

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 15th June, 2016**

You are invited to attend the next meeting of **Area Planning Sub-Committee East**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 15th June, 2016  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

M. Jenkins Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, W Breare-Hall, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 16)**

To confirm the minutes of the last meeting of the Sub-Committee held on 11 May 2016.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**7. DEVELOPMENT CONTROL (Pages 17 - 94)**

(Director of Governance) To consider planning applications as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the

enforcement of planning control.

**8. PROBITY IN PLANNING (Pages 95 - 136)**

(Director of Governance) To consider the attached report.

**9. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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## Advice to Public and Speakers at Council Planning Sub-Committees

### Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Sub-Committee.

### Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Sub-Committee will determine the application in your absence.

### Can I give the Councillors more information about my application or my objection?

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### How are the applications considered?

The Sub-Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Sub-Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Sub-Committee. Should the Sub-Committee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Sub-Committee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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Area Planning Subcommittee East 2016-17  
 Members of the Committee and Wards Represented:



**Cllr Jones**  
Theydon Bois

**Cllr Keska**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Avey**  
Epping  
Hemnal

**Cllr Bedford**  
Shelley

**Cllr Boyce**  
Moreton and  
Fyfield



**Cllr Brady**  
Passingford

**Cllr Breare-Hall**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Grigg**  
North Weald  
Bassett

**Cllr Morgan**  
Hastingwood,  
Matching and  
Sheering  
Village



**Cllr Philip**  
Theydon Bois

**Cllr Rolfe**  
Lambourne

**Cllr Stallan**  
North Weald  
Bassett

**Cllr Surtees**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Waller**  
Lower  
Sheering



**Cllr C  
Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr H  
Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

**Cllr J M  
Whitehouse**  
Epping  
Hemnal

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 11 May 2016  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 8.32 pm  
High Street, Epping

**Members Present:** S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:** H Whitbread

**Apologies:** H Brady and W Breare-Hall

**Officers Present:** J Shingler (Principal Planning Officer), J Leither (Democratic Services Officer) and R Perrin (Democratic Services Officer)

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### 83. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 84. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

### 85. MINUTES

**RESOLVED:**

That the minutes of the meeting held on 6 April 2016 be taken as read and signed by the Chairman as a correct record.

### 86. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor B Surtees declared a personal interest in the following item on the agenda by virtue of serving time on Ongar Town Council with the objector. The Councillor had determined that his interest was non pecuniary but would leave the meeting for the consideration of the application and voting thereon:

- EPF/0255/16 – 9 Glebe Road, Ongar..

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following items on the agenda by virtue of knowing the applicants. The Councillor had determined that his interest was non pecuniary but would leave the meeting for the consideration of the applications and voting thereon:

- EPF/0119/16 – 16 Tower Road, Epping; and
- EPF/0531/16 – 5 Highfield Place, Epping.

**87. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Sub-Committee.

**88. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 – 4 be determined as set out in the schedule attached to these minutes.

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0428/16
<b>SITE ADDRESS:</b>	16 Kendal Avenue Epping Essex CM16 4PN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/45/91 T6, T7, T8 3x Cypress: Fell and replace with agreed replacement species. T5 Indian Bean Tree: Raise crown by 1.5 m. T9 Oak: Thin the crown, as specified.
<b>DECISION:</b>	Split Decision: Grant Permission (with conditions): T7, T8. Lawson's Cypress – Fell. T5 Indian Bean Tree – Crown Lift by 1.5m, as specified. T9 Oak –Crown thin, as specified. Refuse Permission: T6 Lawson's cypress - Fell

**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=582656](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582656)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The crown thinning to T9.Oak authorised by this consent shall consist only of the removal of minor branches under 75mm in diameter at a rate of one branch in 8 to maintain a natural appearance. It shall result in no reduction of height or spread of the crown.
- 3 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches necessary to give 3.5 metres clearance above ground level.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998:2010 (Tree work - recommendations) (or with any replacement Standard).
- 5 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 6 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the

date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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 The works hereby authorised shall be undertaken only within the periods indicated 1st January to 1st March inclusive and 1st July to 1st September inclusive.

## **REASON FOR REFUSAL**

- 1 Although it is recognised that T6 Lawson's cypress is a dominant feature this is not sufficient to justify the loss of its visual and other amenity. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0119/16
<b>SITE ADDRESS:</b>	16 Tower Road Epping Essex CM16 5EL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of 2 bedroom bungalow into 5 bedroom house incorporating single storey rear extension.
<b>DECISION:</b>	Referred to District Development Management Committee

**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=581964](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581964)

Members voted to grant consent but four members stood to exercise the right to refer the matter to the District Development Management Committee.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0255/16
<b>SITE ADDRESS:</b>	9 Glebe Road Ongar Essex CM5 9HW
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extensions incorporating new internal garage. Single storey front and rear extensions.
<b>DECISION:</b>	Deferred for a site visit

**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=582293](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582293)

Members decided to defer making a decision on this application in order for a site visit to take place.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0531/16
<b>SITE ADDRESS:</b>	5 Highfield Place Epping Essex CM16 4DB
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	(i) Erection of a two storey rear extension (ii) single storey rear extension (iii) loft conversion with 2 rear dormers and 2 rooflights to front (iv) first floor side extension (v) front porch and (vi) in and out access.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=582913](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582913)

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

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## AREA PLANS SUB-COMMITTEE 'EAST'

15 June 2016

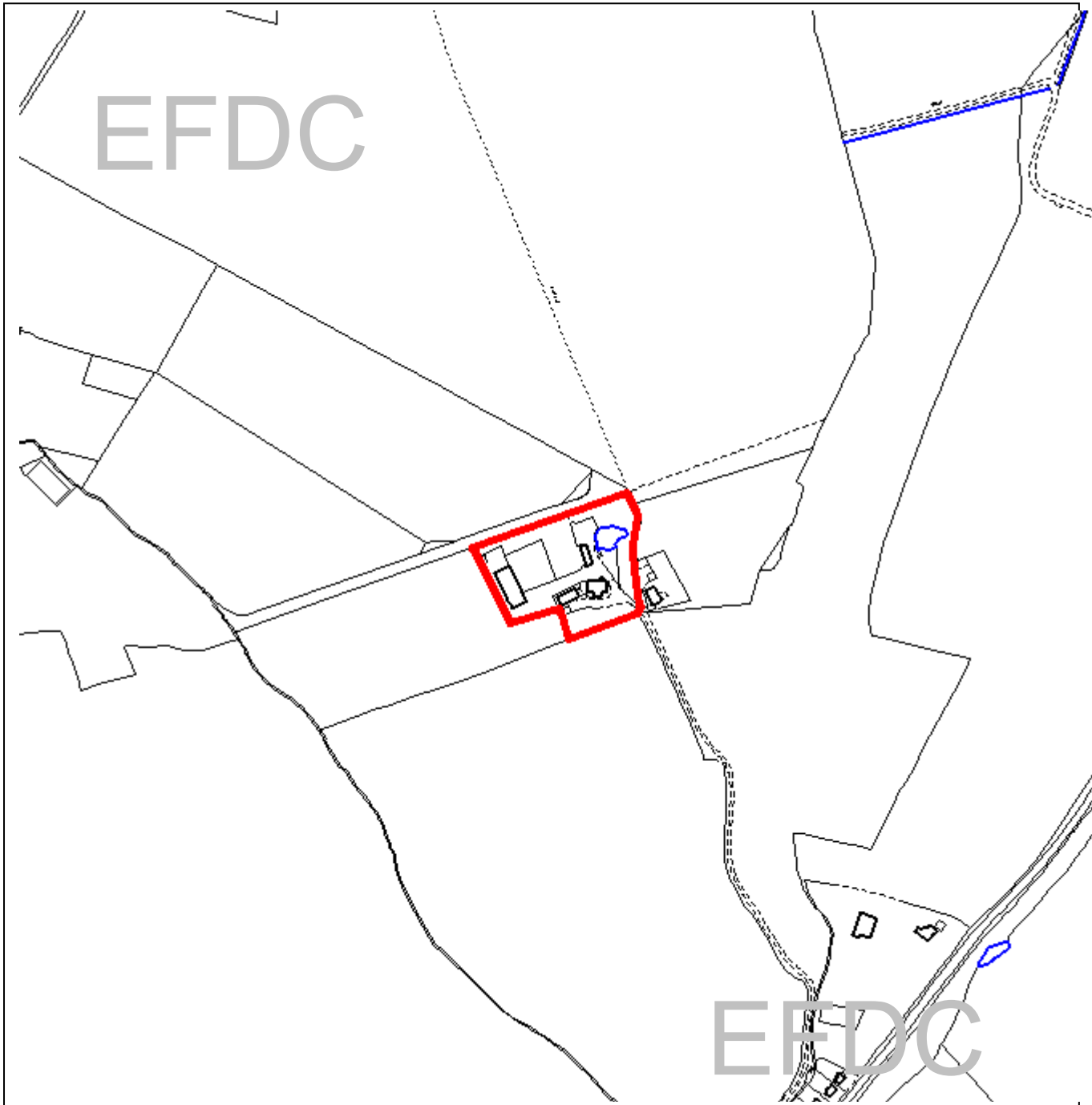
### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2066/15	Ashlings Farm House Ashlings Farm Lane High Ongar Essex CM4 0JU	Grant Permission (With Conditions)	18
2	EPF/0212/16	Land and Garages adjacent 97 Queensway Ongar Essex CM5 0BP	Grant Permission (With Conditions)	30
3	EPF/0214/16	Land and Garages at Millfield High Ongar Ongar Essex CM5 9RJ	Grant Permission (With Conditions)	38
4	EPF/0255/16	9 Glebe Road Ongar Essex CM5 9HW	Grant Permission (With Conditions)	46
5	EPF/0528/16	Office Building at Orchard House Hastingwood Road Hastingwood Harlow Essex CM17 9JT	Grant Permission	52
6	EPF/0685/16	Oak Cottage 42 London Road Lambourne Romford Essex RM4 1UX	Grant Permission (With Conditions)	60
7	EPF/0702/16	1 Roughtallys North Weald Epping Essex CM16 6BH	Grant Permission (With Conditions)	68
8	EPF/0885/16	Blenheim Way North Weald Bassett Epping Essex CM16 6FL	Grant Permission (With Conditions)	74
9	EPF/0903/16	2 Chapel Road Epping Essex CM16 5DS	Grant Permission (With Conditions)	86



# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2066/15
Site Name:	Ashlings Farm House, Ashlings Farm Lane, High Ongar, CM4 0JU
Scale of Plot:	1/5000

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2066/15
<b>SITE ADDRESS:</b>	Ashlings Farm House Ashlings Farm Lane High Ongar Essex CM4 0JU
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr John McHale
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing residential use buildings on site and erection of 3 no. new dwellings with associated new landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=578476](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578476)

**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: FLV\_: 100A, 101, 300A, 301A, 310 Rev B and 311 Rev B
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out.



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

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

- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
- [Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

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

- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15 The public's rights and ease of passage over public bridleway no.6 High Ongar shall be maintained free and unobstructed at all times.
- 16 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.
- 17 Prior to the commencement of any works a Phase I Habitat Survey must be submitted to EFDC. Should the survey reveal the likely presence of any European Protected Species, or their breeding sites or resting places, then protected species surveys need to be carried out. These surveys should also be submitted to EFDC. Should the protected species surveys reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

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

### **Description of site**

Ashlings Farm is located within a very sparse area of development within the area of Blackmore. Currently on site are a collection of buildings, two of which are independent dwellings, Ashlings Farm House and Ashlings Cottage. The Farm House also contains an old stable building which is currently used as a residential annexe and a single storey outbuilding which contains a swimming pool. There is a large agricultural looking building to the west of the site, which the applicant states has consent for the running of an HGV business. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposed development is for the erection of three new dwellings.

### **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.

### **Policies Applied**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

CP6 – Achieving sustainable urban development patterns

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

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

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

8 Neighbours consulted –

GREYSTONES – OBJECTION - The access road to the new development is currently a bridal path, ie a farm track, it would appear this would become a relatively busy road. At least 1 of the

existing houses was built illegally by a previous owner of the site-but allowed to stand as a "farm workers residence" even though it was no longer a working farm. This house was subject to an agricultural tie to prevent it from being sold separately. I believe the erection of 3 large houses on this site is an inappropriate use of green belt land. There is a large amount of greenbelt land in the vicinity and once the new road is in place many more planning applications could follow.

WALNUT TREE HOUSE – OBJECTION - increased traffic on access road will be a disturbance to houses along Blackmore road. This was previously only a bridle path. Access onto Blackmore Road is at a dangerous point in the road. Who is responsible for upkeep of the access road? It must not be Brentwood council ratepayers for property in EFDC. Building on Green Belt land, I believe that there is a restriction on this land which only allows building for Farm Workers cottages and these plans do not comply with this and the dwellings are much larger. Setting a precedent to allow houses of this nature on Green Belt land when there is significant additional surrounding land that would be at risk of similar development if this were to be allowed. If the development were to be approved in spite of the objections I would ask the council to put a restriction of allowing any further residential dwellings on the surrounding land as it would then undoubtedly seriously adversely compromise the openness of the Green Belt land as objected to in the Pre planning comments by the council.

WESTBANK – OBJECTION - The issue of Access and Logistics has not yet been given enough attention. Access to the Blackmore Road is, at present, a single width 'farm track', more than 500m in length. The 100m section nearest Blackmore Road is access to the rear of houses with the Post Code CM4 0JT. If the planned development were to go ahead then the use of the track to the rear of my property (Public Bridleway no.6 High Ongar) would increase significantly. This track has no explicit passing places. It is the only usable vehicular access to the rear of my property. At the front of my property, there is a blind bend in Blackmore Road and access is too dangerous. The state of the track at the rear is very poor, being full of potholes and the drainage ditch is being filled up by movement of the track surface.

I notice that the Application document (Para 6.4) suggests that the "shared minor access road" will be designed to the recommendations in the Essex Design Guide. I find this unlikely and I suggest that, even if the planning application is granted, it should be stipulated that the access road should be built before the development is allowed to start.

The rear access was originally a bridleway and vehicular use has increased over the years, bit by bit, to a ridiculous level which the single width track cannot realistically sustain. I understand that the original access to Ashling's Farm was directly onto Blackmore Road, nearer to Wenlocks Lane and that the track was re-routed to use the bridleway (no.6). That past decision was clearly not a wise one (based on Farm Use) and did not consider the unsuitability of the very long bridleway to the already expanded use, imposed on it. I would disagree with the statement in the letter from the Director for Operations; Environment and Economy that "The proposal will generate a comparable level of traffic to the existing uses on the site." The Access Statement tells us that there will be space for 4no vehicles for each dwelling, which implies that 12no vehicles could be using the lane – in addition to the proportional increase in use by delivery and service vehicles for three, six bedroom houses. At the end of the track, there is also a large barn (see photographs on the proposal) and the existing traffic to and from that is not likely to change.

The proposed increased occupancy of the site would cause enough damage to the lane, in its present state of repair, to render it unusable and potentially dangerous for all residents. There would also be a long period of sustained extra use for access of construction vehicles and materials.

The issue of provision for Foul and Rainwater Drainage was brought up in the letter from the Drainage and Water team. Clearly, both these issues need to be dealt with convincingly before the application can be approved.

**Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the Green Belt, sustainability issues, the character and appearance of the locality, Access and highway concerns, the living conditions of neighbours, tree and landscaping, contaminated land and land drainage.

A recent decision by the High Court in 2016, Case No. C1/2015/2559 determined that a previous ministerial statement from the Communities and Local Government minister preventing Local Planning Authorities from asking for affordable housing or an affordable housing contribution on 10 dwellings or less or on developments under 1000 sqm was lawful. As a result it has been reinstated that the Local Planning Authority cannot seek either affordable housing provision or a contribution in lieu of consent.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) makes it clear that in the majority of cases, the erection of new dwellings in the Green Belt is inappropriate development and should be refused planning permission, unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

However paragraph 89 of the NPPF allows certain exceptions to inappropriate development one of which is the:

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

The starting point for this assessment is to first define what is meant by previously developed land. The NPPF defines it as:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

With due regard to this definition, the next stage is to determine whether the buildings to be replaced fall within it. The current building on Plot one is a residential annexe, which was granted permission in 2010 (EPF/0466/10) to be used as such. A legal agreement was attached to the building which stated that:

*'The converted stable must only be used in connection with and ancillary to the main dwelling and must not be separated or sold away from the main dwelling'*

The legal agreement however does not alter the fact that this residential annexe falls within the definition of previously developed land, as does its previous use as a stable block.

