It is considered that the removal of these permitted development rights would safeguard the future amenity of neighbours to the side and rear of the proposed dwellings.

Trees

Three protected trees have been felled on this site, one of which was removed (due to its poor condition) with the approval of the Council's Tree Officers. Replacement trees have now been planted on site in accordance with details agreed with the Tree Officer and the proposed layout enables adequate space for the retention and growth of the trees within the site. It is noted that levels throughout the site are significant in that Tree Officers are not expecting to see any ground levels changes within the calculated root protection areas of the retained trees, particularly the magnificent oak in the rear garden. This should be achievable, but may require careful design of the garden and any patio proposals. Tree Officers therefore have no objections to the proposal subject to the conditions in accordance with policies LL10 and LL11 of the Local Plan above.

Parking

Two off street car parking spaces have been identified within the front amenity space for each dwelling. In addition an integral garages measuring 2.4m x5.5m are proposed. The parking spaces will be accessed via double gates which are located either side of an existing hedge and an established Lawson Cypress tree. Details of hard standing, boundary treatment and the size and design of the proposed gates have not been provided and should be requested via condition which requires that such details are approved prior to the commencement of construction.

The Highways Authority are satisfied that the proposal will not raise any parking or highway safety concerns and the provision complies with the standards outlines by Essex County Council. As such, the proposal complies with policies ST4 & ST6 of the Local Plan. Whilst the garages fall below the size required to be classed as a parking space, the two spaces within each front garden are sufficient to meet current adopted standards, particularly given the location close to the town centre and to the tube station.

Land Drainage

The site is outside a flood risk zone, therefore a condition requiring approval of surface water drainage details prior to works commencing on the site is recommended by the Land Drainage Officer in accordance with policies U3A and U3B of the Local Plan.

Contaminated Land

The Contaminated Land team have raised concerns that there may be the potential for contaminants to be present on the site (due to the previous use of the site as horticultural nurseries), which may not have been dealt with when the current property was built. They therefore recommend that conditions be attached to any permission to ensure that appropriate assessments are made and if necessary mitigation measures undertaken in accordance with paragraph 109 of the NPPF and RP4 of the Local Plan.

Conclusion:

To conclude, the dwelling for demolition is argued to be beyond viable economic repair and the principle of redevelopment of the site within the urban area is acceptable.. Historic planning decisions have determined that large scale development is inappropriate here. In order to overcome the previous reasons for refusal by proposing a development of relative scale, bulk and massing, the applicant seeks to divide the site for the provision of two detached dwellings in order to provide a break and visual gap in the proposed built form which is more in keeping with the established pattern of development within the streetscene. It is considered that the current

submission is successful in its approach and would provide two dwellings with good living and amenity space and which would positively contribute to the character of the area as a whole. The current identified lack of 5 year housing land supply and the good sustainable location of the site mitigate in favour of achieving two units on the plot. No harm will be caused to neighbouring amenity and the re-establishment and retention of trees within the site will ensure that the leafy character of the street is maintained. As such, the proposal complies 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: Nikki Dawney
Direct Line Telephone Number: 01992 564136***

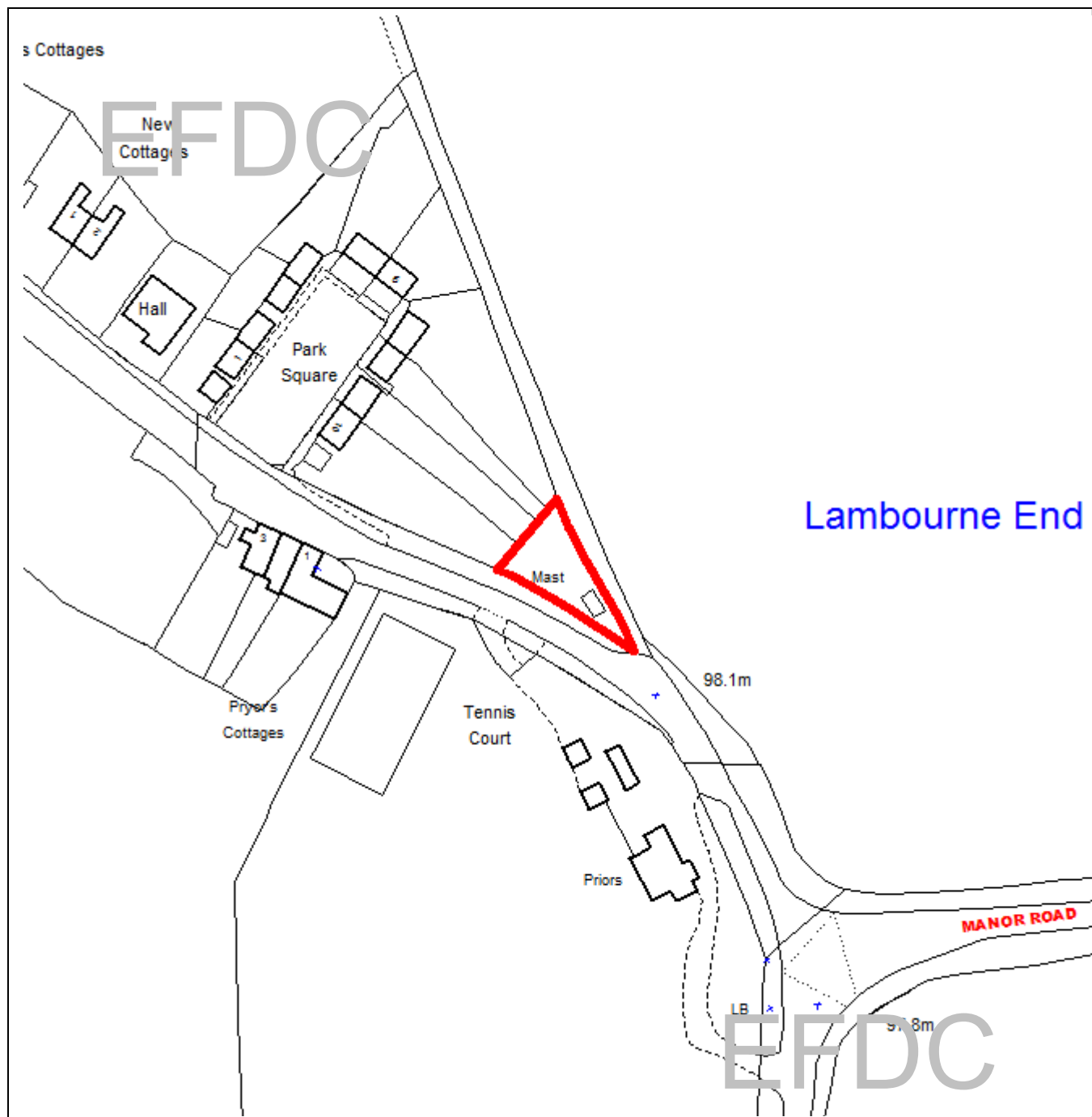
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Agenda Item Number 4



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Application Number:	EPF/2185/17
Site Name:	NHS Radio Mast Site, New Road, Lambourne End, RM4 1AR
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2185/17
SITE ADDRESS:	NHS Radio Mast Site New Road Lambourne End Essex RM4 1AR
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Pradip Shah
DESCRIPTION OF PROPOSAL:	Removal of radio mast and compound and erection of two storey house, with single storey double garage incorporating turntable (following outline consent for a dwelling granted under EPF/2045/15).
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=598335

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 the first occupation of the development the vehicle parking and turning facility as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning facility shall be retained in perpetuity for their intended purpose.
- 4 Details of measures to deal with surface water drainage shall be submitted to and approved by the Local Planning Authority before any works commence on site. Once approved these details shall be subsequently implemented in full on site.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning

Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any

subsequent version or additional regulatory guidance.

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

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

- 13 The development hereby permitted will be completed strictly in accordance with 4 plans numbered FPI7705/01 to /04.

This application is before this Committee because the recommendation for approval is contrary to an objection from a local council which is material to the planning merits of the proposal, pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A(g).

Description of Site:

Triangular site containing a very high and conspicuous solid steel radio mast. The mast, used by the NHS ambulance service since the 1950's, has been redundant for a number of years. This is a Green Belt locality but adjoins a built up enclave. The structure is not listed, and nor does it lie within a conservation area.

Description of Proposal:

Removal of radio mast and associated compound, and erection of two storey house, with single storey double garage incorporating turntable (following outline consent for a dwelling granted under EPF/2045/15).

Relevant History:

EPF/2045/17 - Outline permission granted for the demolition of existing radio mast and compound buildings and the construction of a single dwellinghouse with two off-street car spaces on turntable.

Policies Applied:

Adopted Local Plan:

CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
DBE9 – Loss of amenity.
DBE1 – Design of new buildings.
LL10 – Adequacy of provision for landscape retention.
LL11 - Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking

NPPF:

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

Draft Local Plan

At the current time, only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

- DM9 - High Quality Design
- SP5 – Green Belt and District Open Land.
- ST1 – Sustainable Transport Choices.

Summary of Representations:

LAMBOURNE PARISH COUNCIL – The Council objects to this application due to the property not being in keeping with the local area. If EFDC planning decide to accept the application we would like the following to be considered - a review to the entrance and exit to the highway from the garage bearing in mind there is no other facility for parking.

NEIGHBOURS – 17 properties consulted and no replies received.

ESSEX CC HIGHWAYS AUTHORITY - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

Prior to the first occupation of the development the vehicle parking and turning facility as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning facility shall be retained in perpetuity for their intended purpose.

The site does benefit from having an existing access and the proposal is providing a turning facility. The available visibility is acceptable if the hedges are cut back out of the highway.

EFDC LAND DRAINAGE SECTION - No objections subject to conditions being imposed requiring details of foul and surface water drainage to be submitted.

EFDC TREES SECTION – No objections subject to conditions being imposed requiring further details of tree protection, and details of soft and hard landscaping.

EFDC LAND CONTAMINATION OFFICER – due to its use as a transmitter station and the presence of made ground there is the potential for contaminants to be present over all or part of the site. We have no objections subject to the normal 5 stage contamination conditions being imposed.

Issues and Considerations:

The site is triangular in shape with the two longer boundaries fronting New Road and a public footpath at the rear, with the smaller boundary adjoining long rear gardens to houses in Park Square.

The site contains a very high 45m telecommunications mast which has a solid profile. Until recently it was used to facilitate communications for the emergency services provided by the NHS ambulance service. By way of comparison most mobile phone company masts are between 12 and 20m high and have a slimmer profile - so the mast on this site is a conspicuous and obtrusive feature in the Green Belt that can be seen from long distances in the area. The site also contains a hard surfaced parking area, a concrete base to the mast, and a concrete 'bunker' type of structure.

It is therefore a site that clearly represents 'previously developed land' as referred to in the NPPF. A new dwelling has already been granted outline permission under EPF/2045/15 on the basis that a dwelling on the site would have less impact on the openness of the Green Belt as required by the NPPF, and this certainly remains the case with this current application for a two storey dwelling. In conclusion therefore the proposal will comply with Green Belt policy designed to protect the open character of the Green Belt.

The parish council are concerned that the proposal would not be in keeping with the local area. Leaving aside the issue of the existing mast on the site being out of character with the surroundings, the house will have a fairly conventional ridge roof over two stories. Its elevation facing the road will be clad in cedar timber cladding with the projecting garage faced in a render. This render will be used on sections of other sections less important elevations and the applicants are prepared use a darker render than the white render indicated on the submitted plans - and to this end materials to be used on external surfaces will be covered by a condition. This part of New Road is heavily treed, and although some bushes/small trees will be removed from the site angled views of the site will still be screened by nearby trees. In addition mature trees located on the other side of the footpath to the immediate east of the site will be protected from building works. Consequently, the substantial tree cover in the immediate locality will reduce the impact of the new house to be erected, and in any event its design and appearance is satisfactory and represents a marked improvement over the existing mast structure on the site.

In terms of off street car parking the garage will contain space for two cars, and as with the previously approved outline consent a turntable is proposed within this garage to facilitate cars being able to enter and leave the site in a forward direction. As Highways Authority Essex CC have looked at this issue closely, and have no objections to the proposal subject to a condition ensuring that this parking and turning facility is provided before the new dwelling is first occupied.

Conclusion:

For the reasons outlined above this proposal complies with relevant policies, and it is recommended that conditional planning permission be granted.

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

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

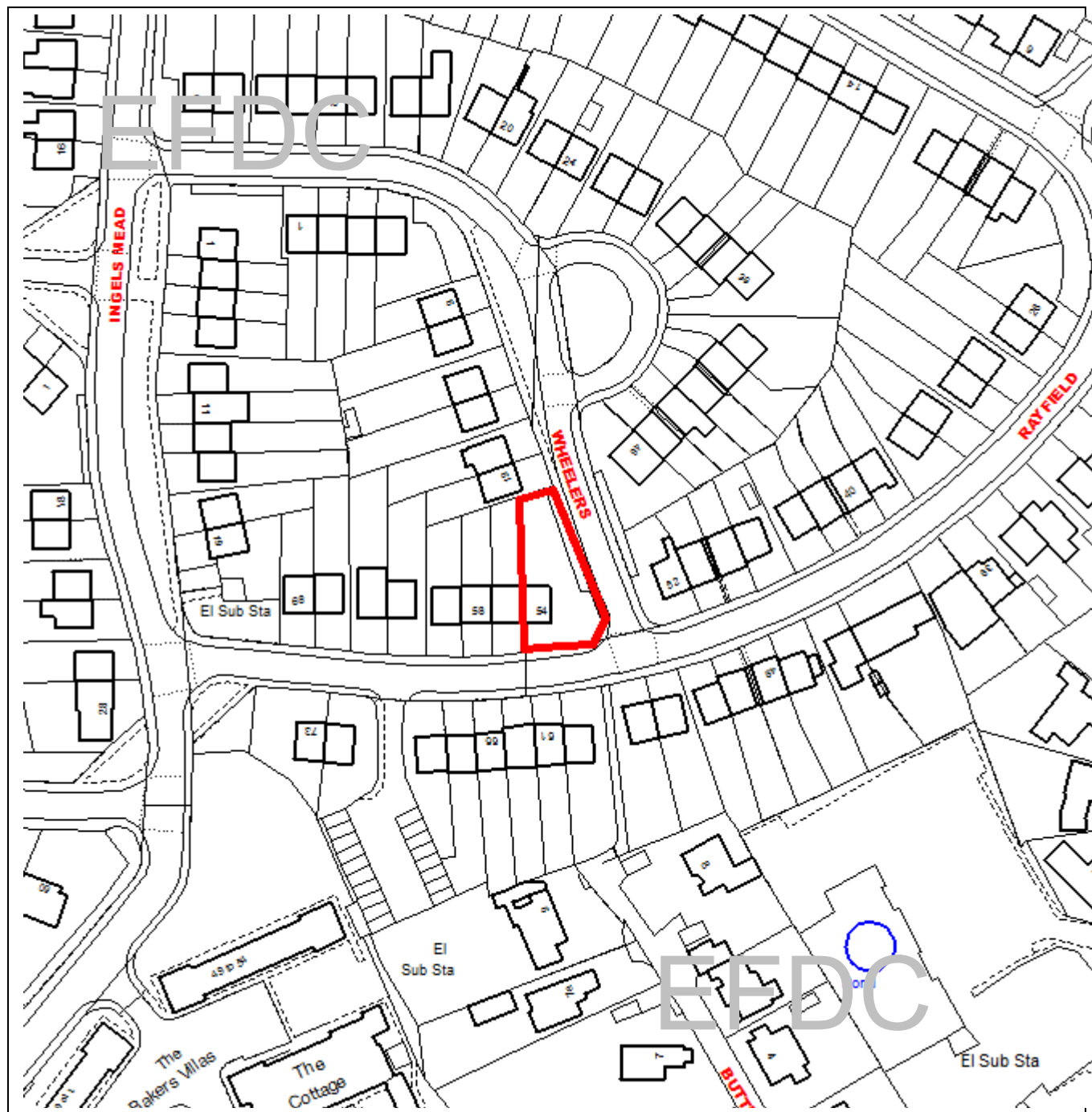
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Agenda Item Number 5



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Application Number:	EPF/2441/17
Site Name:	54 Rayfield, Epping, CM16 5AH
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2441/17
SITE ADDRESS:	54 Rayfield Epping Essex CM16 5AH
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mrs Natalie Dempsey
DESCRIPTION OF PROPOSAL:	Two storey side extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=599595

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

This application is before this Committee since 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:

54 Rayfield is a two storey end of terrace dwelling house typical of simplistic 1960's architectural design, located on a corner plot. The surrounding properties were identical in terms of design and footprint creating uniformity to the streetscene. A small number of the surrounding properties have been extended at ground floor, to the side and rear in recent years. The site is not within a Conservation Area but does form part of the Green Belt.

Description of Proposal:

Planning permission is sought for a two storey side extension.

The current proposal is an amendment to a previous application which was refused for the following reasons:

The proposed two storey side extension due to the height, depth and width and the resultant bulk, scale and massing would result in an incongruous overdevelopment of the site which fails to relate to the existing dwelling house, established building line of Wheelers to the north and uniformity of the surrounding streetscene. It is considered that, in terms of design the proposal does not conform to Policy DBE10 or CP7 of the Local Plan.

The proposed garage for one vehicle is not sufficient parking provision for the existing dwelling house and the proposed annexe. As such the proposed development fails to conform to Policy ST6 of the Local Plan.

The current application attempts to overcome these reasons for refusal by reducing the width of the proposal from 6.2m to 4m. The development has been set back from the front elevation by 1m. However the depth of the development remains the same as it is now flush with the rear elevation rather than to the front. The height from ground to ridge is subordinate and remains unaltered. Amended plans have been provided in the course of the application which indicate the provision of 2 car parking spaces on the site.