The building currently on plot two is a dwelling and therefore falls under a different exception given by the NPPF, which will be addressed further in this report.

The dwelling on plot three is currently occupied by a rather large swimming pool outbuilding which is used ancillary to the main dwelling. The building clearly falls within the definition of the NPPFs definition of previously developed land.

The second part of this exception to inappropriate development is to assess whether the new dwellings (plots one and three) will cause materially greater harm to the openness of the Green Belt than the buildings it replaces.

The stable building (plot 1) has an existing volume of 650 cubic metres and the swimming pool building (Plot 3) has an existing volume of 480 cubic metres. Each of the two new dwellings on the site will be approximately 875 cubic metres in volume. This amounts to an increase of approximately 64% over and above the volume of these two existing buildings and therefore it cannot reasonably be considered to not cause greater harm to the openness of the Green Belt.

However the main dwelling (plot 2) has a volume of approximately 1,375 cubic metres and it is also proposed to have this building replaced with a new dwelling. Despite the fact that the replacement dwelling is the subject of a different exception to inappropriate development as defined by the NPPF, the development on the site should be considered as a whole and as such in total, once the existing buildings are removed and the new ones erected, it will amount to a 5% increase in volume within the Green Belt. As such it is considered that the proposal will not cause materially greater harm to the openness of the Green Belt and therefore it complies with this exception.

The proposed new dwelling on plot two is a replacement dwelling and therefore the most relevant exception to inappropriate development as defined by paragraph 89 is:

*'The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'*

Firstly, the replacement dwelling will also be in residential use and complies with this first provision. As with the redevelopment of previously developed land, it is essential that the replacement building does not have a materially greater impact on the openness of the Green Belt. The existing house has a volume of 1,375 cubic metres and its replacement will have a volume of 875 cubic metres. Consequently it will have significantly less impact on the open character of the Green Belt.

In summary the proposal does not constitute inappropriate development in the Green Belt and it will not cause significant harm to its openness, or conflict with the purposes of including land within it. As such very special circumstances are not required to justify the development.

### Sustainability

The NPPF defines sustainability as consisting of three strands, economic, social and environmental. With regard to the economic dimension, there would be a benefit arising in the short term from the construction of the development, and future occupiers would support the local economy in the longer term. As such the economic dimension would also be met.

The development will offer two additional dwellings as well as one replacement which will contribute to the supply of housing in the District and also will support any local business in the locality. It is therefore considered that the social strand of sustainable development is satisfied.

The site is located within the boundaries of the Green Belt in a rural location with very little development within its close proximity to its surroundings. Blackmore Road is located to the south

of the application site; however there are very few public services, such as shops, public transport or community facilities along this part of the road. Therefore, it is likely that the residents of this development will be heavily reliant of the use of private vehicles for everyday activities. The location is therefore unsustainable for this scale of development, contrary to the objectives of The Framework and with policy ST1 of the Adopted Local Plan and Alterations.

However it is important to note that the Council cannot currently demonstrate an up to date five year supply of housing and as such this should weigh heavily in favour of granting planning permission. Indeed, according to paragraph 49 of the NPPF, Council policies which deal with the issue of housing supply should not be considered up to date in the context of not being able to demonstrate such a supply and should therefore be given less weight in decision making.

The issue of housing supply and sustainability was addressed at a recent appeal at North Weald Golf Course appeal reference: APP/J1535/W/15/3134332 which proposed 20 new residential units to be located in a similarly isolated location. Within that decision the inspector concluded that:

*Drawing all the strands together, there would be social benefits in providing additional housing in a District with an acknowledged shortfall. There would also be some economic benefit in the short and long term from housing construction and in supporting services in the wider area. The overall environmental dimension of sustainable development would not be fully achieved. However, whilst access by non-car modes would be somewhat limited, this would not be untypical of a semi-rural location, and the Framework takes account of the different characteristics of different areas. The slight adverse transport impacts would not significantly and demonstrably outweigh the benefits identified. I therefore conclude that the proposal would constitute sustainable development having regard to the policies of the Framework taken as a whole.*

With due regards to this appeal decision, whilst the proposal conflicts with ST1 of the Local Plan, within the context of achieving both social and economic sustainability within a District with an acknowledged shortfall in housing, the proposal can be considered acceptable in this instance.

#### Character and appearance

The new dwellings would have an appearance akin to the existing dwelling on the site and appear suitable to the rural location within which they would be placed. Their size, bulk and scale is appropriate to its surroundings and they will relate well to each other. In terms of their detailed design, they are relatively conventional in their appearance. A planning condition regarding materials to be submitted to and approved by the Local Planning Authority can ensure a high quality finish.

#### Access and parking concerns

The new development will utilise the existing access to the site along a private road which eventually joins onto Blackmore Road. Neighbours have raised concern that the private road is more akin to a bridle path than a road, however in any event the access has been historically utilised by the previous agricultural use on the site and indeed the main farm house. As such there is no evidence to suggest that it cannot accommodate a slightly higher amount of dwellings on the site. Furthermore given that the proposal only includes a net addition of two dwellings, there will not be significantly greater vehicle movements than the existing situation which will not cause any harm to its safety or efficiency. This view is shared by the Essex Highway specialist who commented that:

*From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:*

*The public's rights and ease of passage over public bridleway no.6 High Ongar shall be maintained free and unobstructed at all times.*

*Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.*

*The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.*

*The proposal will generate a comparable level of traffic to the existing uses on the site.*

The suggested condition appears reasonable and meets the other tests for applying planning conditions to consents.

All the proposed dwellings have a substantial area within which to park and therefore no concerns are raised.

#### Living conditions of neighbours

The dwellings relate well to each other and will offer a good standard of accommodation. Concern has been raised by neighbouring properties that the development will cause significant disturbance to their properties given the increased number of vehicle movements. However given that the applicant only proposes a net increase of two dwellings, which will not create a substantial increase in the number of vehicular movements, there will not be any significant harm to these neighbours.

#### Trees and landscaping

The tree and landscaping team have not offered any objection to the application given that there will not be any significant harm or threat to any prominent trees. The landscape team has suggested two conditions to ensure the protection of the trees on the site and another to ensure a landscape scheme is submitted and approved. These are reasonable and meet the required test for the use of planning conditions.

#### Land Contamination

As detailed in the pre-application advice appended to the application, due to its former Farmyard and potential Haulage Yard uses, the presence of Infilled Ground and Made Ground impacted by Lead, there is the potential for contaminants to be present on this site and should an application be made to redevelop the site for housing, the answers to Question 14 on the Application Form relating to potential contamination over all or part of the site and to a particularly vulnerable use should be marked yes and, as detailed on the application form, an appropriate contamination assessment should be included with the application.

Although it is likely to be necessary to replace proposed garden and landscape soils, to install ground gas mitigation measures in the buildings and to provide barrier water supply pipes, due to the high resale value of the proposed dwellings, remediation should be feasible.

#### Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff.

The applicant has no proposal to dispose of foul sewage or surface water. Further details are required and these can be secured through condition.

#### Conclusion



The proposal is recommended for approval.

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

***Planning Application Case Officer: James Rogers***

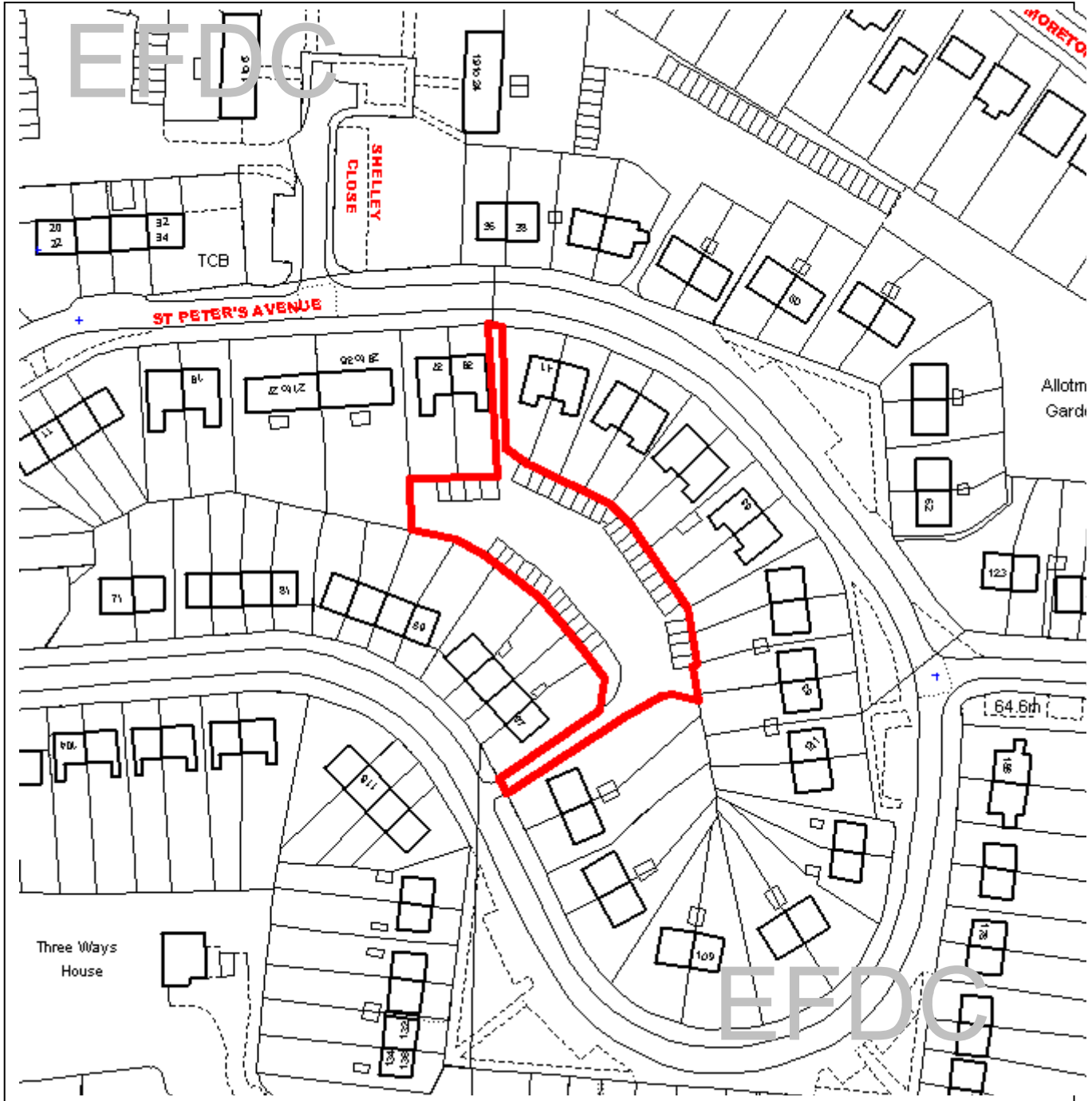
***Direct Line Telephone Number: 01992 564 371***

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/0212/16
Site Name:	Land and Garages adjacent 97 Queensway, Ongar, CM5 0BP
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0212/16
<b>SITE ADDRESS:</b>	Land and Garages adjacent 97 Queensway Ongar Essex CM5 0BP
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Mr Neal Penfold
<b>DESCRIPTION OF PROPOSAL:</b>	4 affordable homes with 8 parking spaces
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=582161](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582161)

**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: 612/066/PL01 rev A, PL02 rev C, PL03 rev A, PL04 rev D, PL05 rev C, PL06 rev B and PL07 rev B
- 3 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]
- 4 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]

- 5 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]

- 6 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.

- 7 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.

- 8 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 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.
- 10 No development shall take place until details of external lighting to the access and parking areas have been submitted to and approved by the Local Planning Authority. The development shall be completed prior to first occupation in accordance with the agreed details
- 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 an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 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.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.

- 15 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 17 The area identified on the approved plan for refuse storage on collection day shall be identified for such purpose prior to first occupation of the dwellings and shall be thereafter retained solely for that purpose.
- 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 C of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee since it is an application for development on the Council's own land or property that is for disposal. In addition, 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 garage court comprising 38 garages located between Queensway to the south west and St Peters Avenue to the north east. Vehicle access is provided at the southern end of the site by a single vehicle width access from Queensway and pedestrian access is available at the northern end of the site onto St Peters Avenue. The site is well maintained and generally free of rubbish other than a small fenced corner at the north western end of the site, the structures appear to be in reasonable condition.

The surrounding properties comprise predominantly two storey houses with rear gardens abutting the application site boundary. Five properties have their own vehicle accesses from their gardens onto the application site, all of which appear to be long established, and a similar number have pedestrian only access.

#### **Description of Proposal:**

The application, which has been amended since original submission, proposes demolition of existing garages and replacements with four single storey one bedroom dwellings, each with private gardens. Eight parking spaces will be provided within the site, five parallel bays opposite the dwellings and three at the western end of the site. A turning area is incorporated on the site for larger delivery vehicles although refuse vehicles will not enter the site and an area to store bins on collection day is identified close to the Queensway entrance. Other site works include landscaping

to communal areas and realignment of the pedestrian access to St Peters Avenue where it lies within the site.

**Relevant History:**

None

**Policies Applied:**

CP1	Achieving Sustainable Development Objectives
CP2	Quality of Rural and Built Environment
CP4	Energy Conservation
CP5	Sustainable Building
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road safety
ST6	Vehicle parking

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

**Consultation Carried Out and Summary of Representations Received:**

Date of site visit: 03 March 16

Number of neighbours consulted: 31

Site notice posted: 03 March 16

Responses received: Five responses have been received, from occupiers of .37, 49, 51 and 57 (as Chair of Residents Association) St Peters Avenue and 93 Queensway. The following issues have been raised:

- Loss of security from removal of garage walls that mark boundary. (It should be noted that the walls are to be replaced by 1800mm fences with 300mm trellis above and the site will be an occupied area of dwellings resulting in some boundaries falling within private gardens and a generally increased level of natural surveillance)
- Concerns at parking displacement into the surrounding area
- Loss of privacy through overlooking (the proposed dwellings are single storey)
- Concern in relation to construction noise and safe removal of existing buildings, the roofs of which may contain asbestos.
- Access for emergency vehicles to site.
- The resident at 49 St Peters Avenue has specifically raised the issue of their shed which lies within the site boundary and is shown as being removed. The objector advises that they are seeking legal possession of the land on which their shed has stood for in excess of 25 years - this is not however material to the application although it would affect the garden area to one unit.
- On a similar theme the occupier of 57 St Peters Avenue has objected to the loss of their gated access which is also shown as being removed,
- The resident of 93 Queensway objects specifically to losing their garage which they use to store their mobility scooter. (While this may be considered a special case, it would be for the Council to take into account in its wider role as to whether it would wish to provide a

suitable store within the objectors property, in planning terms it should be considered in the same way as the loss of any garage)

PARISH COUNCIL: Ongar Town Council did not object to this application as originally submitted but felt that this may represent an overdevelopment of the site. On the amended application, the Town Council did object as it was felt that this overdevelopment should not be approved and that the land and garages be used for parking for existing houses.

### **Main Issues and Considerations:**

The primary considerations in this scheme are the overall level of development proposed, impact on surrounding occupiers, and parking and traffic issues.

It is noted that the Parish Council are raising concerns that this may constitute overdevelopment. While density would not normally be used to assess a site proposing so few dwellings, it is noted that the scheme would achieve a density of only 25 dwellings per hectare. This is in part due to its shape and access but this clearly illustrates that this is a particularly low level of development. Properties are provided with generous rear gardens for smaller dwellings, also achievable as a result of the low overall density and further evidence that this proposal represents a reasonable level of development on the site.

In considering the direct impact of the development on surrounding occupiers, it should be noted that the buildings are all single storey, have only bedroom windows in the rear elevation (where the buildings are closest to the boundary) and will be screened by new fencing of 1.8m high topped by trellis. Adjoining properties have rear gardens of a minimum of 12 metres depth. Thus, suggestions that neighbours will be affected by overlooking or overshadowing cannot be supported. In terms of general activity, the application proposes only four one bedroom houses and officers consider that activity arising therefrom would have minimal impact on surrounding dwellings.

In considering issues relating to vehicle access and traffic generation, it should particularly be noted that the parking capacity of the site is being reduced from 38 vehicles to 8 which in terms of the level and character of activity in and around the access represents a significant reduction in noise and activity in terms of pedestrian and vehicle safety. The proposal includes a turning area within the site that is free of parking spaces and meets the highway authority requirement for small service vehicles; refuse vehicles would be unable to access but a collection point has been identified and agreed by the Waste Management Team.

Concerns at displacement of parking have been considered. It is noted that only six garages are let to residents living within 100 metres of the site entrance (one of whom has commented in objecting to the application that they use it for keeping a mobility scooter). Displacement of parking inevitably results from this type of development, but this will be over a wide area and cannot be considered to have a significant impact on parking capacity in the immediate vicinity or wider area.

In light of historic use on the land and the potential for asbestos to be present, contaminated land assessment is appropriate and conditions are recommended in this regard.

### **Conclusion:**

The application provides affordable housing of a type where an identified local need exists. The proposals are for a low density development of single storey buildings which as a result have little direct impact on adjoining properties either physically or in terms of overall activity.

While concerns over parking displacement are noted, such displacement would occur over a wide area and could not be considered as significant.



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:***

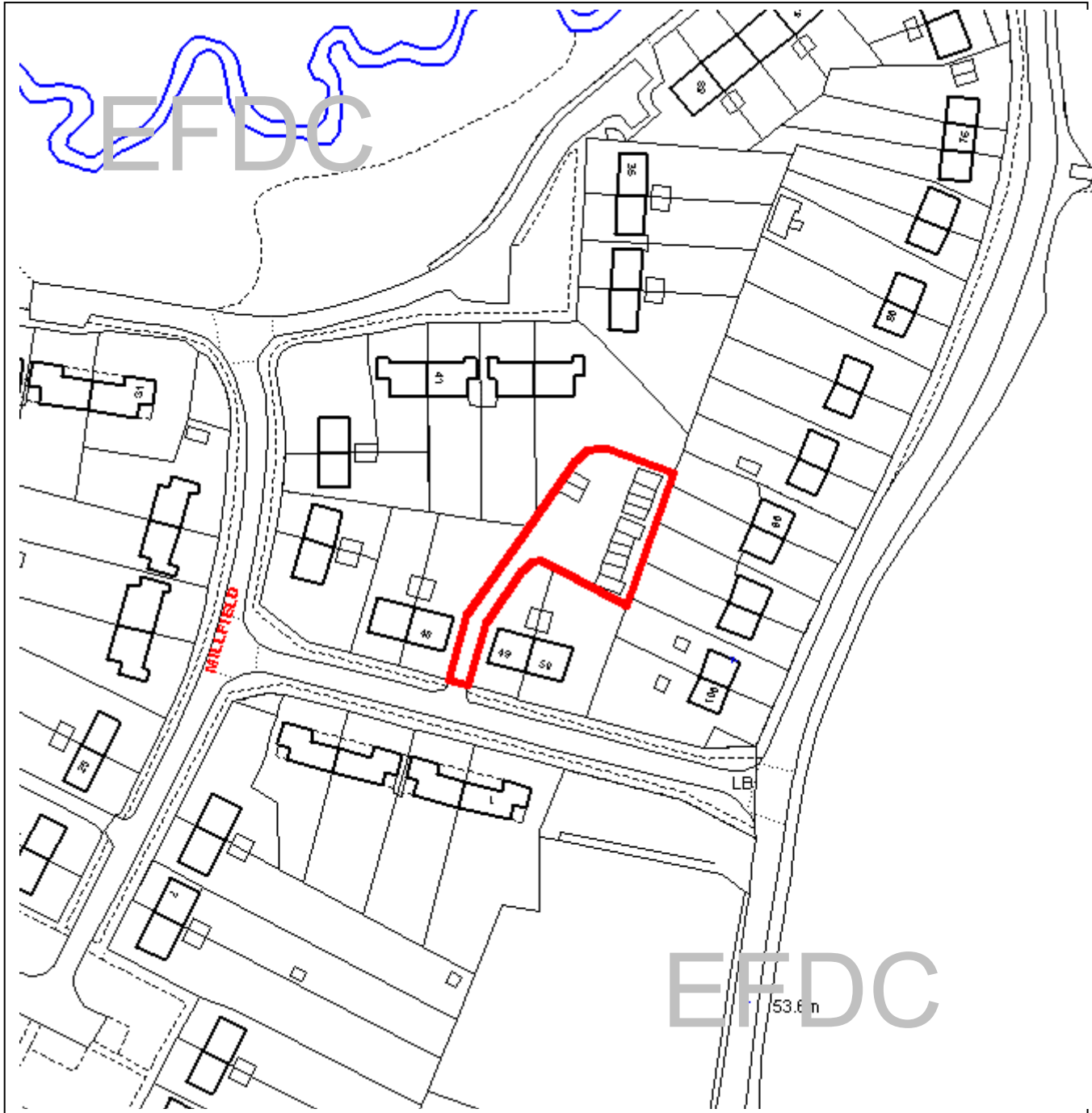
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0214/16
Site Name:	Land and Garages Millfield, High Ongar, CM5 9RJ
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0214/16
<b>SITE ADDRESS:</b>	Land and Garages at Millfield High Ongar Ongar Essex CM5 9RJ
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Neal Penfold
<b>DESCRIPTION OF PROPOSAL:</b>	2 affordable homes with 5 parking spaces
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=582163](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582163)

**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 612/067/PL01, PL02 rev A, PL03 rev E, PL04 rev A, PL05 rev A and PL06,:
- 3 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]
- 4 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]

- 5 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]

- 6 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.

- 7 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.

- 8 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 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.
- 10 No development shall take place until details of external lighting to the access and parking areas have been submitted to and approved by the Local Planning Authority. The development shall be completed prior to first occupation in accordance with the agreed details
- 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 an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 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.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.

- 15 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 16 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 17 The area identified on the approved plan for refuse storage on collection day shall be identified for such purpose prior to first occupation of the dwellings and shall be thereafter retained solely for that purpose.
- 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 Class A, B and C 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. Further, the application 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 comprises a garage court comprising 12 garages in three blocks located directly to the rear of houses 49 and 50 Millfield. Access to the site is from a single vehicle width access from the north side of Millfield between nos 48 and 49..

The site is surrounded by two storey dwellings, along the east boundary properties are located on Mill Lane and to the north and west further two storey dwellings in Millfield. Two adjoining properties have established vehicle access points onto the site, no 49 Millfield has a garage while 39 to the north has a large hard surfaced parking area in the rear garden. The site falls south to north such that there is a noticeable slope on the access road in particular.

#### **Description of Proposal:**

The application proposes demolition of the garages, removal of an existing hedge and construction of two single storey one bedroom dwellings served by 5 parking spaces. The dwellings occupy a similar position to the main garage blocks 1.5m from the eastern site boundary. The two properties have private gardens located primarily to the side of the dwellings which have the principal living room windows facing on to this amenity space. The 5 parking spaces, at right angles to and immediately in front of the dwellings lie clear of a nominal turning space for delivery vehicles located at the northern end of the site. The proposed dwellings are shown as brick built with tiled pitched roofs.

### **Relevant History:**

None

### **Policies Applied:**

CP1	Achieving Sustainable Development Objectives
CP2	Quality of Rural and Built Environment
CP4	Energy Conservation
CP5	Sustainable Building
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road safety
ST6	Vehicle parking

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

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 03 March 16

Number of neighbours consulted: 19

Site notice posted: 03 March 16

Responses received: 14 objections have been received, from occupiers of 1, 7, 23, 24, 39, 41, 42, 45, 48, 49 and 50 Millfield and 98 and Windmill Cottage, Mill Lane. Residents raise the following issues:

- Local parking pressure – the area already experiences parking congestion and stress which will be exacerbated by displaced parking.
- Wider impact of loss of garages (these are the only such garages in High Ongar).
- Suitability of access
- General amenity considerations for immediate neighbours – visual impact, overlooking, loss of privacy, impact on local character
- Impact from removal of existing hedge screen, both in terms of impact on local wildlife and specifically on the immediate adjoining garden
- Impact on immediate neighbours at 48 and 49 Millfield from bin collection point.
- Adequacy of fencing
- Whether there is a local need for one bedroom dwellings
- Impact on local sewage infrastructure
- Disruption and disturbance during construction, including problems with large delivery vehicles on Millfield where kerbs have regularly had to be replaced
- Potential impact from additional floors being proposed – this is not part of the application and permitted development rights can be withdrawn to maintain future control.
- Concern at removal of existing structures which may contain asbestos – this is a matter for others at construction stage
- Residents with garages accessed from the site are seeking assurances that their access will be safeguarded during construction – this is a matter for the developer to resolve.

PARISH COUNCIL: Ongar Parish Council advise that on behalf of the local residents the Parish Council are very much opposed to this proposed development as it is viewed as a loss of local amenity and considered to be overdevelopment

**Main Issues and Considerations:**

The primary issues in considering this application relate to parking and traffic issues, the level of development, and the impact on surrounding residents.

Residents have almost without exception raised the issue of parking capacity and there are particular issues in this regard. The site lies towards the southern edge of the High Ongar settlement and no street parking south of the junction of Millfield with Mill Lane is permitted. This therefore does concentrate vehicle parking in a limited area. This should be balanced against the fact that there are no parking restrictions in Millfield itself and tenant records confirm that only four of the garages are used by residents of Millfield (including no. 49 which also has a garage within its rear garden and parking on the frontage) and 3 residents of Mill Lane. Officers conclude that displacement will occur over a wide area and will not cause material harm.

On all other highway considerations, the development is acceptable on highway grounds, vehicle activity overall will be reduced, the existing road access is not being altered and a turning area within the site for smaller service vehicles is provided to the highway authority requirement.

The Parish Council have objected to the application on grounds of overdevelopment but have not expanded to explain how this may be considered to be an excessive level of development on this site. The scheme proposes two small single storey dwellings with gardens and reasonably spacious surroundings. The area of the site covered by structures will reduce by around a third as a result of this proposal. The dwellings are located close to the eastern site boundary with side gardens, which may give the scheme an impression of being cramped, but this is done to accommodate parking, turning and the retained access points to existing properties.

The proposed buildings are single storey only and the overall height is therefore limited. Surrounding properties have rear gardens of at least 10 metres depth and the properties with the shortest gardens, 49 and 50 Millfield, lie to the south. In terms of physical impact, it is difficult to argue that the buildings significantly affect neighbouring properties. The level of activity generated by two one bedroom dwellings is not considered likely to affect amenity through noise and disturbance to any substantial degree.

Provision is made for refuse and recycling bins to be stored in front of the building and a designated location is identified for these to be moved to on collection day. A condition in this regard can be included and this arrangement is acceptable to the refuse service.

In light of historic use on the land and the potential for asbestos to be present, contaminated land assessments is appropriate and conditions are recommended in this regard.

**Conclusion:**

This is considered to be a low intensity development that has little impact on the surrounding occupiers either as a result of the level of activity proposed or the size and siting of the buildings which occupy a lesser footprint than the existing garages. Officers have had particular regard to the location of the site on the edge of the High Ongar settlement and the issues of on street parking that arise in such a location but are satisfied that the development will not result in overspill parking nor any unsustainable concentration of displaced parking by existing garage users.

The proposal will ensure provision of affordable housing to meet identified need and is considered to comply with relevant planning policy such that planning permission should 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: Ian Ansell  
Direct Line Telephone Number: 01992 564481**

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



# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0255/16
Site Name:	9 Glebe Road, Ongar, CM5 9HW
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0255/16
<b>SITE ADDRESS:</b>	9 Glebe Road Ongar Essex CM5 9HW
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Danny Dyer
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extensions incorporating new internal garage. Single storey front and rear extensions.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=582293](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582293)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the western first floor flank elevation, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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

This application was considered by this Committee on the 11<sup>th</sup> of May but was deferred to enable members to carry out a site visit.

### **Description of Site:**

Glebe Road is a relatively short road that provides access to predominantly semi-detached properties that have well established front building lines, and well related to their medium sized plots of land. The application site contains a two storey semi-detached house and it is located on the northern side of Glebe Road. There is a single storey projection and detached side garage which would all be demolished. At the time of my site visit, the attached neighbour no.11 Glebe Road was undergoing some construction works for a recently approved two storey side and single storey rear extension, including front porch. The site is not in a conservation area nor listed.

### **Description of Proposal:**

Two storey side and rear extensions incorporating new internal garage. Single storey front and rear extensions.

Details and Dimensions:

- Two storey side Extension:
  - This would result in the demolition of a side attached garage.
  - Width: 5m.
  - Height: 8m from ground floor level to ridge height. (to match existing)
  - Roof: hipped and continues from the roof of the existing house.
  - Set in from plot side boundary: 1.1m.
  - Incorporates integral garage.
  - It will join the two storey rear element and measures 9.9m in depth from the front to the rear.
  
- Two storey rear extension:
  - This would be linked to the two storey side element.
  - It would project beyond the rear wall of the original house by 3.2m in depth.
  - Height: 7.4m.
  - Width: 5.3m, not covering the full width of the application building.
  - Set in by 5.6m at first floor level from the common boundary with the attached property.
  - Roof: hipped with lower ridge height.
  
- Single storey front Extension:
  - This would incorporate the main entrance door area and an integral garage.
  - Depth: 1.2m.
  - Width: 7.3m.
  - Height: 3.6m.
  - Roof: pitched with gable feature over front entrance door.
  
- Single storey rear extension:
  - This would be sited next to the attached property no.11 Glebe Road.
  - Depth: about 3.2m.
  - Width: 5.6m.
  - Height: 3.5m.
  - Roof: Mono pitched with 3no roof lights and rear bi-folder patio door.
  - This element would mainly occupy the footprint of the similar existing extension that it would replace.

### **Relevant History:**

No relevant site history.

### **Policies Applied:**

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions
ST4	Road Safety
ST6	Vehicle Parking

The National Planning Policy Framework (NPPF) 2012;

The NPPF was published on the 27 March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **Consultation Carried Out and Summary of Representations Received**

Date of site visit: 02/03/2016.

Number of neighbours consulted: 7

Site notice posted: No, not required

Responses received: 1 response was received from neighbour at no. 7 Glebe Road objecting to this application as original submitted and revised. The grounds of objection are summarised below:

1. Overdevelopment of the site.
2. Two storey side extends beyond the rear building line approximately 3m.
3. Large pitched roof form, out of character.
4. Out of keeping with the attached house and general locality.
5. Harmful to the street scene.
6. It would be an eye sore in the locality/street.
7. Loss of sunlight into our rear garden area/extension.
8. Overshadowing of my rear garden.
9. Loss of privacy from overlooking into my property.
10. Parking issues on road will be far worse.

ONGAR PARISH COUNCIL : objected to this application due to over-development of the site, the overlooking of neighbouring properties and feel that should this application be approved it could set an unwelcome precedent.

### **Main Issues and Considerations:**

The main issues for consideration in this case are:

- Design.
- Living Conditions.
- Parking.
- 

Design:

The proposed development has been revised since its original submission to address the concerns of the Local Planning Authority regarding the design of the scheme as a whole. Each element of the proposal is discussed below:

- Two storey side element:

This element would be of a significant width at 5m, in comparison to the width of the original house at 6m. It should be brought to your attention that the attached property no.11 Glebe Road was also recently granted planning permission for a similar two storey side extension of a significant width at 5.3m, when compared to the width of existing house at 6m. As the application building is one of the symmetric pair of the semi-detached property, the proposed development would result in the lateral spread of the building within the site, but this is not considered to be substantially greater in scale and mass than some existing buildings in the street scene and wider area. This element would also maintain more than a 1m separation distance from the side boundary as required by Policy DBE10.

- Two storey rear element:

This element would link with the two storey side element but it will only project by 3m in depth, from the rear wall of the original house. It would be 7.8m away from the rear boundary. It has been designed to be subservient to the original house and not to dominate it or be visible from any public vantage point.

- Single storey front element:

This will incorporate the new main entrance to the house and an integral garage. This element would not significantly project beyond the front building line. It would have a complementary roof form. Its scale, size and bulk are considered acceptable as it would not significantly dominate the front part of the existing building. In addition, there are also some examples of similar front extensions within the surrounding area, albeit no integrated garages. It would not significantly harm the character and appearance of the existing building, street scene and general locality.