Relevant History:

EPF/0464/16 – Planning permission refused for a two storey side extension- refused as outlined above

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of 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.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 High Quality Design

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 9

Responses received:

72 COLSON ROAD – Object, loss of light.

PARISH COUNCIL: Objection

Whilst a reduction is noted, the proposal is still considered and overdevelopment detrimental to the streetscene. One parking provision is not sufficient given extreme parking pressures.

Main Issues and Considerations:

The main issues for consideration are the design, impact of the proposed development upon residential amenity and the character and appearance of the streetscene.

Design

Policy DBE10 requires all extension to complement and where appropriate enhance the appearance of the existing building and streetscene with close attention being paid to the scale, form and detail of the proposed development.

It is considered that although the height and depth of the proposed development remain unaltered the reduced width lessens the overall impression of scale, bulk and massing in relation to the existing building. In addition, the reduced width brings the development more inline with the established building line to the rear which forms Wheelers Road. Therefore, whilst the development remains sizable the reduction in width enables a subservient addition to the main dwelling which retains a distinct area of open space between the side elevation and the common boundary adjacent to the pedestrian footpath and highway forming Wheelers Road.

The alterations to the fenestration within the front elevation are more in keeping with an extended dwelling as oppose to the previous application for an annexe which gave the impression of a separate dwelling.

It is considered that, on balance, the site provides sufficient space to accommodate a sizable extension such as this. The amendments to the previous proposal have produced a scheme which would conform to the established design and character of the streetscene and is compliant with policy DBE10

Parking

The current application provides off street car parking which can accommodate two vehicles without a significant loss of soft landscaping over and above that which already exists on site or is evident within the surrounding streetscene. Rayfield and Wheelers Road to the side/rear are not subject to parking restrictions in the form of yellow lines and/or residents parking bays. Having visited the site and walked the surrounding streets it is evident that the width of the street combined with ample off road parking affords a high level of available street parking. As such given the scope for additional parking to the front of the dwelling and significant levels of off road parking, it is considered that the proposed submission meets the requirements of policy ST6 and

retains scope for the current level of parking to be retained which is sufficient to overcome the second reason for refusal.

Residential amenity

As with the previous submission, the proposed development would not give rise to issues relating to residential amenity sufficient to warrant refusal of the scheme.

Conclusion:

The proposal complies 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: Nikki Dawney
Direct Line Telephone Number: 01992 564136***

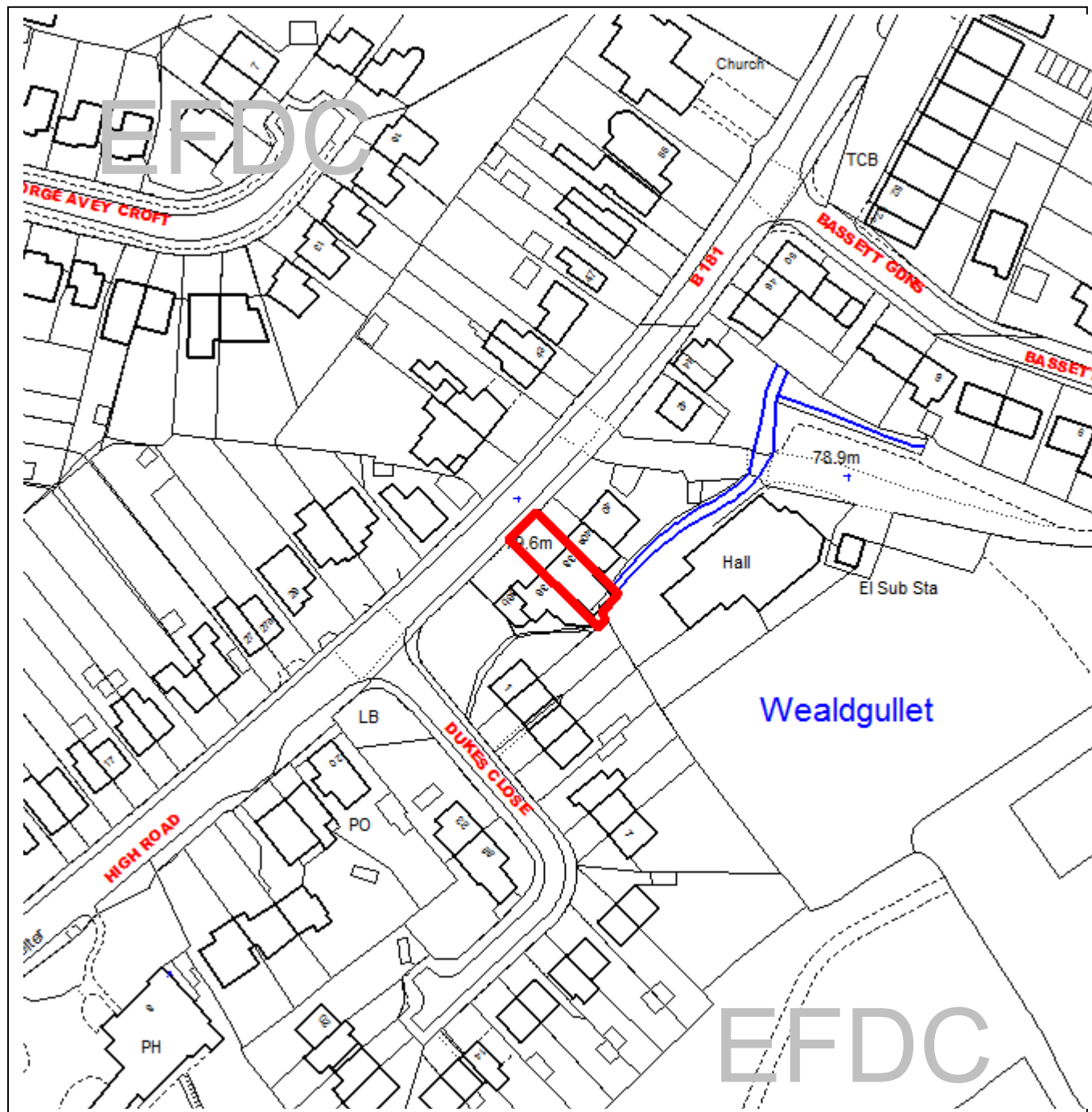
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Agenda Item Number 6



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Application Number:	EPF/2448/17
Site Name:	38 High Road, North Weald, CM16 6BU
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2448/17
SITE ADDRESS:	38 High Road North Weald Bassett Epping Essex CM16 6BU
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr D Ozcan
DESCRIPTION OF PROPOSAL:	Change of use from post office (A1) to takeaway (A5), installation of extract flue and alterations to front elevation. Revision to previous refused scheme with revised opening hours (11am - 9pm).
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=599637

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 Technical details and scaled drawings of the proposed ventilation extraction flue should be submitted to and approved by the Local Planning Authority prior to the first opening of the commercial unit.
- 3 The A5 Hot Food Take Away use hereby permitted shall not be open to customers outside the hours of 11am to 9pm on Monday to Saturday and not at all on Sundays and Bank Holidays.
- 4 Prior to the first operation of the A5 use, details of the proposed refuse and recycling storage area shall be submitted to and agreed by the Local Planning Authority and the agreed details shall be fully implemented and thereafter retained.

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)) and 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: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The application site comprises of a two storey detached building divided into two ground floor shop units with residential accommodation above. The ground floor units have been significantly extended over time Number 36 is currently a florist and number 38 is vacant and has been for some time. The shop has an internal area of 81 sqm. It is located on the eastern side of the High Road, North Weald.

Description of Proposal:

Planning permission is sought for the change of use from post office (A1) to Takeaway (A5) and the installation of an extraction flue and alterations to the front elevation with opening hours 11am – 9pm.

This application is a revision to planning reference EPF/1156/17 which sought permission for the change of use from a retail unit (post office) to a takeaway (A5). Installation of an extraction flue. Hours of operation 11am – 11pm. The application was refused for the following reason:
The proposed use, particularly as a result of the late night disturbance, would likely generate detrimental impact onto the nearby occupiers of residential properties contrary to paragraph 17 of the NPPF and policy DBE9 of the adopted Local Plan.

In order to overcome this reason for refusal the hours of operation have been reduced to 11am to 9pm.

The following elements of the proposal remain unaltered from the previous scheme:

A new extract duct will be run inside a new brick stack on the flank wall.

Two parking spaces are proposed for the front of the property.

Two full time and two part time staff are proposed.

The design and access statement indicates that refuse storage will be as existing.

Minor alterations to the shop front involving new full width window which will retain the existing stall riser.

Relevant History:

EPO/0521/59 - ADDITIONAL ROOM FOR USE AS CUTTING & REFRIGERATION ROOM NO 38. Approved

EPO/0078/72 - DETAILS OF EXTN & ALT TO NO 38. Approved.

EPF/1179/01 - Proposed first floor front and side extension and loft conversion. Approved.

EPF/1156/17 - Permission is sought for the change of use from a retail unit (post office) to a takeaway (A5). Installation of an extraction flue. Hours of operation 11am – 11pm. Refused as above.

Relevant Planning History at NO.36 next door

EPF/0649/05 - Planning permission was approved by committee on 20/7/05 for the change of use from A2 to mixed use A3 restaurant and A5 take- away, and installation of fume extraction ducting/flue Subject to opening hours being restricted to 9pm. However this permission was never implemented and has now expired.