- Single storey rear element:

This would be sited next to the attached property no.11 Glebe Road and it would only be 3.2m in depth. This element would mainly occupy the footprint of the similar existing rear extension it would replace. It would have a mono-pitched roof, which is considered complementary in design terms. Due to its position at rear, it would not harm the character and appearance of the existing house, street scene and general locality.

#### Impact on living conditions:

The two storey side element, which is linked to the two storey rear element, would measure 9.9m from the front to the rear, and it would be sited along the boundary with adjoining neighbour no.7 Glebe Road. This neighbouring property no 7 Glebe Road, has a single storey rear extension, which is used as a habitable room. This habitable room has a window opening on its flank wall, facing the boundary with the application site.

The owner of 7 Glebe Road has objected to this application, citing a number of issues, which included among others; overshadowing, loss of light/sunlight, and loss of privacy from overlooking into their rear garden area from the proposed two storey side and rear elements of the development. However, the flank wall window opening is overshadowed by the rear part of the existing side garage at this neighbouring property. The only part of the development that may be

visible from the flank wall window opening is the two storey rear element, which is situated some 5m away from this window. At this substantial separation distance, it is not considered the proposed development would cause unacceptable harm to the living conditions of number 7 Glebe Road in terms of overbearing and overshadowing impact, loss of outlook, light or sunlight.

In terms of potential loss of privacy: the two storey side and rear elements would have some higher window openings on their side elevations facing no.7 Glebe Road, which could result in some loss of privacy from overlooking into no.7 Glebe Road. However, a condition will be attached to any future approval, requiring these first floor side elevation windows to be obscured glazed. Some two windows are also proposed on the rear first floor elevation, but these serves bath rooms rather than habitable rooms, as such, a condition would be irrelevant on these first floor rear windows.

In concluding this section, the impact of the proposed development as a whole, upon the living conditions of any neighbouring occupiers would be acceptable in this case.

#### Parking:

The development would require the demolition of an existing side garage and a replacement of this with an integral garage that would be internally 7m in length and 3m in width. It should be pointed out that, Glebe Road is already under severe pressure with regards to on street parking. The proposed development would reinstate a vehicular parking facility in accordance with the Council's Parking Standards. In addition, the front driveway is wide enough to provide some extra vehicular parking spaces for off-street car parking..

#### Other Material Consideration:

The recently approved similar development (EPF/1394/15) at the attached property no.11 Glebe Road has already set a precedent in favour of the applicant. It is also a very strong material consideration for this current application and any future appeals should this application be refused planning permissions.

#### Conclusion:

The revised design of the whole proposal is considered to be sympathetic, as it now refers to the style of the existing building and respects the site and surrounding area in terms of scale, form and use of external materials. The objections from the Parish Council and from the occupier of neighbouring property no.7 Glebe Road have generally been addressed in the body of this report. The proposal is considered acceptable as it is in accordance with the aforementioned policies of the adopted Local Plan and Alterations and guidance in the NPPF. Accordingly, it is recommended that planning permission be granted to this application with conditions.

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

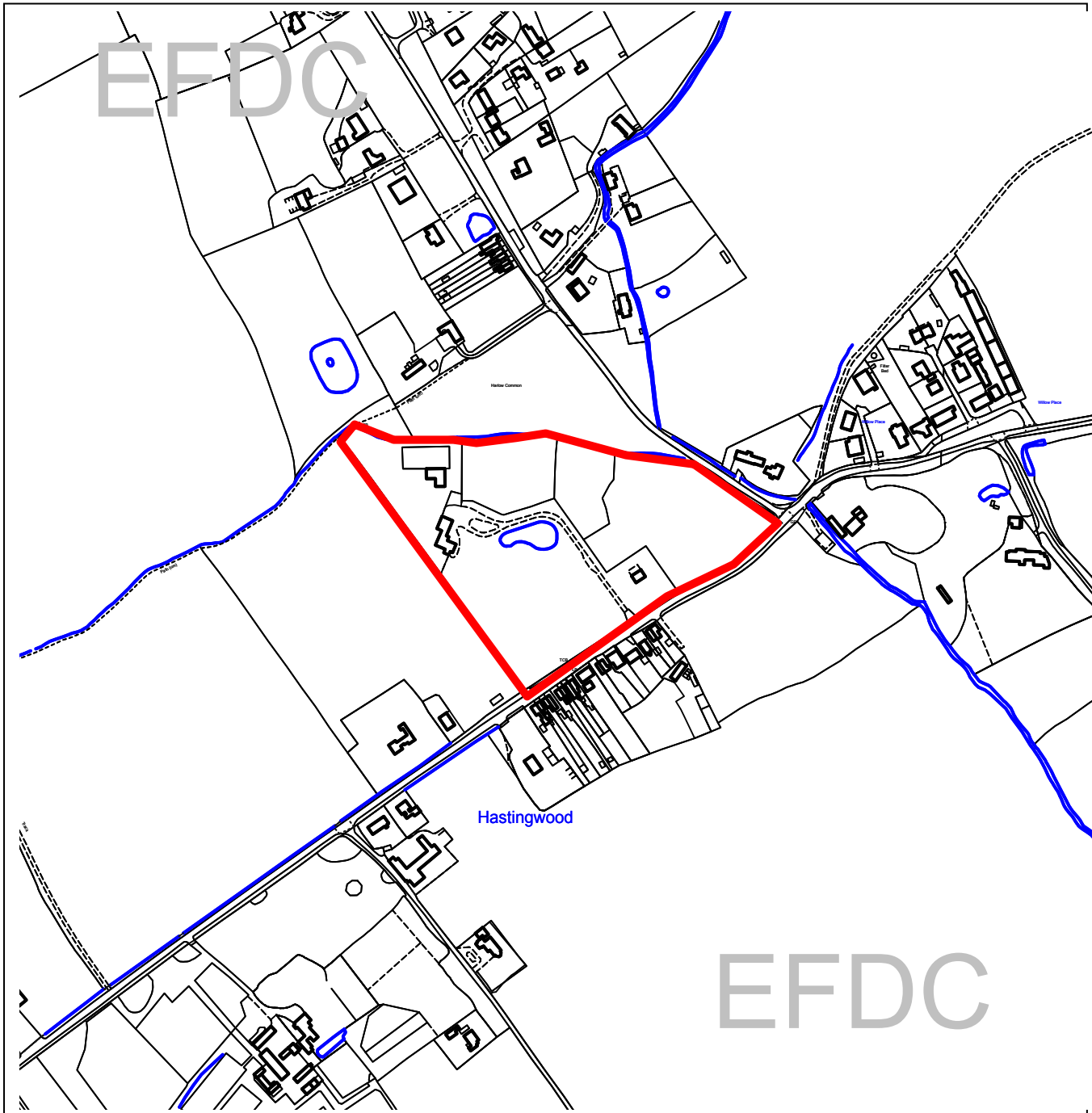
**Planning Application Case Officer: Moses Ekole  
Direct Line Telephone Number: 01992 56 4109**

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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/0528/16
Site Name:	Office building at, Orchard House, Hastingwood Road, Hastingwood, CM17 9JT
Scale of Plot:	1/5000



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0528/16
<b>SITE ADDRESS:</b>	Office Building at Orchard House Hastingwood Road Hastingwood Harlow Essex CM17 9JT
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Steve Gray
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of office building to a separate residential dwelling.
<b>RECOMMENDED DECISION:</b>	Grant 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=582910](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582910)

**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: 15005\_01, 15005\_02, 15005\_03, 15005\_04
- 3 The area of residential curtilage of the dwelling hereby approved shall not extend beyond that shown on drawing No. 15005\_04, as shown in appendix 3 of the Planning Statement.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B, C, D or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until 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 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

**Description of Site:**

The application site is located within the extensive grounds associated with Orchard House, a large detached residential dwelling with small collection of associated outbuildings. Orchard House is set deep within the site to the west. The single storey outbuilding subject to this application is located to the south east of the site some 20m from Hastingwood Road. Pockets of small residential enclaves are located sporadically around the application site and the area as a whole is located within the Metropolitan Green Belt.

**Description of Proposal:**

Planning permission is sought for the change of use of the existing outbuilding, currently used as an office, to a separate dwelling.

The outbuilding will be accessed via the existing driveway serving the host dwelling. This drive way abuts the proposed curtilage for the new dwelling to the south east of the site.

An area measuring approximately 0.16ha which surrounds the site has been demarcated for use as residential amenity space for the proposed dwelling. This area offers sufficient space to accommodate three vehicles. No formal parking arrangement or garaging is proposed.

**Relevant History:**

EPR/0066/51 - DWELL HSE – *Approved*

EPR/0033A/53 - EXTN TO GARAGE – *Approved*

EPR/0033/53 - GARAGES, STORE & DAIRY – *Approved*

EPO/0433/66 - STATIONING OF CARAVAN FOR AGRIV WORKER – *Refused*

EPF/1183/86 - Erection of new detached house and garage and formation of new access – *Withdrawn*

EPF/1209/87 - Extension and provision of new access – *Approved*

EPF/0258/87 - Alterations and extensions and formation of new vehicle access – *Refused*

EPF/1178/90 - Removal of old stock buildings and erection of domestic stables – *Approved*  
EPF/1153/01 - Erection of a replacement conservatory – *Approved*  
EPF/1942/02 - Erection of extension to stable block for storage of hay - *Approved*

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New Development  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban form and quality  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas.  
DBE8 – Private Amenity Space  
DBE9 – Excessive loss of amenity to neighbouring properties  
GB8A – Change of use or Adaptation of Buildings  
H2A – Previously developed land  
ST6 – Vehicle parking

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

**Consultation Carried Out and Summary of Representations received:**

Neighbourhood consultation letters were sent to Shonks Farm, Newkey, 2 and 4 Blacksmiths Cottage, St Anthonys, Forge Cottage, Threshers Cottage, The Threshers, Orchard View, 8 and 7 Hill Villas, 1 and 2 Hill View Villas.

A site notice was also displayed.

PARISH COUNCIL – Object. Parish Council comments refer to:

*“The Parish Council wish to object. Council have been made aware by a number of residents and councillors that this building is not an office and was only ever used as a packing shed. The Council objects to the change of use of this building into a residential dwelling as it is inappropriate development.”*

FORGE COTTAGE - Comments were received from Forge Cottage highlighting that *“the original pre-fabricated building was used to house a tractor, other equipment and storage of apples. Subsequent owners retained the shed as storage but the building has been gradually extended over time and windows and doors have been introduced.”* Concerns are raised due to the *“extra traffic”*.

NEWKEY - Comments from Newkey refer to *“The outbuilding has been altered over time and never used as an office. Fears another building will be erected within the site without planning permission and subsequently change to residential accommodation.”*

2 BLACKSMITH COTTAGE - Comment that *“The building has never been used as an office, it has been extended to the rear making it twice the size, Pre-fab has now been changed onto a bungalow”*.

## Issues and Considerations:

The main issues that arise from this application relate to the principle of development, the design and impact upon the street scene, residential amenity, parking, impact upon the Metropolitan Green Belt and the responses of consultees and neighbours.

### Green Belt:

The application site is located within the Metropolitan Green Belt. Whilst the existing building on site appears relatively new it is understood from Planning Enforcement investigations in 2014 that the original building, which has been located on the site for a number of years, was recently renovated and upgraded through the construction of a new roof (to replace the previous asbestos roof), the rendering of the outer walls, and the installation of new windows and doors. It has been concluded that these works were acceptable and therefore no further action was taken with regards to the Enforcement complaint.

The previous use of the building is also somewhat unclear, although the submitted documents refer to the existing building being an office. The recent Enforcement investigation supports this since the Enforcement Officers note clarifies that the building "*will be used as storage and as a small office*". Notwithstanding this, the National Planning Policy Framework outlines types of development that are 'not inappropriate' and this includes "*the re-use of buildings provided that the buildings are of permanent and substantial construction*" on the proviso that "*they preserve the openness of the Green belt and do not conflict with the purposes of including land in Green Belt*". As such the current use of the building is not relevant to the appropriateness of the change of use within the Green Belt.

As the existing building appears to be of substantial and permanent construction and it is not considered that the change of use of the building in itself would constitute inappropriate development harmful to the Green Belt, what is proposed is an appropriate form of development as supported by local plan policies GB8A and national guidance. Therefore the principle of a residential dwelling in this position is acceptable as the land currently comfortably accommodates an office which benefits from an adequate footprint.

### Design:

As the proposal is to convert the existing building, and it is unlikely that any major external works would be required to achieve the proposed residential conversion, there are no design concerns with regards to the proposed development. However details of the location and type of boundary treatment for any new residential curtilage are required and are request via condition. As such the proposal conforms to council policies DBE10.

### Amenity:

Overall, when taking into account the existing building, its height and its orientation combined with the significant distance between the existing building and the surrounding dwellings, it is considered that the proposal would not result in an unneighbourly and overbearing form for development which would adversely affect the amenity of the occupants of the surrounding area. As such, the proposal confirms to Policy DBE2, DBE9 of the Local Plan.

### Amenity Space:

Policy DBE8 expects all new residential developments to provide private usable amenity space which would equate to an area of at least 20m<sup>2</sup> per habitable room (including a kitchen if it is larger than 13m<sup>2</sup>). Three habitable rooms (the kitchen falls below 13m<sup>2</sup>) are proposed which require 60m<sup>2</sup> of private amenity space. The proposal offers 0.16ha of amenity space surrounds

the site which is predominantly south facing with level access. The shape and size ensures reasonable use and can achieve privacy on a continued basis. As such the proposal conforms to council policy.

#### Highway and Parking:

There are two bedrooms proposed within the new dwelling. For dwellings with two or more bedrooms, the requirement would be for three off-street parking spaces (2 x resident spaces and 1 x visitor space) which comply with the sizes and standards as laid out within the Essex County Council Vehicle Parking Standards (2009). Whilst no formal parking arrangement has been identified there is sufficient room to accommodate all required off-street parking and manoeuvrability space within the demarcated boundaries of the new dwelling. Therefore the proposal conforms to council policy ST6 of the Local Plan.

#### Access:

The submitted plans show access via the existing driveway serving Orchard House the host dwelling. It is considered that the use of the established access for an additional dwelling in this location would be acceptable in terms of highway safety and the free flow of traffic using Hastingwood Road.

It is considered that the introduction of additional residential accommodation within the site would not give rise to increased traffic flow over and above that which would be expected of a site such as this and the associated traffic generation would not have a significant detrimental impact on the character and amenities of the surrounding area. As such, the proposal conforms to council policy GB8A contained within the Local Plan.

#### Land Contamination:

Due to its former agricultural smallholding use there is the potential for contaminants to be present over all or part of the site. Domestic dwelling gardens are classified as a particularly sensitive proposed use.

As no assessment information has been provided it will be necessary for the risks to be investigated, assessed and where necessary remediated by way of condition.

#### Conclusion:

The proposed change of use of the existing building would not constitute inappropriate development or be detrimental to the openness of the Green Belt and the size of the proposed residential curtilage is acceptable. There is sufficient space on site to provide for adequate off-street parking provision there would not be any detrimental impact on the amenities of surrounding residents or the character and appearance of the local area as a result of the proposed works.

Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the National Planning Policy Framework and Local Plan policies and CP1, CP2, CP3, CP6, CP7, GB8A, H2A, DBE2, DBE3, DBE8, DBE9 and ST6 the application is now 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:**

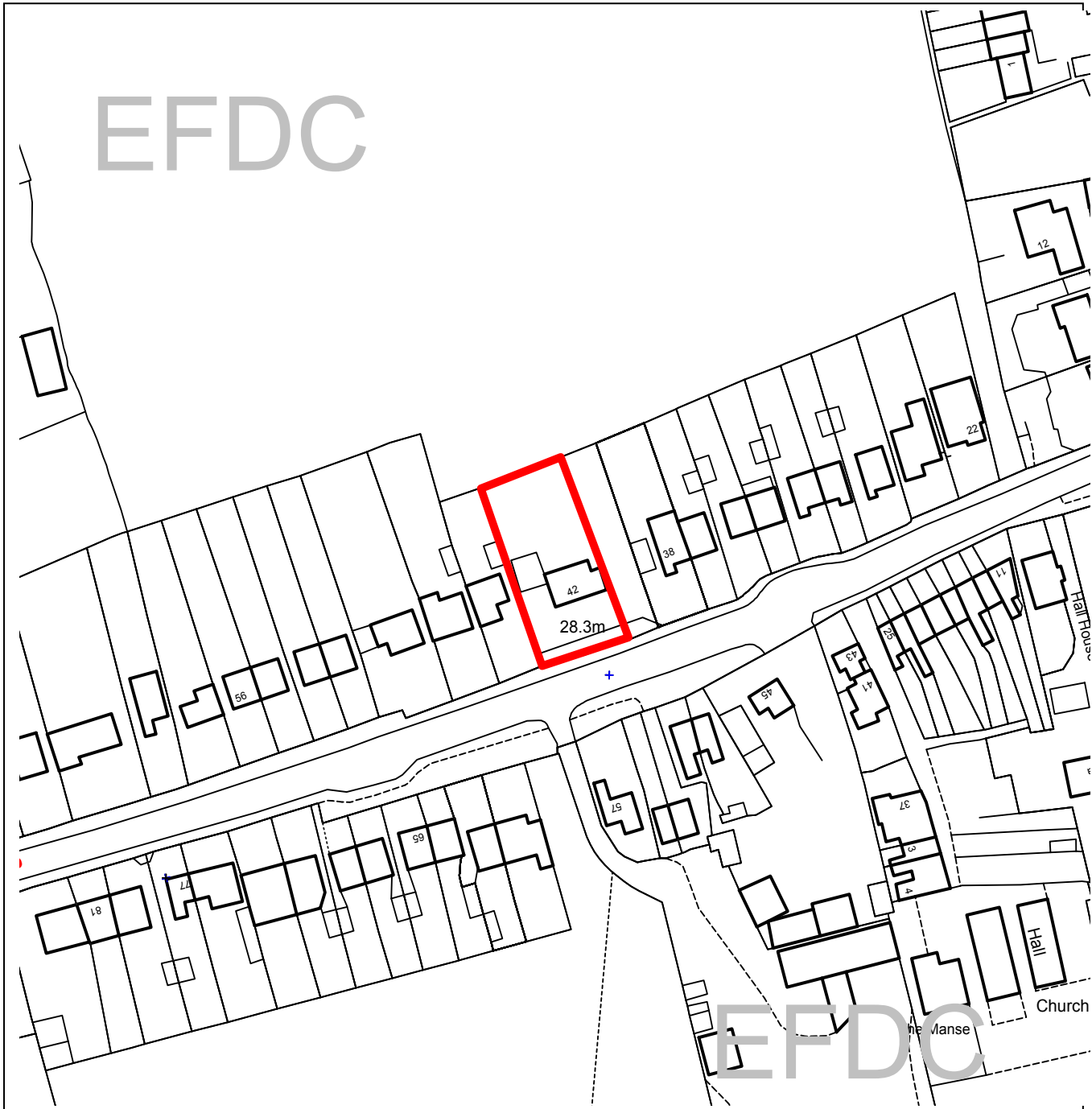
**Planning Application Case Officer: Nicola Dawney  
Direct Line Telephone Number: 01992 564000**

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



# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0685/16
Site Name:	Oak Cottage, 42 London Road, Lambourne, RM4 1UX
Scale of Plot:	1/1250



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0685/16
<b>SITE ADDRESS:</b>	Oak Cottage 42 London Road Lambourne Romford Essex RM4 1UX
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Ms Siobhan Cook
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and replacement with 2 no. x 4 bedroom semi-detached dwellings and associated parking and amenity space.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583295](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583295)

**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: 17114/01, 17144/02, 17114/03, 19912, 19912(1), 19915(10, 19915(1), 19915(2), 19915(3), 19915(4) and 19915(6)
- 3 Prior to first occupation of the development hereby approved, the proposed window and door openings in the flank elevations shall be entirely fitted with obscured glass and the windows shall have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

in writing by the Local Planning Authority prior to the recommencement of development works.

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

- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 6 No 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.
- 7 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.
- 8 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.
- 9 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 and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 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.

- 11 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 12 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 13 Prior to first occupation of the development the access width shall be increased to 5.5 metres for at least the first 6 metres from the back edge of the carriageway with the existing dropped kerb crossing being widened as necessary.
- 14 There shall be no discharge of surface water onto the Highway.
- 15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

*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)*

*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 rectangular plot with a two storey detached property with double attached single storey garage located on the north side of London Road within the built up area of Abridge. The plot backs onto land within the Metropolitan Green Belt. The original plot for this property was larger and originally included the land where No. 40 now stands (approved under reference EPF/0864/13). The site is not within a Conservation Area.

### **Description of Proposal:**

The application seeks consent for the demolition of the existing dwelling house and the construction of a pair of semi-detached properties. The houses will be set in from the side boundaries by 1m, have gable features to the front with single storey rear projections. The proposals broadly replicate the design of the recently built detached property adjacent to the site. Parking for two cars will be provided to the front of the site with the dwelling houses set some 12m back from the road edge.

### **Relevant History:**

EPF/0864/13 – Erection of a four bedroom detached house – App/Con

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

LL10 – Adequacy of provision for landscape retention

GB7A – Development conspicuous within or from the Green Belt

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

### **Summary of Representations:**

ABRIDGE PARISH COUNCIL – The Parish Council HAS OBJECTIONS to this application on the following grounds:

The application is for 2 x 4 bed detached properties, but these properties are not detached with detachment on the roofline. The Parish Council feels that the application is not correct. Because of this the Parish Council OBJECTS feeling that this application would be overdevelopment of the site as far as the streetscene is concerned.

(The description of development was corrected following these comments from the Parish Council)

16 Neighbours consulted:

38 LONDON ROAD – STRONG OBJECTION – oldest building in Abridge – have contacted Historic England – building should be on Local List, out of character, concern proposal will not be built correctly, splitting the plot again, overdevelopment, garden grabbing.

44 LONDON ROAD – STRONG OBJECTION – loss of light to side windows, overbearing, loss of privacy from third floor windows

69 LONDON ROAD – OBJECTION – not in keeping with village, more traffic, strain on existing facilities, loss of view to countryside  
52 LONDON ROAD – OBJECTION – roofline higher, loss of old building within village, loss of mature garden  
55 LONDON ROAD – OBJECTION – Loss of view, loss of village character, more cars on busy road

**Issues and Considerations:**

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

*Neighbouring Amenity:*

The proposal will have the same depth as the recently constructed detached dwelling to the east of the site and therefore no amenity concerns are raised with regards to this property.

Side openings are proposed to both flank elevations, a ground floor door for a utility room and a first floor bathroom. As these are both non-habitable rooms it is considered acceptable that these windows can be obscured glazed at both ground and first floor to avoid any overlooking or loss of privacy.

With regards to No. 44, the main flank wall of this neighbouring property is set 2m away from the shared boundary with the proposal and the new dwelling would be 1m away from the shared boundary. This provides an acceptable level of separation between the two properties. Although there may be some loss of light to side windows at No. 44, the 3m separation will mitigate against any excessive loss of light and in any event the side windows for No. 44 are all non-habitable rooms (kitchen, hall and bathroom).

The plans do show a levelling of the site (from front to rear), but the proposal will be no higher than the recently approved property and only 0.3m higher than No. 44 so it is not considered that the proposal will be overbearing, particularly given the extent of separation. A condition can be added requesting existing and proposed site levels to ensure that the ground levels (and therefore finished heights) are not above that shown.

The proposal will extend approximately 1m beyond the rear of No. 44 (at single storey) and this minimal amount coupled with the separation distance is considered acceptable in amenity terms.

The neighbour at No. 44 is concerned with a loss of privacy from the rear dormer windows. Although views across neighbouring rear gardens may be possible this is not an unusual situation within urban areas and will not give rise to any additional overlooking above that of the proposed first floor windows.

*Design:*

Two dwellings replacing one in this location is not considered out of character with the surrounding area given that there is a mix of semi-detached, detached and terrace properties in the locality. Although it is appreciated that the plot has already been divided to allow for a new dwelling (No. 40) this plot originally was some 25.5m wide compared to narrower plots of between on average 7 and 14m. This proposal will result in 3 plots approximately 7m and 8m for this proposal and 10m wide for the previously approved and built scheme. It is therefore not considered that these plot widths are out of keeping with the surrounding character.

The design of the proposal follows the design (in a semi-detached style) of the previously approved house and this is considered an acceptable scheme to base the design on. Gable

projections are relatively common within the streetscene where there is a mix of design styles with no dominant design theme.

The height of the proposal is the same as the recently built property and only 0.3m higher than No.44. The 1m set in from the boundaries ensures adequate separation between properties and overall the design is considered acceptable and one that respects the character of the streetscene and wider village.

Concern has been raised by neighbours with regards to the age of the existing property and the historic contribution it provides to the village. Due to these concerns the Council's Conservation Officer was consulted on this application to seek a view on the historic value of the existing property. The Conservation Officer considers that Oak Cottage features limited historic significance and does not contribute to the character and appearance of the streetscene.

Oak Cottage is an early 20<sup>th</sup> century detached building, Edwardian in its design. It originally would have had a rectangular plan form, but the property has been extensively altered over time with a vast flat roof rear extension, side single storey flat roof addition, Upvc windows, removal of one of the original chimney stacks and later porch addition. These alterations on such a large scale greatly impact on the integrity of Oak Cottage resulting in the former Edwardian style building difficult to read and understand.

#### Highways:

Ample parking is proposed to the front of the dwelling and this is acceptable in terms of parking policy. The Essex County Council Highways Officer has no objection to the scheme subject to conditions.

#### Green Belt:

The proposal will be visible from the Green Belt to the rear of the site, however it will be viewed within the context of the linear residential development along London Road and it is not considered that this proposal will have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt in this location.

#### Other Issues:

##### *Flood Risk*

The site is within an Epping Forest District Council flood risk assessment zone, the development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage.

##### *Landscaping*

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

**Conclusion:**

The proposal following the consideration above is considered acceptable and approval with conditions 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:***

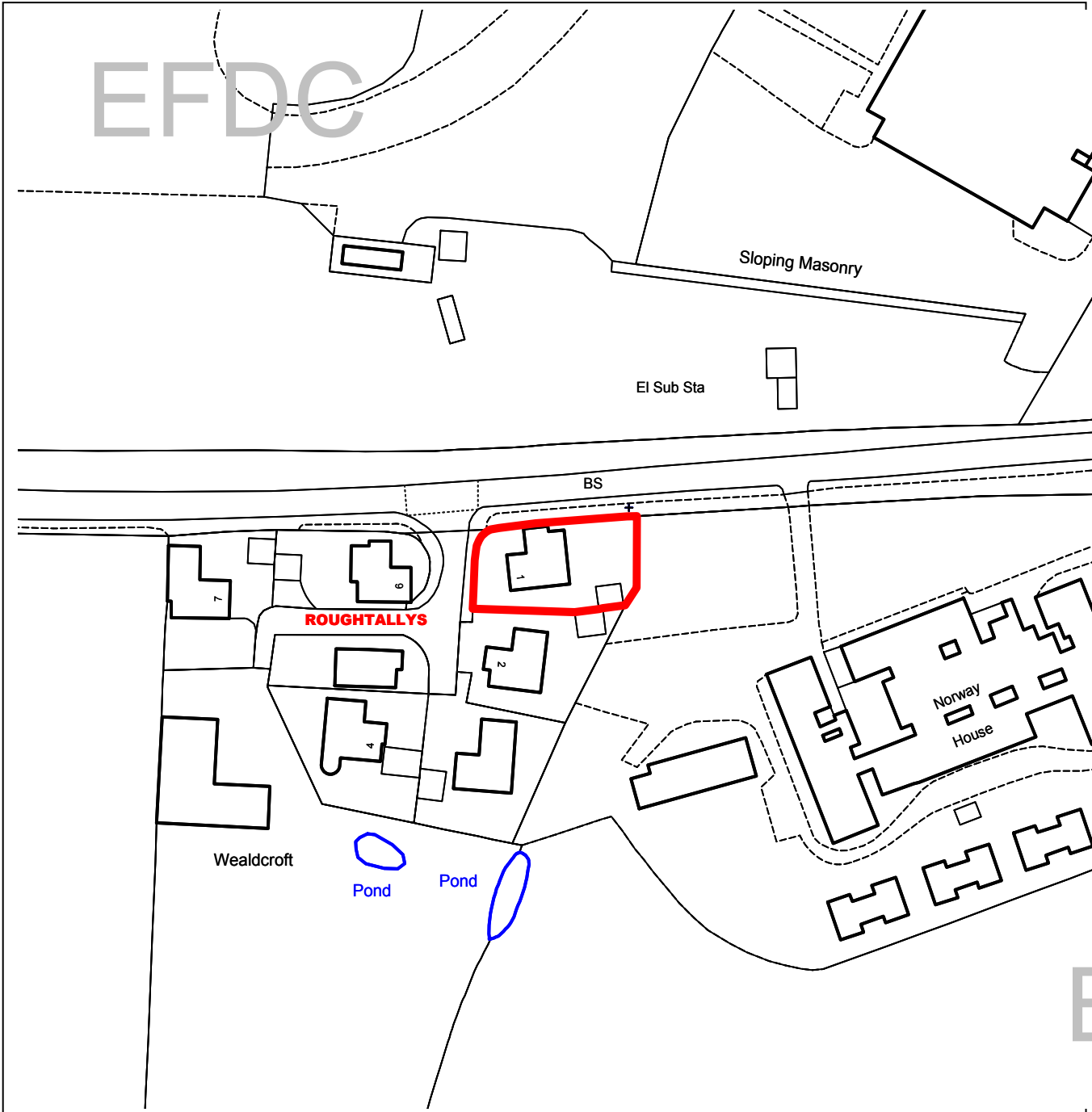
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

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



# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/0702/16
Site Name:	1 Roughtallys, North Weald, CM16 6BH
Scale of Plot:	1/1250



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0702/16
<b>SITE ADDRESS:</b>	1 Roughtallys North Weald Epping Essex CM16 6BH
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Neil Cranwell
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of detached garage to form ancillary living accommodation to the main house.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583375](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583375)

**CONDITIONS**

- 1 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 1 Roughtallys.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2032/001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 013
- 3 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

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

**Description of Site:**

Roughtallys is a small residential cul-de-sac located on the outskirts of North Weald and adjacent to Norway House which is a Grade II Listed Building. The cul-de-sac is formed by detached dwellings with surrounding garden amenity spaces in slightly irregular plots. Each property benefits from detached double garages to the side or rear of the property. No.1 occupies a corner

plot located at the entrance to the cul-de-sac and immediately adjacent to Epping Road. No.1 Roughtallys is not located within a Conservation Area and does not form part of the Metropolitan Green Belt.

**Description of Proposal:**

Planning permission is sought for the conversion of the existing detached double garage to form ancillary living accommodation to the main dwelling.

The existing garage has a footprint of 28.05m<sup>2</sup> (5.1m x 5.5m) and is single storey with a steep pitch roof. Alterations include the provision of a bedroom and en-suite within the roof space and an open plan kitchen, lounge and dining area at ground floor. External alterations include the removal of the existing garage doors within the western (front) elevation and the introduction of x1 double window encasement and a single entrance door with single window to the side. The existing door within the northern (side) elevation will be retained. The annexe will be used to provide Nanny accommodation.

**Relevant History:**

EPF/0725/88 – Planning permission granted for a five bedroomed dwelling and detached double garage - Plot 3 Kia Ora Café Site.

**Policies Applied:**

DBE1 – New buildings  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST6 – Parking Standards

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 NPPF and therefore are afforded full weight.

**Consultation Carried Out and Summary of Representations received:**

Neighbourhood consultation letters were sent to 2, 3, 4, 5 and 6 Roughtallys. No neighbourhood comments were received.

PARISH COUNCIL – Object. Parish Council states that the proposal is an *“Overdevelopment of the site and draw attention to the fact that there is a condition on the original planning consent EPF/0725/88 which states that the garage should be retained as a garage.”*

**Issues and Considerations:**

The main issues that arise from this application relate to the principle of development, the design and impact upon the host dwelling, residential amenity and the responses of consultees and neighbours.

**Principle of development:**

It is noted that planning condition 3 of planning permission EPF/0725/88 which granted planning permission for the erection of a five bedroomed dwelling with detached dwelling now known as no.1 Roughtallys states that:

*The proposed garage shall be retained solely for the garaging of private motor vehicles incidental to the enjoyment of the dwelling and not for any industrial, commercial or business use.*

The reason being:

*To ensure the proposed dwelling does not prejudice the amenity of the area by reason of noise and general disturbance.*

The condition controls the introduction of commercial activity within a residential area. It is considered that the conversion of the garage to form a residential annexe does not fall within this criteria and is, on principle, an acceptable form of development within an residential cul-de-sac as the proposed annexe will not give rise to noise of disturbance from use or vehicle manoeuvre over and above that which is already experience from the existing host dwelling.