Policies Applied:

Adopted Local Plan:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
RP5A – Adverse environmental impacts
TC1 Town Centre Hierarchy
TC2: Sequential Approach
TC6: Local Centres and Corner and Village Shops
ST4: Road safety
ST6: Vehicle parking
U2A: Development within Flood Risk Areas
U2B: Flood Risk Assessment Zones
U3A: Catchment Effects
U3B: Sustainable Drainage Systems

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.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9: High Quality Design
E2: Town Centre Hierarchy / Retail Policy
DM21: Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 7

Site notice posted: Yes

Responses received:

OBJECTIONS received from 13, 22 Dukes Close, 31, 33, 36, 36A, 36B, 39, 40, 40a, 45, 47, 91, 159 High Road, 40 School Green Lane. As with the previous submission Issues raised include:-

The plans do not include waste storage facilities

Proposal is within 2m of a 1 metre bore Culvert and flood risk area.

There will be trade waste and effluent from fat and oil.

Covenant attached to the lease which will permit the premises to cause substantial and unreasonable interference with the enjoyment of the demised premises.

Increased smell into homes and gardens
Increased mess in local area including Green.
Increased noise
Increased litter in local area
Insufficient parking due to restricted parking close by. Where will staff park? Currently problem with inconsiderate parking.
Does not fit in the village
Antisocial behaviour
There are 2 takeaways already in North Weald no more are needed.
Very close to residential properties.
Use a potential fire hazard.
Flue can be seen from public areas
Bad for public health
Will have a negative impact on trade for businesses.
Will create a vermin problem.

PARISH COUNCIL: A change in use and the creation of a Takeaway would result in an increase in the number of customers to the shop. Despite the applicant altering the opening hours, it still includes "unsociable hours" which will have a detrimental impact on the quality and amenity of not only the neighbouring residents but also on the local residents of Dukes close and those in the High Road. there is concerns that the presence of a Takeaway would attract people to congregate outside the shop and that noise would be a dominant issue. the Parish Council is concerned that these are inadequate plans to manage the litter that would simply be discarded outside in the vicinity of the premises, as well as the cooking waste (fats, oils etc) Whilst it is understood that a condition could be placed on the premises to have a bin outside, there is no such condition on a customer placing their waste in that bin. There has been concern at the continued accumulation of detritus around the immediate area at the parade of shops by the Co-Op. The Parish Council has done its best to enhance the area by planting a garden close to the shops, however there is still much evidence of litter especially on a Thursday/Friday/ Saturday and Sunday, even though we have regular visits by the Road Sweeper. People simply discard fish and chip wrappers, Indian takeaway cartoons and Chinese takeaways cartons, costa coffee cups. These have been found in the New Garden, the telephone box and under the seat on the Green.

The concerns remains at close proximity to a nearby watercourse and the applicant has not addressed this issue correctly on the planning application form. Has the flood risk been properly addressed?

Installation of ventilation duct. Members (of the parish council) are concerned at the installation of this ventilation system. I detail below an extract from one of our members who is a qualified Engineer:

Having looked at the specification for the ventilation systems for the above application, I would consider them adequate at best. Without scale drawings to work out the intake and extraction routes, I would imagine that there is a potential problem in the build up of smells and heat.

Main Issues and Considerations:

The main issue for consideration is whether the proposed revisions to the previously refused scheme, namely the reduction of opening hours from 11am – 11pm to 11am – 9pm, are sufficient to overcome the previous reason for refusal.

Principle of the change of use in this location.

When determining the previous application the principle of an (A5) Takeaway was considered acceptable given that Chapter 2 of the NPPF (Ensuring the vitality of town centres) requires that policies should support viability and vitality of town centres.

As the site falls within the High Road North Weald Local Centre, policy TC6 was also considered. In addition, paragraph 23 of the NPPF requires that “where town centres are in decline local planning authorities should plan positively for their future to encourage economic activity, the applicant was required to demonstrate that there is no market demand for the retail use or that the service provided, is to be continued in another location in the locality or the new use would meet an identified need.”

It was noted that the unit has been vacant for some time and the proposal will create jobs. It will therefore have a positive impact economic activity and as such is acceptable in principle subject to more detailed issues relating to neighbouring amenity, parking and highway safety. The proposal therefore accords with chapter 2 of the NPPF.

Design and appearance

No alterations have been made to the design elements of the scheme which includes a new full width window for the shopfront is proposed which will retain the stall riser. The proposed flue is to be attached to the northern side flank wall and will rise 0.3m above the ridge height of the application property and over 4m above eaves level. It will be clad in brick and such will have a domestic appearance. The proposed changes were considered to preserve the local character of the area in accordance with policy DBE1 and DBE of the Local Plan.

Impact on neighbouring amenity

Paragraph 17 of the NPPF requires that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This stance also within policy DBE9 which requires that change of use should not result in an excessive loss of amenity to neighbouring properties, The factors which will be taken into account include noise, smell or other disturbance. In addition policy RP5A states that planning permission will not be granted for development where it could cause excessive noise, vibration or air pollution for neighbouring land uses. As such, it is the purpose of this application to determine whether the reduced opening hours are sufficient to protect the amenity of neighbouring dwellings.

The application site is one of two shops located within a quiet suburban area surrounded by residential dwellings. The site forms part of a broken linear frontage to the High Road, North Weald which offers a mix of retail uses combined with residential above from Bassett Gardens to Dukes Close.

- Opening hours – noise and disturbance

Although the hours of operation have been reduced concerns are still raised at the increased level of noise, activity and disturbance outside of the site both before and after the proposed 9pm closing time. In addition, concerns are also raised regarding the increased smells close to bedrooms within the loft area of the flats above the unit and other dwellings surrounding the site will together have significant harmful impact on neighbouring amenity.

In locations such as this, where there is an existing restaurant and take away, it may be reasonable for residents to expect a certain level of activity close to their homes. Although nearby residents may experience some disturbance from a new hot food takeaway, it is necessary to be mindful of any existing noise levels and whether the proposed use would tip the balance leading to unacceptable levels of disruption.

It is considered that an additional hot food take away provision within the area to satisfy demand and diversify the range of local services would not create an over-abundance of hot food take

aways, detrimental to the vitality and viability of the area or create a level of disturbance sufficient to warrant refusal of the scheme.

In this instance, in order to protect the amenities of the surrounding residential area from adverse effect, by reason of noise, disturbance, vehicular traffic movements, or pedestrian traffic, it is often essential to restrict the hours of opening of a proposed hot food take away. Where most hot food take aways would reasonably expect to operate from 10am until 11pm most evenings and weekends, within an area that is primarily residential in character such as this, it is reasonable to expect the hours of opening will be restricted to 11am to 9pm on Mondays to Saturdays, with no opening on Sundays and bank holidays as proposed here.

- Extraction flue

Odours produced primarily as a result of the cooking processes in Takeaways have the potential to cause amenity problems to areas which are largely residential in nature such as this. As natural ventilation is insufficient to mitigate such odours, it is expected that ventilation equipment which include fans and filters are installed to alleviate this issue.

It should be noted that the now expired permission at 36 High Road for a A3/A5 restaurant under reference EPF/0649/05 and installation of extraction equipment was approved at East Area Committee with a condition amended by members restricting the hours of operation to 9pm in order to limit the adverse impact on neighbouring amenity to an acceptable level.

It is considered that similarly the now proposed revision of opening hours to 11am to 9pm are sufficient to safe guard residential amenity and overcome the previous reason for refusal.

Waste storage and collection

This element of the scheme is unaltered from the previous submission and The Recycling Officer again requires that “sufficient storage facilities should be made available within the premises to store the appropriate amount of rubbish generated by the type of business occupying them. Any bin stores should be constructed with dropped kerbs in order to reduce damage to bins as they are removed and returned. Bin stores should also be at ground level for ease of movement of bulk bins. Parking should be restricted in the area of bin stores to allow sufficient access and egress. Notwithstanding the above, all bin stores must be constructed within 25 metres of the point where a collection vehicle has access.”

It is on this basis considered that a condition could be attached to any permission requiring that details be submitted to show how waste and recycling could be stored within the premises and then taken out on the day of collection.

Land drainage and flood risk

The Environment Agency and the Council's Land Drainage Team were consulted and again raised no objections to the scheme. The proposal therefore complies with policy U2B and U3A.

Highway safety and parking

As with the previous proposal The Highways authority has not raised an objection as the department do not consider that the proposal will have a significant adverse impact on highway safety or parking provision. The proposal therefore complies with the requirements of policies ST4 and ST6 of the Local Plan.

Other matters

The applicant has submitted land registry documents to confirm that he is the owner of the retail unit at 38 High Road.

There are no policies within the Local Plan which require that the number of food outlets be restricted, therefore this matter is not a material planning consideration.

Breaches of covenants are a civil matter and therefore outside the scope of planning legislation.

Issues relating to the health and safety of the proposed flue are an Environment Health Matter. A condition is imposed in order for the application to supply technical scaled drawings alongside the ventilation specification submitted prior to construction of the proposed flue. The detail of which will be assessed by the Council Environmental Health Team.

Issues relating to the fire safety of the flue are a Building Control matter and will be assessed via the Building Regulations process.

Conclusion:

It is considered that the reduced operating hours from 11pm to 9pm accords to standard planning practice in areas which combine both residential and commercial uses such as this. Thus ensuring the economic viability of the parade and protecting residential amenity to an acceptable level. As such the proposed revision is sufficient to overcome the previous reason and the proposal complies 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:

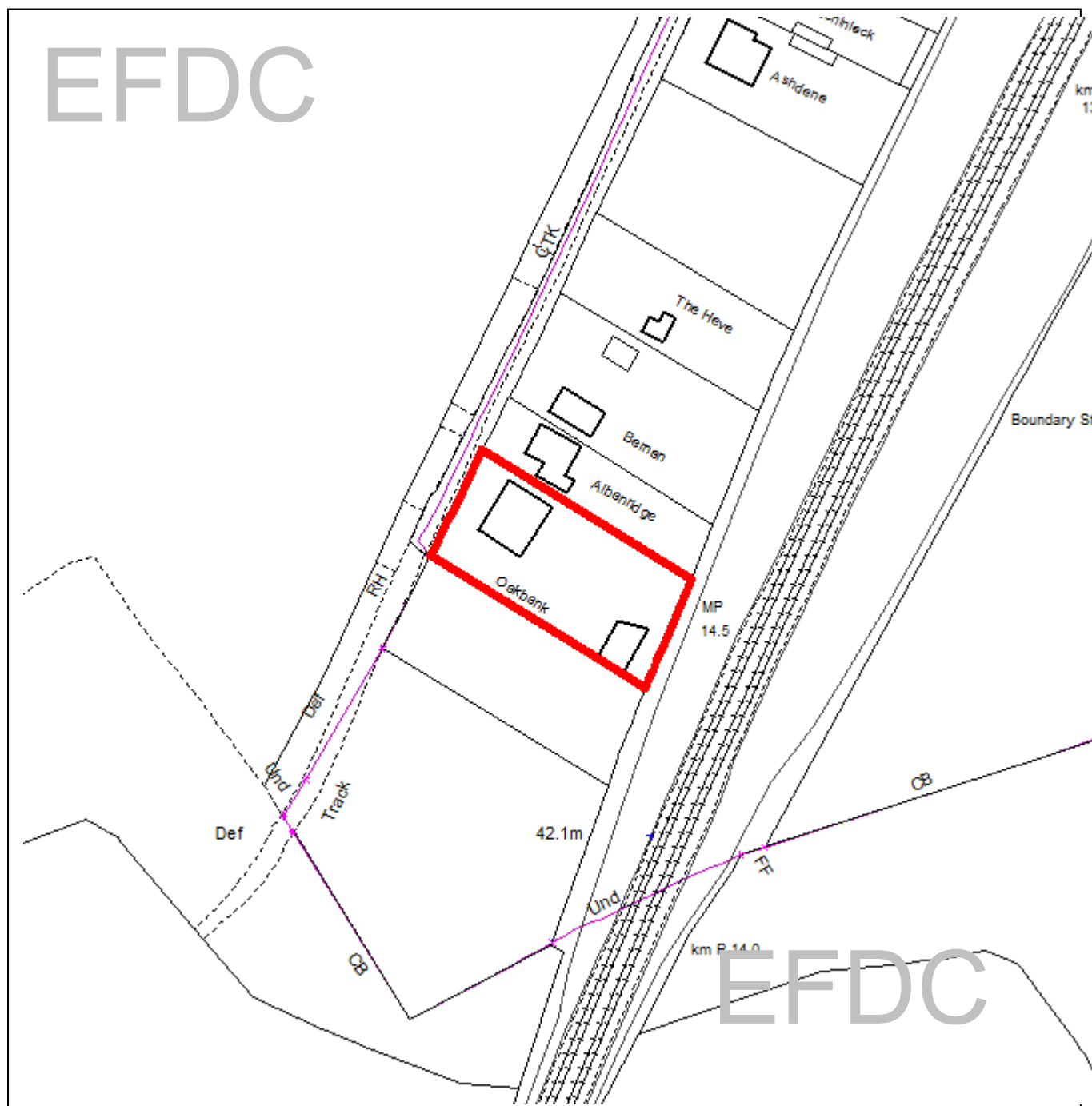
***Planning Application Case Officer: Nikki Dawney
Direct Line Telephone Number: 01992 564136***

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



Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/2500/17
Site Name:	Oakbank, Theydon Park Road, Theydon Bois, CM16 7LS
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/2500/17
SITE ADDRESS:	Oakbank Theydon Park Road Theydon Bois Essex CM16 7LS
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs Bloom
DESCRIPTION OF PROPOSAL:	Demolition of conservatory. Construction of two storey side extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=599914

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part [1] of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee 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 comprises a detached chalet style house set within a generous verdant curtilage and front forecourt. The house has a double half hipped roof, with four dormers within its front and rear slopes. Walls are constructed of red brick and there is an existing conservatory attached to the side of the property. The house was built in the late 1980s.

The site is located on the eastern side of Theydon Park Road. To the west of the site are open fields, to its south is forest land and to the south is the underground line with open landscape beyond that. To the north of the site are other individual detached residential dwellings.

The site falls within land designated as Metropolitan Green Belt.

Description of Proposal:

Permission is sought for the demolition of conservatory. Construction of two storey side extension.

The side extension measures 4.4m wide by 9.55m deep and 7.35m high to the ridge of its half hipped roof. A feature dormer window is proposed to be inserted into its front roof and will extend over its eaves.

Materials are proposed to match those of the application building.

Relevant History:

Reference	Description	Decision
EPF/0748/86	Replacement dwelling	Approved 28/09/1987
EPF/1450	Detached house and garage	Refused 27/1/86
Appeal Dismissed 28/11/86.		
EPF/0870/84	Detached house and garage for place existing	Refused 24/09/1984
Appeal Dismissed 14/06/1985.		
EPF/1477/80	Erection of a two storey 4 bedroomed dwelling house	Refused 17/11/1980

Policies Applied:

Adopted Local Plan:

CP2: Protecting the Quality of the Built Environment
DBE1/10: Design/Appearance
DBE9: Loss of Amenity
LL10: Landscaping for Retention
LL11: Landscaping Schemes
GB2A: Development in the Green Belt
GB7A: Conspicuous Development

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.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1: Presumption in Favour of Sustainable Development
SP5: Green Belt and District Open Land
DM9: High Quality Design

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 6

Site notice posted: Yes

Responses received: No response received from neighbours

PARISH COUNCIL- Object.. We note that the last planning application granted in the 1980s removed Permitted Development rights on this site. We also note that it would appear that the existing conservatory has been built without planning approval, the volume of which is being included in the overall volume calculations of this property situated in the Green Belt. As it is unclear how long the conservatory has been in place, we feel it is inappropriate to use the volume of the conservatory to justify the volume increase that the proposed extension creates. The Parish Council are also concerned about the fenestration of the side extension, which is out of keeping with other properties in this part of Theydon Park Road, and would appear to conflict with Policy DBE4 of the current Local Plan, which states that the design should reflect the local character in terms of traditional form and details.

Furthermore, we are aware of recent planning history in this part of Theydon Park Road where similar side extensions have been refused and dismissed at appeal. Extensions that have been granted have typically been at the rear of properties in order to lessen the impact on the openness of the Green Belt.

However, should this application be recommended for approval, we strongly recommend the removal of Permitted Development rights in accordance with the planning grant of 1987.

A possible way forward would be a more traditional extension with more complimentary fenestration on the front façade.

Main Issues and Considerations:

The issues which are relevant to the determination of this application are:

- (a) Impact on the aims and purposes of the Green Belt
- (b) Impact on visual amenity; and
- (c) Impact on neighbouring residential amenity.

Impact on the aims and purposes of the Green Belt?

The National Planning Policy Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development in the Green Belt and development should not be allowed except in very special circumstances.

Government guidance dictates that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the National Planning Policy Framework (NPPF), and provided it does not harm the openness of the Green Belt or conflict with any of the five purposes of including land within it.

Local Plan policies GB2A is broadly in compliance with the aims and objectives of national Green Belt policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The Framework provides no guidance on how the "proportionality" of a proposal should be assessed. However previous Planning Inspectorate decisions indicate that a number of factors should be taken into account when determining whether an extension is disproportionate, these include height, volume, floorspace and design.

In this case, the total amount of extensions on the property would increase the floorspace of the property by 48%. (The conservatory is deemed to be an extension and therefore not calculated as part of the original dwelling). The maximum height of the extension remains below the ridge line of the main house and the ground floor is set back a metre from the front elevation.

It is considered that the addition is not disproportionate and is therefore not inappropriate development in the Green Belt..

The proposal therefore complies with the requirements of chapter 9 of the NPPF and policy GB2A of the Local Plan.