Furthermore residential annexes are an increasingly common form of development that are generally proposed in order to allow relatives to live with family members with a degree of independence or serve a functional need by providing accommodation for domestic staff.

The proposal seeks to convert the existing detached dwelling into ancillary accommodation for a Nanny, a service which is considered to be a member of domestic staff. The existing garage is in the sole ownership of the occupant of the main dwelling house. The garage is within the main curtilage of the dwelling, is subordinate to the main dwelling and no boundary demarcations or subdivision of the shared garden area is proposed. It is noted that, as with many detached annexes, the building is not physically linked to the main building.

It is not unreasonable for detached annexe accommodation to provide a separate bedroom, bathroom and kitchen but to be considered as ancillary the annexe must retain a functional connection to the main dwelling and remain within the same planning unit as the host dwelling by sharing the same access, parking area and garden.

The proposed annexe will share the existing amenity space with the host dwelling which enjoys some 196m<sup>2</sup> of private garden space. The area is considered sufficient to provide suitable shared amenity space adequate to retain the enjoyment of both occupiers.

In addition the proposed annexe will be accessed via a dropped kerb and hardstanding drive way which is approximately 26m long and 4m wide and runs adjacent to common boundary of the no.1 and no.2 Roughtallys. A further area of hardstanding is provided to the front of no1. As such, the hardstanding to the front and side of the host dwelling provides adequate parking facilities to justify the loss of the double garage and is sufficient for the needs of the annexe occupants and the residents of the main dwelling which comply to the Council Parking Standards at outlined in policy ST6 and the Essex County Council parking guidelines.

Therefore, it is considered that the proposed ancillary annexe would, by definition, have no material impact on the character of the site of the amenity of the wider area and is acceptable.

#### Design and "overdevelopment"

The existing garage requires minimal external alterations to create annexe accommodation. Whilst the removal of the existing garage doors and the introduction of an entrance door and windows will be visible from the streetscene, it is considered that these alterations are consistent with the design of the surrounding dwellings and would not detract from the character and appearance of the surrounding area.

No extensions to the existing garage are proposed and, as such, the bulk, scale and massing will remain unaltered and the structure will remain subservient to the host dwelling. Therefore, the proposal cannot be considered as an overdevelopment of the site and conforms to council policies DBE10.

### Amenity

The existing garage partially abuts the detached garage of no.2 Roughtallys. When taking into account the orientation of the existing garage and its height combined with the discrete siting and noteworthy distance between the host dwelling, the neighbouring property and the surrounding dwellings, it is considered that the proposal would not result in an unneighbourly and overbearing form for development which would adversely affect the amenity of the occupants of the surrounding area. As such, the proposal conforms to Policy DBE2, DBE9 of the Local Plan.

### **Conclusion:**

Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the National Planning Policy Framework and Local Plan policies and DBE1, DE8, DE9 and ST6 the application is now 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: Nicola Dawney  
Direct Line Telephone Number: 01992 564000***

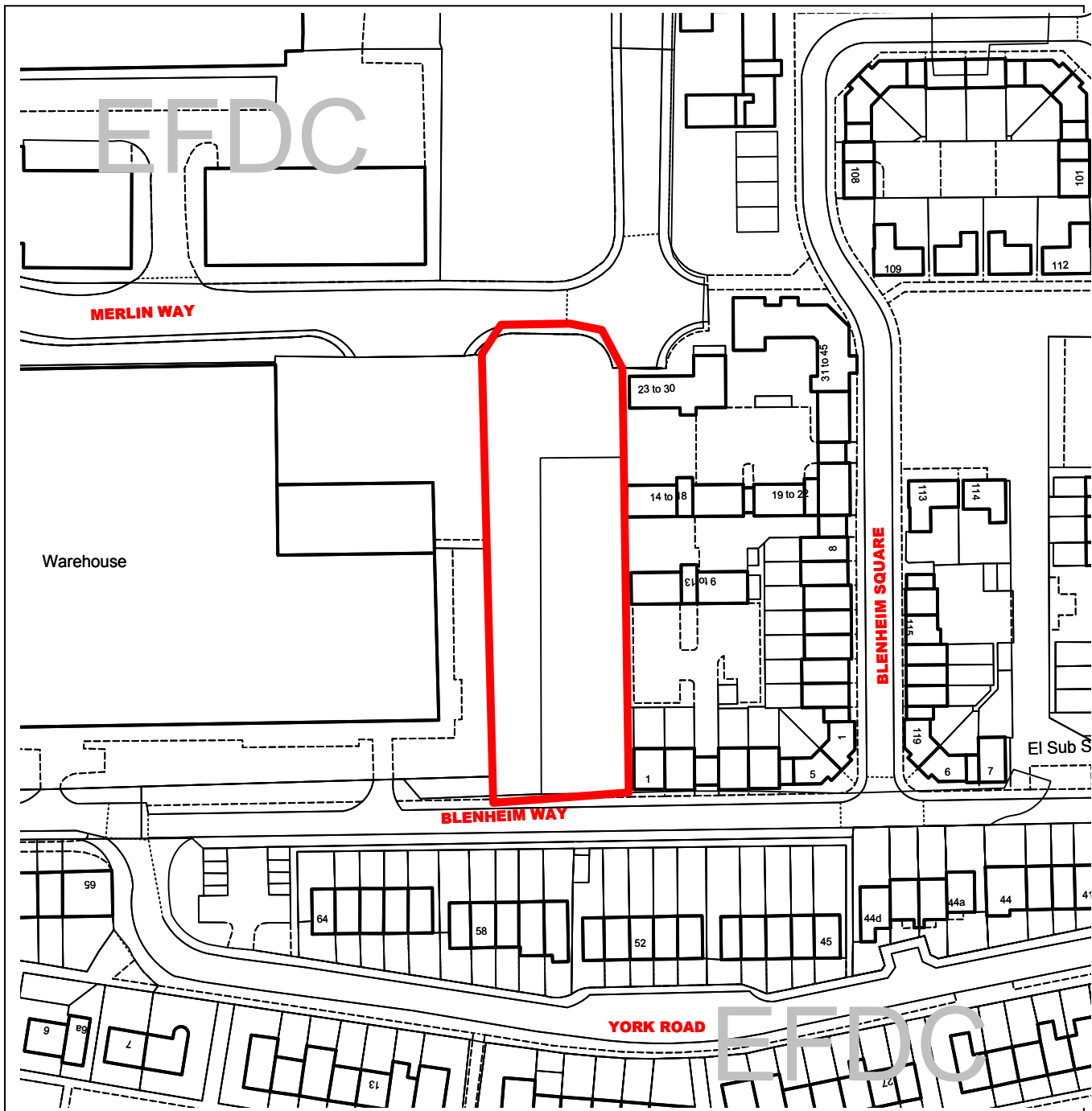
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/0885/16
Site Name:	Blenheim Way, North Weald Bassett, Epping, CM16 6FL
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0885/16
<b>SITE ADDRESS:</b>	Blenheim Way North Weald Bassett Epping Essex CM16 6FL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Epping Forest District Council
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed 3 storey building with associated parking to provide storage, office, training rooms and joinery workshop.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583680](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583680)

**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: 774 002 PL01, 774 002 PL02 D, 774 002 PL03 B, 774 002 PL04 A, 774 002 PL05 A, 774 002 PL06 A
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 The offices and training rooms hereby permitted shall not be open to staff outside the hours of 08:00 to 18:00 on Monday to Fridays.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 The 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 staff and visitors vehicles.
- 10 The development hereby approved shall be carried out in accordance with the drainage strategy by RMB Consultants (Civil Engineering) Ltd (Surface Water Drainage Strategy North Weald Repair and Maintenance Hub, March 2016) submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
- 11 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11",



or any subsequent version or additional regulatory guidance.

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

- 12 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 13 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 14 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 15 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local

Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 16 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.
- 17 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

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

### **Description of Site:**

The application site is located on the northern side of Blenheim Way close to the junction with Blenheim Square. There is a large warehouse and further industrial buildings to the west and north with North Weald Airfield beyond, and residential development to the east and south of the site. The site contains a single TPO tree within the northern part of the site along with several other trees and planting.

The residential area to the south consists of the rear gardens of properties fronting onto York Way. To the east of the site is a more recent housing development of terraced houses and flats that range from 2 to 4 storeys.

The application site sits within a designated E6 area as identified in the Local Plan maps and an EFDC flood risk assessment zone.

### **Description of Proposal:**

Consent is being sought to erect a new, part three storey/part two storey commercial building containing a warehouse, workshop, offices and training rooms. The new building would measure 33.2m in length and 13.5m in width. The main bulk of the building would be two storeys to a height of 9m. With the exception of the stairwell the third floor would be stepped back from the main elevations. The third floor would measure 17.5m in length and 10m in width and would reach a height of 12.2m.

The proposed new building provides a repairs and maintenance hub for the Council's use and would be a contemporary design with a mix of grey brick and timber external cladding. The new

building would be located on the western side of the site and would be served by 24 off-street staff parking spaces, 8 overnight parking spaces and dedicated wash, salt/sand, trailer, skip and unloading spaces. The site would benefit from two gated access points; one from Blenheim Way and one from Merlin Way.

**Relevant History:**

None

**Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Protecting the quality of the rural and built environment  
CP3 - New development  
CP7 - Urban form and quality  
RP3 - Water quality  
RP4 - Contaminated land  
RP5A - Adverse environmental impacts  
E6 - Sites for business/industry/warehousing  
U2B - Flood risk assessment zones  
DBE1 - Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE3 - Design in urban areas  
DBE9 - Loss of amenity  
LL10 Adequacy of provision for landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of development  
ST2 - Accessibility of development  
ST4 - Road safety  
ST6 - Vehicle parking

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

**Consultation Carried Out and Summary of Representations Received:**

80 neighbouring properties were consulted and a Site Notice was displayed on 29/04/16.

PARISH COUNCIL – Objects to this application as the 32 parking spaces would be insufficient for the number of current workers expected to occupy the building. This would mean parking in residential roads, when there is already a problem with parking.

Initial talks with Officers indicated that there would only be one access into the hub which would be via Merlin Way, the plans show there are now two accesses one for office staff (cars) which is via Blenheim Way and one for other vehicles which is via Merlin Way. Members would not wish to see any additional traffic via Blenheim Way. Therefore are concerned at the access via Blenheim Way.

There is concern that there would be working during unsocial hours which would generate traffic.

A question was raised as to why it was not considered putting the hub on the airfield?

60 YORK ROAD - Concerned about potential retail use on the site, possible anti-social working hours and associated disruption, and that the area is residential in nature and the building would be out of scale with the neighbouring residential properties.

109 BLENHEIM SQUARE – Object due to increased traffic near residential properties and disturbance during construction. Feel that this would be better sited on the airfield.

112 BLENHEIM SQUARE – Object as this is close to a residential area and would result in an increase in traffic.

**Main Issues and Considerations:**

The key considerations are the principle of the development on this site, the design and impact on the area, the impact on the neighbour's amenities, and regarding traffic and parking provision.

*Principle of the development:*

The application site is a currently enclosed but vacant parcel of land that is designated as an E6 employment area. Policy E6A identifies land that "*are allocated for development for business and/or general industrial and/or warehousing or distribution purposes*". Whilst there are residential properties to the east and south of the site to the north and west are the industrial sites in Merlin Way with North Weald Airfield beyond. Immediately adjacent to the site to the west is a large 12m high warehouse currently occupied by Bookers. Furthermore the residential properties to the south back on to the site and do not have active frontages along Blenheim Way, although several of the properties appear to have rear access points to their properties from this road.

The application site is located outside of the Green Belt and within the village of North Weald. Whilst North Weald is not well served by public transport and local facilities it is nonetheless a relatively built-up urban area within the District that contains a variety of residential, commercial and aviation developments. The existing site is currently vacant and unused and bring this site into use would meet the aims of the National Planning Policy Framework, which supports economic development and the more efficient use of urban land.

Given the specific designation of this site for 'business, general industrial and/or warehousing' within the Local Plan and the presence of other commercial uses surrounding the site it is considered that the proposed use of this site for commercial purposes would be appropriate on this site.

*Design:*

The proposed new building would be set back 23m from the boundary with Blenheim Way to the south and 40m from the boundary with Merlin Way to the north. The distance from the western side boundary, which is shared with the adjacent warehouse, would be 1.3m. The new building would be set some 13m from the shared boundary with the residential development to the east.

The height of the proposed building would be similar to the warehouse and would be part two storey and part three storeys, similar to the adjacent housing development. However the upper floor of the building would be recessed, which would reduce its impact in the street scene.

The external materials of the building would utilise grey brickwork at ground and first floor level with the second floor and main entrance/stairwell being clad in hardwood timber. Dark grey aluminium windows and doors are proposed throughout. Metal doors would be used at ground

level to access the main storage warehouse. Smaller secondary windows are proposed to the west elevation. The proposed development would be a modern designed building that is stated to "*bridge the gap between [the] industrial warehouse to the west and traditional residential to the east*".

The existing site is an enclosed unused area of land that whilst open does not significantly enhance the area. With the exception of the adjacent recent residential development the remainder of Blenheim way consists of relatively inactive frontages such as the large Booker warehouse and the rear fences of the properties in York Road. As such it is considered that the proposed development would not appear detrimental to the overall character of the street scene and would in fact enhance the overall appearance of the surrounding area.

There is an existing London Plane (T2 of the tree survey) protected by a Tree Preservation Order located towards the north of the site. The submitted tree reports demonstrate that the proposal can be undertaken without a detrimental impact on this tree. It is noted that no tree works have been recommended to facilitate development, as such, should it be found that tree works are required a separate application for 'works to protected trees' will need to be submitted for approval.

There is no objection to the removal of the other trees from the site as indicated in the tree reports and additional/replacement tree planting can be achieved by way of a landscape condition.

#### Amenities:

The proposed new building would be set some 13m from the shared boundary with the residential properties to the east known as Blenheim Square. None of these neighbouring properties have any flank windows, however the site is nonetheless overlooked at an oblique angle by several windows within this adjacent development.

The new building itself would have a number of first floor office windows and second floor training room windows directly facing the shared boundary with the Blenheim Square. However given the location of the proposed new building the windows would primarily face onto car parking areas and communal green space.

Given the distance between the proposed new building and the adjacent residential site it is not considered that the development would result in any excessive overlooking or loss of privacy. Particularly since the offices/training rooms would only be operational between 08:00 and 18:00 and there would be the opportunity to secure additional landscaping along the site boundary.

Whilst the proposed development would inevitably result in greater traffic movements and use of this parcel of land the development can be appropriately conditioned to ensure that the new use does not result in any significant or excessive disturbance to surrounding residents. This is particularly relevant since the proposed development would be used by Epping Forest District Council who serve the residents of the district and one of their duties is to control and protect against undue nuisance and disturbance.

#### Highways/parking:

The application site would be served from both Blenheim Way and Merlin Way. Blenheim Way, which leads from York Road and is more residential in nature, would provide access to the staff parking and therefore would carry the majority of cars visiting the site. The access from Merlin Way would serve the goods area and overnight parking and therefore would be primarily used by commercial vehicles. This ensures that commercial vehicles would not be driving through the more residential areas, which would increase disturbance to surrounding residents, and that there is no conflict between the staff and commercial vehicles using the site. The two access points have adequate sight lines and would not cause any impact on highway safety.

The submitted Transport Statement states that *“the Depot is proposed to accommodate the EFDC Asset Team and Repairs Department made up of Council employees, some 8 staff are predominantly office based, with a range of others (up to 34) that are mobile workers and will use the Depot to pick up vehicles, paperwork and materials as well as for meetings”*. It goes on to highlight that *“staff will travel to the depot throughout the day, as not all staff will need to be in the office for traditional office hours, therefore trips associated with the depot are spread throughout the day and not all associated with the peak periods”*.

Paragraph 32 of the NPPF identifies that when it comes to Transport development *“should only be prevented or refused on transport grounds where the residual or cumulative impacts of development are severe”*. The TRICS data calculates that there would be 10 arrivals and 2 departures during AM peak (08:00-09:00) with 11 two way total and 1 arrival and 9 departures during PM peak (17:00-18:00) with 10 two way total. This would constitute a low peak vehicle generation and as such would not result in any severe impact on traffic within the area. Whilst the Parish Council seem to suggest that all traffic should be by way of Merlin Way it is not considered that the development would be to such a scale as to cause highway safety or traffic implications to Blenheim Way.