Design

The contemporary design of the extension remains domestic in character. The proposed extension has a roof which is sympathetic to that on the application property. Plans have been revised, so that the extensions to the front dormers have been omitted. The position of the projecting pitched roofed fenestration has been lowered so that it now tallies with the existing dormers on the property and the materials are also in keeping. It is therefore considered that the proposal will complement the appearance of the application property and will have a neutral impact on the wider distinctive local character of this area. The proposal therefore complies with the requirements of chapter 7 of the NPPF and DBE 10 of the Local Plan.

Impact on the living conditions of neighbouring residential dwellings.

Neighbouring residential dwellings are sufficiently distant to ensure that they will not be materially affected by the proposal in terms of light, outlook, privacy or dominance. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan.

Conclusion:

The proposal is not inappropriate development or harm to the openness of the Green Belt. It also has a design which preserves the character and appearance of the area. The impact on neighbouring residential amenity is also not so significant as to justify refusal of the scheme. The application for these reasons complies with the guidance as laid out 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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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/2504/17
Site Name:	Land to rear of 1-7 Rodney Road, 2-22 Fairfield Road and 2-6 Glebe Road, Ongar, CM5 9HJ
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/2504/17
SITE ADDRESS:	Land to rear of 1-7 Rodney Road, 2-22 Fairfield Road and 2-6 Glebe Road Ongar Essex CM5 9HJ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr David Kaktovics
DESCRIPTION OF PROPOSAL:	Proposed 2 new four bedroom detached houses, with associated parking and gardens with access from Rodney Road - Renewal of planning permission EPF/2124/14
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=599918

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: MP/RR/01 Rev A, MP/RR/02, 1399x03C, 1399/05B, 1399/05B, 1399/06B, 1399/07A, 1399/08A, 1399x09, 1399/10, Evans River and Coastal Flood Risk Assessment and Surface Water Drainage Strategy Jan 2015 report reference 1394/RE/01-15/01 and Design and Access Statement.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to 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.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7 Any site clearance work should be undertaken between October and February inclusive so as to avoid bird breeding season. In addition Brown Long Eared bats and Pipistrelle bats are active in Ongar. These animals are protected species. Should any bats or roosts be encountered during site clearance than works should cease immediately until a qualified licenced person has assessed the situation and provided a way forward.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice 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.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition]

that follows]

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

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

- 14 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 the Local Planning Authority.
- 15 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 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.
- 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.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee 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 application site is a largely vacant allotment area to the rear of Rodney Road, Fairfield Road and Glebe Road.

The application site backs onto a number of neighbouring properties and uses part of the area designated as allotments. The site is accessed alongside 1 Rodney Road, via a slim carriageway

area 3.7m wide. The remainder of the allotment area appears to be in private ownership as garden areas.

The surrounding development is characterised by two storey properties, generally semi-detached pairs that front the highway.

The site is presently screened from the surrounding area by mature tree screens many of which are coniferous.

Description of Proposal:

The proposal seeks renewal of planning permission EPF/2124/14 for 2 new four bedroom detached houses, with associated parking and gardens with access from Rodney Road

The houses have a maximum width of 11.1m, a maximum depth of 13m and a maximum height of 8m high to the ridge of their gable roofs.

Materials for the proposed development include plain concrete terracotta tiles for the roof, grey brown or 'pearl' Cedral cladding, 'butter cream' colour render and Wienerberger red gilt stock brick for the walls, UPVC fenestration, timber refuse enclosure, Marshalls Argent dark coarse garden paving for the pathways, Marshalls Argent light smooth garden paving, Marshalls Driveline Priora Permeable block paving for the driveway and 1.8m high closeboarded fencing for boundary treatment.

Relevant History:

EPF/2270/15 Application for approval of details reserved by condition 8 'flood risk' for planning application EPF/2124/14 (Proposed 2 new four bedroom detached houses, with associated parking and gardens with access from Rodney Road) Approved.

EPF/2289/15 Application for approval of details reserved by condition 14 'Residential Travel Information Pack' on planning application EPF/2124/14 Approved.

EPF/2290/15 Application for approval of details reserved by condition 10 'Phase 2 contamination report' on planning application EPF/2124/14 Approved.

Planning permission was granted under reference EPF/2124/14 for 2 new detached dwellings, each with four bedrooms and two parking spaces, with a turning head.

Planning permission was refused under reference EPF/2571/13 for a Proposed 4 new semi-detached houses made up of; 3 x 3 bedroom houses with garages and 1 x 2 bedroom house, all with parking, gardens and access from Rodney Road. The refusal was on the grounds that of cramped overdevelopment providing insufficient landscaping and amenity space.

Policies Applied:

Adopted Local Plan:

CP1 – Achieving Sustainability Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties
 DBE3 – Design in Urban Areas
 DBE4 – Design in the Green Belt
 DBE6 – Parking for new residential developments
 DBE8 – Private Amenity Space
 DBE9 – Neighbouring Amenity
 LL1 – Rural Landscape
 LL2 – Inappropriate Rural Development
 LL3 – Edge of Settlement Development
 LL10 – Adequacy of Provision for Landscape Retention
 LL11 – Landscaping Schemes
 ST1 – Location of Development
 ST4 – Road Safety
 ST6 – Vehicle Parking
 H3A – Housing Density
 H4A – Dwelling Mix
 H6A – Site Thresholds for Affordable Housing
 RST13 – Allotment provision protection

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.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development
 H1 – Housing mix and accommodation types
 H2 – Affordable housing
 T1 – Sustainable transport choices
 DM9 – High quality design
 DM10 – Housing design and quality
 DM 11 – Waste recycling facilities on new developments
 DM16 – Sustainable drainage systems
 DM18 – On site management of waste water and water supply
 DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 45

Site notice posted: Yes

Responses received: **1, 4, 10, 12 Rodney Road, 4, 8, 18, 24, 26 Fairfield Road** **OBJECT:** The proposed access is narrow and of inadequate width to allow two cars to pass and having poor sight lines at the entrance, causing dangerous and difficult access and issues with pedestrian safety in particular the safety of school children.

Also concerns with access for construction and emergency vehicles and means of maintenance of services in road after occupation as this would block access.

Objection to increased traffic associated with the construction and occupancy of the new dwellings.

Concern that whilst the parking meets policy standards, this is still not sufficient for family needs and visitor parking is inadequate and blocks access to site beyond.

Increased overlooking to adjoining properties.

Loss of property value. (Not a material planning consideration)

Rubbish Collection will cause problems

ONGAR PARISH COUNCIL: No objection subject to the same conditions being imposed as per those for EPF/2124/14.

Main Issues and Considerations:

Background

"The original case officer in her report under reference EPF/2124/14 made the following assessment: -

The proposed site is registered as allotments and is situated outside of the Green Belt. In the urban area previously undeveloped land rarely comes forward, however, in principle, development is acceptable and new housing in an urban area is generally encouraged due to the good access to facilities and services.

The allotments have clearly been subdivided into a number of ownerships and some areas are clearly being used as private gardens/allotments in association with adjacent properties. The allotments were assessed as part of the evidence base for the next Local Plan (The Open Spaces, Sport and Recreation Assessment, 2012) and the site was considered in the allotment provision for the local area. Ongar was identified as having 4 allotment sites (one of which was in High Ongar) and the quantity of allotment provision was identified as being higher than that in the District than comparable Districts, however accessibility was a recognised issue in need of improvement. Therefore the loss of allotments, particularly when they are not clearly in current use, does not in itself raise a concern with others available locally.

Policy RST13 seeks to retain allotment provision, however in light of the above recent appraisal, where allotments are not in active use, their loss in favour of much needed housing in the District and in the context of the presumption in favour of development introduced by the NPPF, the loss of the proposed allotment sites is not unacceptable with other allotments available locally.

A number of neighbouring properties have raised comments regarding the loss of local green space and regarding restrictive covenants on the land. Planning can not consider covenants as these fall outside of the powers provided by the Town and Country Planning Act and instead are enforceable under separate law. The allotment areas are not considered by policy to make provision towards urban green space. Allotments provide an outlook but do not make a meaningful contribution towards amenity provision for recreation in the same manner as for instance a playing field or public green.

Design and Layout

The application site does not comprise the entirety of the allotment area. Some of the remaining allotment areas are clearly in ownership by adjacent properties and are being used as a garden, however not all sites have a clear property associated with them. In these instances it is possible the only access is via that proposed as part of the application. Should this be the case and the application be permitted, access has been retained in part as part of this revised scheme behind the visitor parking. Whilst it is not a policy requirement to provide this access, it is good practice. Future access would however require agreement from the future property owners and revision of boundaries, but the revised layout would permit access between buildings.

A neighbouring property has commented regarding a right of access over the application site in covenants. Covenants imposed on a Title Deed for a property would be enforced by the parties which entered into the agreement. Such agreements are private matters and not for planning or indeed the Council to consider.

In respect of the particulars of the layout, the revised scheme has been reduced to provide a lesser number of units from that previously considered. Two properties, whilst larger, sit better in the plot, have improved frontage and access arrangements and would more comfortably suit the site layout. Concerns have been raised as the properties have a gabled roof. The ridge of the properties would run front to back, resulting in a roof that hips away from neighbouring properties. The two new dwellings would be located off a private driveway, viewed in a separate context to the properties on the surrounding streets. A gabled roof design is not unacceptable and would not have a significant impact on street scene in the surrounding area.