The proposed development would be served by a total of 32 off-street parking space, all of which measure the preferred size of 5.5m x 2.9m. These are laid out as 24 staff parking spaces and 8 secure overnight parking spaces. Two of the staff bays would be disabled parking bays.

The ECC vehicle parking standards requires a maximum of 1 space for each 30m<sup>2</sup> of B1 office space and a maximum of 1 space for each 150m<sup>2</sup> of B8 storage space. Based on this the offices should have no more than 20 spaces and the warehouse no more than 3 spaces. As such the proposed 24 staff parking spaces would meet this provision with 1 additional space, which in this instance is considered to be acceptable. In the informative notes section of the parking standards for B8 use it states that *“consideration should also be given to the requirement for any overnight parking and facilities”*. The proposal has incorporated space for both overnight parking and facilities such as a skip, salt/sand enclosure, trailer parking and a wash down bay. As such there is sufficient parking space provided for the development in line with the ECC vehicle parking standards.

#### Other considerations:

##### *Ecology:*

A reptile survey has recently been submitted for the site, which also includes a survey of bat roosting evidence within the trees proposed for removal. This survey concludes that *“there were no reptiles recorded during the seven survey visits to the site confirming the likely absence of common species of reptiles from the site”* and that *“none of the trees requiring removal or trees located within the site boundaries supported suitable features for roosting bats”*. At the time of producing this Committee Report no comments had been received from the council’s ecologist, however if any comments are received then these will be verbally reported to members at committee.

##### *Education:*

The proposed development could generate a need for up to two early years and childcare places. The North Weald Bassett Ward is currently operating at over 80% capacity. Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6<sup>th</sup> April 2015 the County Council would have sought a developer contribution from this proposed development. However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five

separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional early years and childcare places from this proposed development. This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development.

*Flood risk:*

The site lies within an EFDC flood risk assessment zone and the development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. Therefore a Flood Risk Assessment (FRA) is required for this development.

A flood risk assessment has been submitted with the application and Land Drainage agree with the findings in principal. Nonetheless further details are required and should include the pre and post development discharge rate from site as well as the proposed method of attenuation and flow control. The design should be clearly detailed in a drainage plan for the site and within the FRA. This can be dealt with by way of a condition requiring that the development be carried out in accordance with the drainage strategy submitted with the application.

Details of foul drainage are also required, which can equally be dealt with by condition.

*Contamination:*

Due to its former use as part of a Military Airfield and the presence of a 90m<sup>2</sup> infilled pond there is the potential for contaminants to be present over all or part of the site. As such no intrusive works should take place on site until a buried munitions survey has been completed. This can be dealt with through the imposition of the standard land contamination conditions.

*Waste:*

A dedicated refuse storage area is proposed to the north of the site close to the Merlin Way access. No objection has been received from the Council's waste team.

**Conclusion:**

The application site is designated for employment use in the adopted Local Plan and given the presence of commercial sites to the west and north it is considered that the proposed development would be acceptable in this location. The design of the building would not be detrimental to the character of the area and would have a positive impact on the overall appearance of the street scene. The proposal would not result in any excessive loss of amenity to surrounding residents, would be served by sufficient off-street parking provision, and would not have a significant impact on highway safety or traffic on Blenheim Way or Merlin Way.

The use of this currently redundant parcel of urban land would be economically beneficial and would meet the principle of sustainable development as laid out within the NPPF. Therefore the proposed development complies with the guidance contained within the NPPF and the relevant Local Plan policies and is recommended for approval.

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

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

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

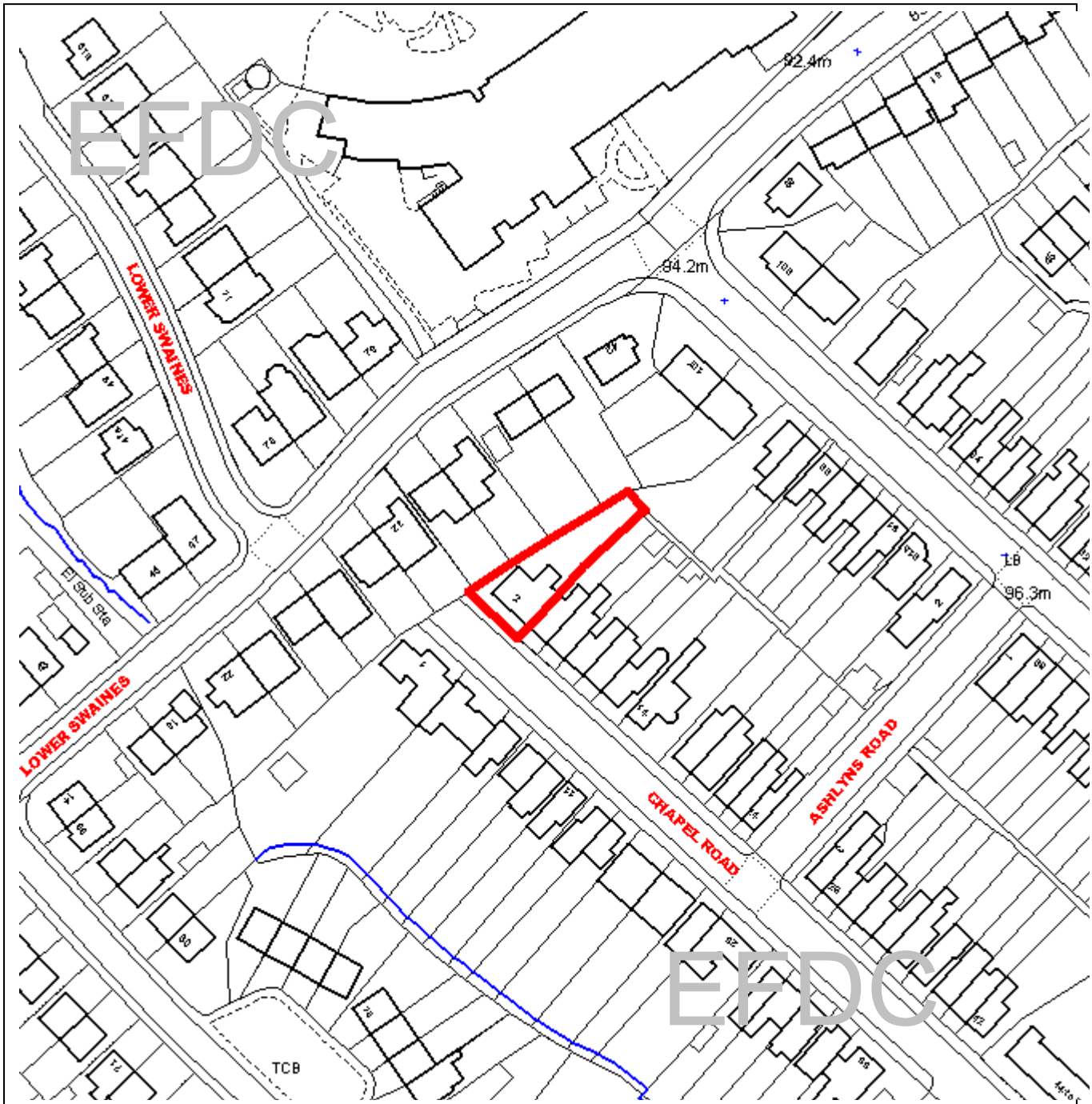


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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/0903/16
Site Name:	2 Chapel Road, Epping, CM16 5DS
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0903/16
<b>SITE ADDRESS:</b>	2 Chapel Road Epping Essex CM16 5DS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr D Hunt
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of a single dwelling into 2 dwellings with a single storey extension to rear and associated internal alterations.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583699](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583699)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/16/020/001, BRD/16/020/002, BRD/16/020/003
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

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

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

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

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

#### **Description of Site:**

The application site consists of a two storey end of terrace property with a large existing two storey side extension that has an integrated garage with accommodation above. The site is located at the north western end of Chapel Road within the town of Epping and is outside of any designated areas (i.e. Green Belt, conservation area).

#### **Description of Proposal:**

The proposed development seeks to subdivide the existing single dwelling into two separate dwellings and to erect a part single storey/part two storey rear extension. The new dwelling would be formed from the existing two storey side extension and would involve the removal of the garage. A single off-street parking space is proposed to the front of the new dwelling.

#### **Relevant History:**

EPU/0058/56 - Application to extend existing dwelling – approved 17/04/56

#### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP5 – Sustainable Building  
RP4 – Contaminated Land  
DBE8 – Private Amenity space  
DBE9 – Loss of Amenity  
DBE10 – Residential Extensions  
DBE11 – Subdivision of Properties  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking

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

### **Consultation Carried Out and Summary of Representations Received:**

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

TOWN COUNCIL – Object. The proposal does not make adequate provision for parking in a road that suffers from extreme parking pressures. The intensification of use resulting from the subdivision of this property will create an undesirable precedent, detract from the surrounding area and result in excessive disturbance to neighbouring properties, contrary to policy DBE11. The policy also states that any loss of garden space to create the necessary parking is not acceptable.

The continual subdivision and conversion of properties results in cumulative, insurmountable parking issues, as cars from one road are forced into others.

Committee also note that works to this property have already begun without full planning permission being granted and would request that applicants are strongly deterred from this practice.

1 CHAPEL ROAD – Object as this is an overdevelopment of the site, due to insufficient parking provision and since the works are virtually complete.

72 ST JOHNS ROAD – Object due to the parking implications on the surrounding roads and since Epping does not have good public transport links.

CHAPEL ROAD RESIDENT – Concerned about a lack of parking provision and the effect this has on the surrounding area, the potential external finish of the dwellings, and since it appears that works have already started on site.

### **Main Issues and Considerations:**

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

#### **Principle of development:**

The application site is located within the urban town of Epping and is less than 500m from the designated Epping Town Centre. Despite comments received from a neighbour it is considered that Epping is a sustainable town that is served by a full complement of local amenities and facilities (such as schools, shops, doctor's surgeries and a hospital) and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest.

Sustainable development is the 'golden thread' running through planning policy. Local Planning Authorities are required through paragraph 15 of the NPPF to "*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*".

Local Plan policy DBE11 specifically deals with the subdivision of properties and states that:

**The subdivision of residential properties to flats, maisonettes or some other form of multiple occupation will be granted planning permission provided the development will not:**

- (i) Be likely to result in such an intensification of use which would create an undesirable precedent or detract from the character of the surrounding area; or**
- (ii) Be likely to result in excessive noise and/or disturbance to residents of either the new dwellings or neighbouring ones; or**
- (iii) Result in adjacent properties being overlooked to an excessive degree; or**
- (iv) Involve the loss of important garden space in order to create the requisite number of car parking spaces.**

The existing property is twice the width of the other houses in this terrace due to the existing two storey side addition and as such the proposed subdivision of the existing house into two properties would better match the rest of the terrace in terms of scale and is not considered to 'detract from the character of the area' or 'create an undesirable precedent'.

The replacement of a large four bed dwelling with 2 no. two bed dwellings is not considered to be such an intensification of use of the site that it would result in 'excessive noise or disturbance' to neighbours. Furthermore, since the new dwelling would largely be formed through the conversion of an existing two storey side addition to No. 2 Chapel Road it would not cause any additional overlooking to neighbouring residents.

The rear garden of the existing site would be subdivided and would continue to be used as amenity space for the two dwellings. The proposed off street parking proposed is within the side/front garden that is currently either unused (the side aspect) or used as access to the existing garage. Therefore the proposed development would not contravene any of the criteria laid out within Local Plan policy DBE11.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development. In order to meet this requirement the Council has received figures from the revised SHMA which covers the Housing Market Area of Epping Forest, East Herts, Harlow and Uttlesford and has been accepted into the Local Plan evidence base as of October 2015. The SHMA suggests a total figure of 11,300 new homes as the Objectively Assessed Housing Need (OAHN) for Epping Forest District Council over the Local Plan period 2011-2033.

The SHMA gives a figure for the OAHN of the District and for the rest of the SHMA area, but the Local Plan housing requirement will not necessarily be the same as the OAHN. This is because the Council has to do further work considering factors such as capacity in terms of strategic constraints, other Evidence Base information, the Council's policy aspirations and also how to apportion the need over the Housing Market Area, i.e. between Epping Forest, East Herts, Harlow and Uttlesford. It will be the decision of members of the four authorities to discuss this apportionment through the Duty to Co-operate.

Consequently whilst the Council does have a supply of housing sites it cannot be assessed whether this is sufficient to amount to a five year supply as required by the NPPF. This is due to the fact that the Council does not yet have an adopted housing requirement and as a result it cannot be calculated. Nonetheless the Council concedes that it cannot *demonstrate* a five year supply of housing sites as required by the NPPF. It is accepted that the lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

Parking provision:

One of the key concerns of neighbouring residents and the Town Council appears to be regarding parking provision and the potential impact that this development would have on the surrounding road network, which currently suffers from parking stress.

The proposed development would subdivide an existing four bedroom dwelling with an integral garage into 2 no. two bed houses. Only the new dwelling would be served by a single off-street parking space. Essex County Council Highways have assessed the proposal and raised concerns for the following reasons:

*The proposal does not provide sufficient parking provision which could lead to inappropriate kerbside parking and would exacerbate an existing parking issue on Chapel Road. The proposed parking space is too small and does not meet the minimum parking dimensions of 2.5m x 5m.*

*The Parking Standards Design and Good Practice September 2009 recommends minimum parking provision levels for residential properties – given the location and the good access to other modes of transport it is considered that one space per dwelling would be recommended for this proposal.*

*The proposal if permitted would set a precedent for future similar developments which could in time lead to additional inappropriate parking and would undermine the principle of seeking to discourage on-street parking in the locality.*

A more detailed plan was submitted showing that the proposed parking space would meet the minimum standards as laid out within the Vehicle Parking Standards. However ECC still consider that *“technically the space is substandard and it would be very difficult to open the doors of a vehicle in”*.

With regards to the loss of the existing garage, the original consent for the two storey side extension does not appear to have a condition requiring its retention and indeed works are currently commencing on refurbishing the existing building (see below for more detail) that includes the removal of the garage and its change of use into habitable room. As such, irrespective of this application, the existing off-street parking space currently serving No. 2 Chapel Road is lost and therefore there is effectively no off-street parking serving the existing four bed dwelling.

The subdivision of this large existing house into two smaller dwellings would alter the likely occupants of the dwellings. A four bed property is more likely to accommodate larger families with the potential for multi-generational living (i.e. the presence of ‘grown up children’ or elderly relatives). As such it would be expected that a four bed house could have anywhere up to 4+ vehicles associated with it. However a significantly smaller two storey house is more likely to be occupied by smaller families or young couples, which often have a maximum of 2 cars per household. Whilst each household differs depending on its occupants there is a high chance that the associated car usage for the proposed 2 no. two bed dwellings would not be significantly different from the existing four bed house.

Irrespective of the above, given the location of the application site within 500m of the designed town of Epping and 1.2km from Epping Station, it is considered that this site is within a sustainable location. Furthermore many of the surrounding roads benefit from parking restrictions of ‘Resident Permit Holders only’ between 09:00 and 17:00 Monday to Friday. Whilst such restrictions do not alleviate parking stress within the evening and weekends it would ensure that any additional impact on on-street parking within the surrounding area would be controlled during the working week.

Although some of the properties within Chapel Road do benefit from off-street parking provision the majority of the houses have no off-street parking available. This particular site is located at the very end of Chapel Road where the street stops and there is no vehicle or pedestrian access beyond this point. As such there is no through traffic driving past this application site or any reason for pedestrians to be using the pavement immediately outside of the application site unless visiting this site. The existing property already benefits from a dropped kerb access that would be retained to serve the new dwelling. Whilst this is technically there just to provides access to the site in reality it also allows for a further parking space to the future occupants of the new dwelling, albeit an on-street one.

The Essex County Council Vehicle Parking Standards states that “*reductions of the vehicles standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport*”. Given the sustainable location of the site and the lack of off-street parking on the majority of houses in Chapel Road it is not considered in this instance that the under provision of off-street parking would be sufficient enough to warrant the refusal of this application.

#### Design:

Due to the existence of the two storey side extension and the double width of this plot the subdivision of the site into two would not be detrimental to the character of the area. The design of the new dwelling would match the existing terrace to which it would be attached and would not be harmful to the overall appearance of the street scene.