The revised design now permits adequate garden areas for each property, provides new landscaping and has improved the position of the footprints of the buildings in relation to the site boundaries.

Mindful of the above, Officers are satisfied reasons for refusal 1, 3 and 5 of the previous refusal (under reference EPF/2571/13) have been overcome.

Impact to neighbouring properties

The application site backs onto a number of neighbouring properties in the surrounding streets, predominantly Rodney Road, Fairfield Road and Glebe Road. The proposals would result in new buildings in the rear garden, which would result in a change to view, however seeks to prevent significant impacts from loss of outlook or amenity rather than views.

The revised scheme has offset the properties significantly from the site boundaries. To the rear of Rodney Road, the side elevation of plot 1 would be offset by 5.6m from the boundary and plot 2 would be offset by 7.9m from the rear of properties in Fairfield Road. The result being separation distances of more than 20m to the side walls of the new dwellings from the rear elevation of neighbouring properties. Lesser side to rear distances are commonplace in the District. For comparison the side elevation of number 2 Glebe Road is separated by 16m from the rear of number 28 Fairfield Road. Officers are satisfied that this relationship is acceptable, particularly as the first floor side windows serve only bathroom and landing areas and the roofline has been designed to hip away from the neighbouring properties.

Concerns regarding interlooking are thus noted, but unfounded, back to back properties commonly exist and whilst the back-to-back relationship will be new to existing residents, the extent of overlooking will be minimal and comparable to other residential areas, but in this instance, with the benefit of extensive mature landscaping.

Parking and amenity provision

Although it is noted that the proposed private drive does not allow two vehicles to pass it does have good visibility along its length and given the location, and relatively low vehicle speeds, it is not considered that this will be detrimental to highway safety or efficiency.

The proposed properties make sufficient provision for parking and access. Essex County Council Highways officers have considered the scheme and have no objections but have requested conditions. They are satisfied with the width of the access and that it meets adopted policies. Despite not being sufficiently wide for 2 vehicles to pass, it is straight and allows good visibility along its length.

The previous application for 4 dwellings was also considered acceptable in highway terms and there was no highway reason for refusal. It should also be borne in mind that it can lawfully be used for access to allotments with potentially significant traffic movement.

Emergency services have been consulted and the fire and rescue service has no objections.

Landscaping

The proposals suggest the retention of boundary landscaping and have now revised the layout to ensure this is possible. New planting is also proposed in locations where this would be visible from the public areas of the driveway and access. The Council's Tree Officer is satisfied with the revised proposals subject to conditions.

Other matters

Water providers have been notified and there are no infrastructure objections in respect of supply or foul drainage. In terms of flooding, no concerns are raised by Land Drainage subject to submission of details regarding surface water run off.

The site may be contaminated, therefore conditions are requested.

The proposals are beneath the threshold for affordable housing, thus none is required.

In respect of biodiversity, Country Care has considered the site and the proposals and raises no objections subject to conditions.

Construction concerns are noted, and whilst disruptive, construction is possible and hours of use and access could be mitigated by condition. Issues raised regarding covenants, private agreements for right of way, property value and security arising from loss of boundary treatments are all beyond planning control.

Refuse storage is proposed at the boundary of each property and it has been confirmed that as this is a private drive refuse will be collected from here without the need for lorry access.

The scheme considered acceptable having overcome the previous reasons for refusal (under reference EPF/2571/13) without the introduction of new issues, therefore approval is recommended."

Conclusion

Members of the East Area Planning Sub Committee , following a visit to the site and after reading the Officer report and listening to members of the public make representations decided to approve this application during their meeting held on 10 December 2014.

Whilst a number of the conditions relating to this application were discharged, works on the site have not as yet commenced. The approval under reference EPF/ 2124/14 expires on 10 December 2017 and therefore the applicants are seeking an extension of time to carry out the works. There are no changes proposed in comparison to the original approved scheme. No new issue has been raised in the objections received from neighbours. There have also not been any new material policy changes which would alter the original decision made.

Indeed since that time the research carried out in relation to the production of the emerging Local Plan reveal that the Council can currently only demonstrate approx 1.5 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.

It is therefore considered that the tilted balance towards approval of this sustainable development (subject to conditions also previously attached to permission reference EPF/2124) is greater now than when the decision was previously made.

It is for these reasons that the proposal complies 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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

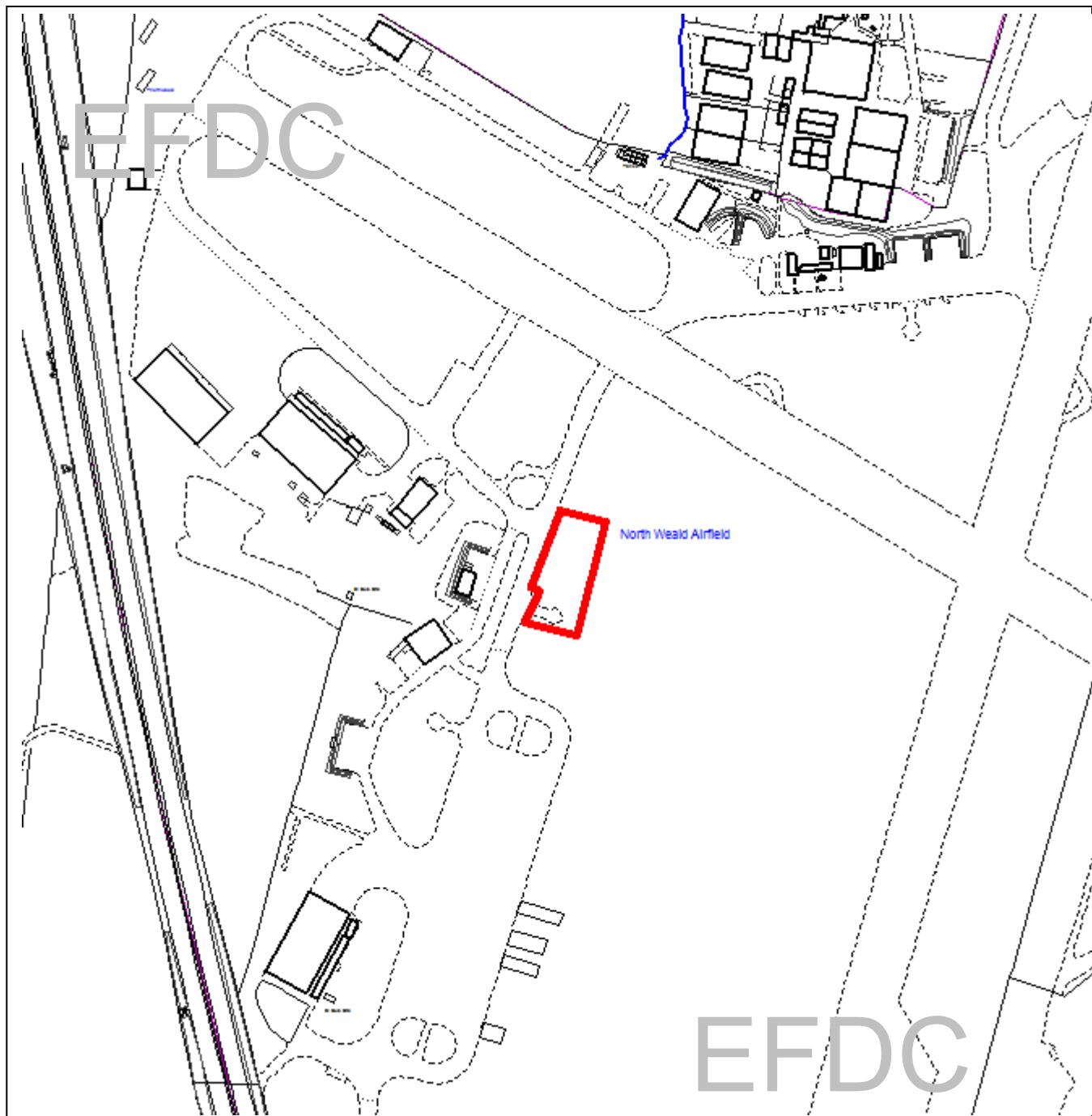
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/2735/17
Site Name:	Merlin Way, North Weald, Epping, CM16 6HR
Scale of Plot:	1/5000

Report Item No: 9

APPLICATION No:	EPF/2735/17
SITE ADDRESS:	Merlin Way North Weald Epping Essex CM16 6HR
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Kristy Kinghorn
DESCRIPTION OF PROPOSAL:	Erection of aircraft hangar with tensile fabric covering and ancillary office, training, welfare facilities, plant, store and workshop facilities in modular units on two sides. New car park enclosure and 50,000 ltr bunded fuel tank for Jet A1 aircraft fuel and a 2,000 ltr LPG tank for heating of the accommodation unit. The proposal is to enable the 24 hour operation of the National Police Air Service (relocating from their current site in High Beech).
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=600953

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: EX01, EX02, GA02
- 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 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]
- 6 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]
- 7 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]

- 8 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.
- 9 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.

This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(c)) and it is for a type of development that cannot be determined by Officers if more than 2 objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Description of Site:

The red lined application site is an area of land measuring approximately 64metres by 110m and is located within the Council owned North Weald Airfield, close to existing aircraft hangars and with access from the existing taxiway.

Description of Proposal:

The proposals include the erection of a 2.4metre high perimeter fence around the application site and the erection of an aircraft hangar within the compound measuring 40m x 45 with an eaves height of 6.05m and ridge height of 9.58m. Ancillary office buildings and staff facilities are proposed in a single storey modular building which will wrap around two sides of the hangar. The compound will contain 22 car parking spaces to the south of the building and a new concrete apron area to the north with space for aircraft. Separate controlled vehicular and aircraft entrances are proposed on the western side of the compound facing the existing taxiway. Fuel tanks a generator and LPG tank are also proposed within the compound.

The facility is intended for the use of the National Police Air Service who would operate 3 helicopters and 1 fixed wing aircraft from the site.

Relevant History:

None Relevant

Policies Applied:

Epping Forest Local Plan and Alterations

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 Design in the Green Belt
ST4 – Road safety
ST6 – Vehicle parking
RST 27 North Weald Airfield,
RST 28 Character and Historic Interest of North Weald Airfield
RST 29 New Buildings on North weald Airfield
LL10 - Adequacy of provision for landscape retention
U2B – Flood risk assessment zones
RP4 - Contaminated land
RP5A Adverse Environmental Impacts.

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.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP5 – Green Belt and district open land
DM15 – Managing and reducing flood risk
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received:

5 Site Notices were erected around the boundaries of the airfield, the application was advertised in the local press and 41 neighbouring properties were written to.
The following responses were received.

3 Emails from Members of the Epping and North Weald Model Flying Club- Object - Concerned that the proposed siting will take up a large portion of the current agreed flying area for the club, which means that the club may no longer be able to fly larger models and jets. They raise concern

that this may mean that the club will no longer be viable as a result, and that there is no other local facility available to them.

PARISH COUNCIL – No objection. To this application but has a concern that the details relating to the National Police Air Service were not shown as the applicant on the Planning Application Form

Issues and Considerations:

The key considerations are the impact on the Green Belt, impact on neighbouring amenity, access, parking, drainage and contamination

Green Belt:

The proposed development would entail the erection of a large building and associated facilities within the Metropolitan Green Belt. The NPPF states that the erection of new buildings within the Green Belt constitutes inappropriate development with a number of exceptions to this. The land is previously developed land but the building is of such a scale that it could not be regarded as having no greater impact on openness than the existing and therefore it does not fall within any of the exceptions to inappropriate development. To be considered acceptable therefore there need to be very special circumstances sufficient to outweigh the harm to the Green Belt and to the purposes of including land within Green Belt and any other harm.

Policy RST27 of the Adopted Local Plan states that the Council will promote and enable the use of the western part of the airfield (identified on the proposals map) as a working Airfield. The proposed development falls within this identified area.

Policy RST29 New Buildings on North Weald Airfield, states that the Council may Grant planning permission for further major buildings on North Weald Airfield within:

The south and east corner and the land adjacent to the M11 Motorway (which are identified on the proposals map) provided that any such buildings

(a) are necessary and appropriate for the development of the airfield as either a major multifunctional recreation and leisure centre or a working airfield and, would not create any air safety hazards and would not lead to pressure for building for recreational or airfield uses on any other part of the airfield.

Whilst the application site falls outside the area identified on the proposals map as suitable for large buildings it does lie immediately adjacent to that area and will not intrude into the main open area of the airfield. The reasoning behind Policy RST29 was to enable the continued development of the airfield as a working Airfield (or for recreational facilities) despite its Green Belt designation. It is not considered that in this location close to existing aircraft hangars and within the identified working airfield area, that a hangar and associated facilities would have any adverse impact on the nature, open character or historic interest of the airfield. The airfield manager has identified this site as a suitable location and it has good access to the runway and existing taxi ways, and sufficient space for the required secure compound. whereas alternate locations within the identified Policy RST29 area are constrained by existing development.

Additionally the proposed use of the site is specifically for the National Police Air Service who are needing to relocate from their current site at Lippitts Hill as that site is no longer viable being beyond economic repair. North Weald Airfield is a logical and appropriate site for such relocation and will enable the service to continue to operate from the District, maintaining employment. The proposed use is as a base for emergency police aviation, which is vital for providing protection to the capital and surrounding areas. Operationally the site works well with regard to flight paths into and circumventing London Airspace. It is considered that the need to relocate the existing vital

component for the policing of London and the surrounding area, taken together with the location of the development adjacent to the identified area for large buildings within the airfield, amounts to very special circumstances sufficient to outweigh the harm to the Green Belt in this location.

Impacts of the use on Amenity

North Weald is an operating airfield. Originally established as a military airbase during World War one, there are currently no planning restrictions with regard to hours of operation and as such flights could operate throughout the night. At present however, that does not occur. The airfield is normally open for flying between 0830 and 1900 hours or sunset plus 30minutes whichever is the earlier. The NPAS would however need to operate 24 hours a day. They intend to operate 3 helicopters and a fixed wing aircraft from the site. The NPAS have requested up to 20,000 movements per annum, a significant proportion of which will be at night.

When the matter was first raised with the Council with a view to leasing the site, concern was raised with regard to possible noise complaints, as complaints and the NPAS undertook a comprehensive Environmental Impact Assessment Screening Report to include a noise assessment covering all proposed hours of operation..

The likely flightpaths have been designed to, as far as reasonably practicable avoid the nearest sensitive receptors, so that aircraft do not fly directly over Weald Hall Farm, or the urban area of North Weald.

A noise assessment has concluded that significant adverse effects from noise are unlikely to arise from the operation of the base if the proposed take off and landing routes are adhered to and some additional noise management measures are used in the operation of the base.

In the context that this site is an existing longstanding and operational airfield with no current planning restrictions on night flying it is not considered that the development subject to the suggested controls will result in excessive harm to neighbouring amenity. The Council as the landowner will retain control over maximum flight numbers and will be able to monitor the operation of the site to ensure compliance.

Access and Parking:

The development will not generate significant road traffic movements and the road access to the airfield from Merlin Way does not raise any concerns. The proposed parking facility within the compound meets standards and the proposed controlled access gates for security are appropriate. Essex County Council Highways Officers have raised no objection to the proposal.

Design

The proposed hanger building is functional and appropriate to its airfield setting, the small scale modular office and support buildings are simple in design and again in this setting are appropriate. The proposed security perimeter fencing will visually set the hangar apart from the other buildings on the airfield, but it is not considered that this raises any significant issue in this location.

Drainage

The site is within an Epping Forest District Flood Zone and care needs to be taken to ensure that the proposal will not result in any increased risk of flooding in the locality. The Councils Land Drainage Team have raised no objection to the proposal subject to conditions.

Contamination

Due to the former use of the site as a Military Airfield there is potential for contaminants and buried

ordnance to be present on site, this issue can be adequately dealt with by way of condition.

Other issues

An Environmental Impact Assessment Screening report was carried out on behalf of the applicants prior to submission of the application, which investigated all possible impacts of the development, both in the construction phase and in operation. This looked at potential impacts on such factors as air quality, ecology, climate change, and public health and concludes that subject to safeguards the development can be progressed without significant adverse effects on the local community or the environment.

Officers agree with this and also agree that the development falls below the threshold which would require a formal Environmental Impact Assessment to be submitted.

Objections to the scheme have been raised by members of the Epping and North Weald Model Flying Club, who lease the adjacent premises and have an allocated flying area which includes part of the current application site. The Airfield manager has confirmed that the Club have been required to relinquish their flying area due to the intensification of aviation at the airfield, however, following discussions with the Director of Neighbourhoods, an alternative site in the locality (on the former golf range site) also within the Council's ownership, has been identified as a possible alternative and this is being considered.

Whilst the loss of this area from recreational use is unfortunate it is not considered that that it would amount to grounds to refuse the application.

.

Conclusion:

The site is located within the area identified in the Local Plan as the working airfield and is for a suitable aviation use within that context.

The proposed development is inappropriate development in the Metropolitan Green Belt, however, it is considered that the policies within the adopted Local Plan that allow for large buildings on the airfield and seek to maintain the area as a working airfield, taken together with the specific locational needs of the National Police Air Service, amount to very special circumstances sufficient to outweigh the harm to the Green Belt and any other harm that will result from the development.

A noise assessment has been provided with regard to the increased use of the airfield that would result from the development, including night flights, and indicates that the development will not result in excessive harm to neighbouring amenity provided specific flight paths are followed and additional safeguards are put in place, these are matters that can be controlled by the Council as the landholder and can be within the lease.

The siting of the development is logical and practical and will minimise impact on surrounding properties.

The design is suitable and appropriate to its context and use. And will not harm the character of the airfield.

No other specific issues arise that can not be mitigated by condition.

The development is considered to be in accordance with the adopted policies of the Local Plan and is recommended for approval subject to conditions.

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

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

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