The subdivided rear garden area would provide 102m<sup>2</sup> of private amenity space to the donor property and 78m<sup>2</sup> to the new dwelling. Both of these would exceed the recommended 60m<sup>2</sup> for these size properties.

The proposed new dwelling would have a gross internal floor area (GIA) of some 78m<sup>2</sup> and the donor property would retain a GIA of some 87m<sup>2</sup>. Both of these comply with the minimum 70m<sup>2</sup> GIA as prescribed by the Nationally Described Space Standards.

#### Neighbouring Amenity:

Given the location of the application site and since the new dwelling would primarily be formed from an existing two storey side addition there would be no additional physical impact on neighbouring amenities as a result of the subdivision.

Along with the subdivision the application proposes the erection of a part single storey/part two storey rear extension. The single storey element would serve the proposed new dwelling and the two storey element would serve the donor property. The proposed extensions would only project less than 3m at ground floor level and approximately 1.5m at first floor height beyond the closest attached neighbour's rear wall. In addition the extension would be set in some 2m from the shared boundary. Due to these distances there would not be any undue impact on the attached neighbour as a result of the proposed rear extensions.

The provision of one additional dwelling on this site would not cause any significant additional impact in terms of noise or disturbance, particularly since it would result in 2 no. two storey houses in place of one much larger four bed house. The latter of which would likely have far more occupants.

#### Other considerations:

*Commencement of works:*



Comments have been made by neighbours and the Town Council about works starting on site prior to planning consent being given. Whilst it is clear that development is taking place on the site at present this does not necessarily relate to a commencement of this proposal.

The planning application form was originally submitted to the Council on the 4th April and clearly states that works have not started. It appears that the developer is obtaining Building Regulations Consent using an Approved Inspector however, as required, the Council's Building Control section were informed of commencement of building works on site on the 18th April 2016. This notification is required five days before any works start on site, which would be the 23rd April. On the 19th April the Building Survey attended the site and has noted on the file that works at that time had not commenced.

Nonetheless building works have now started on site and as such this was raised with the applicant who verbally confirmed that the works that have taken place so far do not specifically relate to the subdivision of the site. A recent site visit (2<sup>nd</sup> June 2016) reveals that the works that have currently taken place appear to relate to the removal of the existing garage and its change to a habitable room, the reroofing of the roof, the removal of the previous tile-hanging on the front wall, and the replacement of the doors and windows. All of these works can be undertaken without planning consent and would constitute the refurbishment of the existing building. Such refurbishment would be undertaken regardless of whether this planning application is approved or refused since it would increase the value of the existing property.

#### *Land Drainage:*

The Council's land drainage team have stated that they have no comments to make on the application and have not requested any conditions for this development.

#### *Contaminated Land:*

All readily available Council held desk study information for this site has been screened and no evidence of any potentially significant contaminating activities having taking place historically on the site have been found. Records indicate that the site formed part of a field until the original part of the existing dwelling was built in the last part of the 19<sup>th</sup> Century, that the extension now proposed as a separate dwelling was built in 1956, and that the site has remained in domestic use since this time.

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

#### **Conclusion:**

The subdivision of this site into 2 no. two bed dwellings would not be detrimental to the character and appearance of the area, would not harm the amenities of neighbouring residents, and would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF. Furthermore, since the Council cannot currently demonstrate a five-year supply of deliverable housing sites the policies for the supply of housing should not be considered 'up-to-date'. This matter is given significant weight in favour of any planning application for the provision of new dwellings.

The main concern in this application is the level of off-street parking provision and the impact that this would have on the already heavily congested surrounding roads. Whilst ECC Highways object to the development for this reason it is considered that, due to the sustainable location of the site close to local facilities and public transport, the residential parking restrictions on the surrounding roads, and since the majority of existing dwellings on Chapel Road do not benefit from off-street parking provision, the parking concerns in this particular instance are not sufficient enough to warrant refusal of this scheme. Due to this it is considered that the balance of issues is such that the proposal is considered to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for approval.

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

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

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



**Epping Forest  
District Council**

## **Report to Area Plans Sub-Committee**

**Date of meeting: East – 15 June 2016**

**Subject: Probity in Planning – Appeal Decisions, 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016**

**Officer contact for further information: Nigel Richardson (01992 564110).  
Democratic Services Officer: Mark Jenkins (01992 564243)**

### **Recommendation:**

**That the Planning Appeal Decisions be noted.**

### **Report Detail:**

#### **Background**

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

#### **Performance**

4. Over the six-month period between 1 October 2015 and 31 March 2016, the Council received 57 decisions on appeals (49 of which were planning related appeals, the other 8 were enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 49, 18 were allowed (36.7%). Broken down further, GOV07 performance was 8 out of 27 allowed (29.6%) and GOV08 performance was 10 out of 22 (45.5%).

#### **Planning Appeals**

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

## COMMITTEE REVERSALS - APPEALS ALLOWED:

### Area Committee South

#### **Buckhurst Hill**

- |   |             |   |                     |
|---|-------------|---|---------------------|
| 1 | EPF/2345/14 | Extension of existing building involving retention of existing A1 units at ground floor level together with the creation of 6 flats on upper floors and at rear | 71 - 73 Queens Road |
| 2 | EPF/1309/15 | Proposed third floor extension to form a new dwelling   | 13 Queens Road      |
| 3 | EPF/2773/14 | Demolition of existing three bedroom house with detached garage and erection of two no.four bedroom detached houses.  | 6 Scotland Road     |

#### **Chigwell**

- |   |             |   |                          |
|---|-------------|---|--------------------------|
| 4 | EPF/1301/15 | Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) | Haylands<br>48 High Road |
|---|-------------|---|--------------------------|

#### **Loughton**

- |   |             |  |   |
|---|-------------|--|---|
| 5 | EPF/2600/14 | The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (6 x 1 bedroom and 4 x 2 bedroom flats) on upper Floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1 bedroom flats. | Lawlors Property<br>Services, 165 High Road |
| 6 | EPF/0498/15 | Proposed dwelling adjacent to Woodberrie.<br>Woodbury Hill   | Woodberrie                                  |
| 7 | EPF/0645/15 | Residential development comprising 5 no. 2 bed apartments and 2 no. 1 bed apartments.  | 94 Lawton Road                              |

### Area Committee East

#### **North Weald Bassett**

- |   |             |                                     |                          |
|---|-------------|-------------------------------------|--------------------------|
| 8 | EPF/1440/15 | Erection of single storey dwelling. | Rear of 21 Princes Close |
|---|-------------|-------------------------------------|--------------------------|

### Area Committee West

#### **Roydon**

- |   |             |  |                             |
|---|-------------|--|-----------------------------|
| 9 | EPF/0995/15 | Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block. | Sons Nursery<br>Hamlet Hill |
|---|-------------|--|-----------------------------|

#### **Waltham Abbey**

- |    |             |   |                                       |
|----|-------------|---|---------------------------------------|
| 10 | EPF/1076/15 | Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use). | Park Farm Nursery<br>Sewardstone Road |
|----|-------------|---|---------------------------------------|

7. The appeal performance for GOV08, committee reversals, was on target at 45.5%, but the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in

the wider public interest and where the committee officer can give a good indication of some success at defending the decision. The 12 cases where the committees were successful are as follows:

## **COMMITTEE REVERSALS - APPEALS DISMISSED:**

### **Area Committee East**

#### **Epping**

- |   |             |   |             |
|---|-------------|---|-------------|
| 1 | EPF/1324/15 | Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application) | 3 Bury Road |
|---|-------------|---|-------------|

#### **Moreton, Bobbingworth and the Lavers**

- |   |             |   |                              |
|---|-------------|---|------------------------------|
| 2 | EPF/2514/14 | Change of use of land from agricultural to residential garden land, and remodelling and extension including basement and associated landscaping. (Revised application to EPF/1970/14) | Tilegate Lodge<br>High Laver |
|---|-------------|---|------------------------------|

#### **Theydon Bois**

- |   |             |   |                                       |
|---|-------------|---|---------------------------------------|
| 3 | EPF/0180/15 | Demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, with associated car and cycle parking. Resubmission following refusal of EPF/2751/14. | 47A Theydon Park Road<br>Theydon Bois |
| 4 | EPF/2040/14 | Demolition of existing Public House and associated buildings and erection of thirteen residential apartments with parking and communal garden.  | Sixteen String Jack<br>Coppice Row    |

### **Area Committee South**

#### **Chigwell**

- |   |             |  |               |
|---|-------------|--|---------------|
| 5 | EPF/0073/15 | The demolition of a large existing dwelling and the erection of a replacement building of 5 luxury apartments with associated parking. | 152 High Road |
|---|-------------|--|---------------|

#### **Loughton**

- |    |             |   |   |
|----|-------------|---|---|
| 6  | EPF/0749/15 | Erection of a front boundary wall with railing metal above with a combined height of 1.8m. Metal automated sliding gate. (Amended design to EPF/2973/14).   | 2A Summerfield Road                     |
| 7  | EPF/2608/14 | Demolition of three existing properties and associated buildings to be replaced with 10 no. new dwellinghouses, new access road, parking and landscaping.   | Trevelyan House<br>Arewater Green       |
| 8  | EPF/0163/15 | Demolition of garage and single storey side extension, erection of two bedroom house at end of resulting terrace. New vehicular crossover for existing house.   | 61 Deepdene Road                        |
| 9  | EPF/0530/15 | Demolition of single storey flat and redevelopment to provide 3 flats in a three storey building with accommodation within the roof and provision of 1 parking space at the rear and 3 off street parking spaces at the front with one space allocated to the adjoining dwelling at number 36 (amended scheme to EPF/2526/14) | 34 Barrington Green                     |
| 10 | EPF/0097/15 | Demolish church and hall, erection of 7 flats and 7 houses.   | St Elisabeth Church,<br>Chestnut Avenue |

## Area Committee West

### **Waltham Abbey**

- |                |   |                                       |
|----------------|---|---------------------------------------|
| 11 EPF/1058/15 | Retrospective application for the use of land for open storage of building materials (Sui Generis use). | Park Farm Nursery<br>Sewardstone Road |
|----------------|---|---------------------------------------|

## District Development Committee

### **North Weald**

- |                |  |  |
|----------------|--|--|
| 12 EPF/2670/14 | Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14. | Former Carpenters Arms<br>High Road<br>Thornwood |
|----------------|--|--|

8. Out of 8 **ENFORCEMENT NOTICE APPEALS** decided, 6 were dismissed, 1 allowed with variation of conditions and the other quashed for invalidity. These are as follows:

### **Dismissed**

- |               |  |  |
|---------------|--|--|
| 1 ENF/0103/14 | Without planning permission the erection of brick wall and metal railings around the front garden of the land                      | 108 - 110 High Street<br>Epping                                  |
| 2 ENF/0241/14 | Without planning permission the erection of a pergola situated to the front of the principal elevation of the dwelling house       | Lambourne Park Farm<br>Hoe Lane<br>Lambourne                     |
| 3 ENF/0298/12 | Building to be demolished as per EPF/2562/11 and Notice 1.   | Chase Farm<br>Vicarage Lane<br>North Weald Bassett               |
| 4 ENF/0496/14 | Without Planning Permission the change of use of protected woodland to a mixed use of woodland and the stationing of a mobile home | Breach Barns Caravan<br>Park<br>Galleyhill Road<br>Waltham Abbey |
| 5 ENF/0499/12 | Without planning permission the erection of a building for residential purposes  | Moor Hall Lodge<br>Moor Hall Road<br>Harlow                      |
| 6 ENF/0630/12 | Without planning permission the erection of a building described as "Barn"   | Lambourne Park Farm<br>Hoe Lane<br>Lambourne                     |

### **Enforcement Appeal - Invalid, Notice Quashed**

- |               |  |  |
|---------------|--|--|
| 7 ENF/0504/13 | Without planning permission the stationing eight of mobile homes/caravans for residential purposes on the land | Logic Travel -<br>Ricotta Transport<br>Tylers Cross Nursery<br>Epping Road<br>Roydon |
|---------------|--|--|

### **Enforcement Appeal: Allowed with Conditions, but Varied**

- |               |  |   |
|---------------|--|---|
| 8 ENF/0721/10 | Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site | Plot 38<br>Roydon Lodge Chalet<br>Estate, High Street<br>Roydon |
|---------------|--|---|

## Costs

9. During this period, there were no award of costs against the Council in respect of a refusal of planning permission and the Council officers successfully defended against 5 claims for costs.

## Conclusions

12. Whilst performance in defending appeals at 36.7% appears high, there is no national comparison of authority performance. Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

13. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 10 of which were allowed and 12 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

14. A full list of appeal decisions over this six month period appears below.

### **Total Planning Application Appeal Decisions 1<sup>st</sup> October 2015 to 31<sup>st</sup> March 2016**

#### **Allowed With Conditions**

##### **Buckhurst Hill**

- |   |             |   |                     |
|---|-------------|---|---------------------|
| 1 | EPF/2345/14 | Extension of existing building involving retention of existing A1 units at ground floor level together with the creation of 6 flats on upper floors and at rear | 71 - 73 Queens Road |
| 2 | EPF/1309/15 | Proposed third floor extension to form a new dwelling   | 13 Queens Road      |
| 3 | EPF/2773/14 | Demolition of existing three bedroom house with detached garage and erection of two no.four bedroom detached houses.  | 6 Scotland Road     |

##### **Chigwell**

- |   |             |   |                          |
|---|-------------|---|--------------------------|
| 4 | EPF/1301/15 | Demolish the garage and hall and part of the front wing and build new 2 storey side extension (Resubmission of EPF/0001/15) | Haylands<br>48 High Road |
| 5 | EPF/1873/15 | Prior notification for change of use of agricultural barn to residential.   | Barn off Millers Lane    |

##### **Epping**

- |   |             |  |  |
|---|-------------|--|--|
| 6 | EPF/1827/15 | Alterations to existing building incorporating part single, part first floor infill extension, increase in height at rear wing to accommodate room in roof space, removal of rear dormer windows and replace with single | The Stables<br>Houblons Hill<br>Coopersale |
|---|-------------|--|--|

dormer window.

### **Lambourne**

7 EPF/3000/14 Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3). Land to rear of 42 -62 Hoe Lane

### **Loughton**

8 EPF/2600/14 The demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site to provide one commercial unit (Use Class A2) at ground floor and 12 flats (6 x 1 bedroom and 4 x 2 bedroom flats) on upper Floors. The refurbishment and revitalisation of the existing building to the front of the property including the erection of an additional floor to provide 2 x 1 bedroom flats. Lawlors Property Services, 165 High Road

9 EPF/0498/15 Proposed dwelling adjacent to Woodberrie. Woodbury Hill Woodberrie

10 EPF/0645/15 Residential development comprising 5 no. 2 bed apartments and 2 no. 1 bed apartments. 94 Lawton Road

11 EPF/2422/14 Two storey side extension. 246 Willingale Road

12 EPF/2039/15 Erection of first floor rear extension (as an amendment of previously approved EPF/1718/14 by way of full length doors and windows and juliet balcony) 1A Baldwins Hill

### **North Weald Bassett**

13 EPF/1440/15 Erection of single storey dwelling. Rear of 21 Princes Close

14 EPF/1291/15 First floor side extension above existing ground floor side extension 70 Weald Bridge Road

### **Roydon**

15 EPF/0995/15 Change of use of part of the site to a residential Gypsy and Traveller site for a temporary period of four years, involving the siting of two static caravans and two touring caravans, and an extension to, and the change of use of, the office/store building to a utility block. Sons Nursery Hamlet Hill Roydon

### **Waltham Abbey**

16 EPF/1076/15 Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use). Park Farm Nursery Sewardstone Road

## **Allowed Without Conditions**

### **Loughton**

17 EPF/0064/15 Certificate of lawful development for proposed library extension in rear of building at ground floor level. 15A Carroll Hill Loughton

18 EPF/0072/15 Certificate of lawful development for a proposed single storey rear extension. 15 Carroll Hill

## **Dismissed**



**Buckhurst Hill**

19 EPF/0097/15	Demolition of existing church and hall and erection of 7 new 3 storey flats and 7 new houses with associated car parking and small community facility.	Saint Elisabeths Church Chestnut Avenue
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**Chigwell**

20 EPF/0069/15	Conversion of existing dwelling into three self contained flats, erection of front and rear dormer windows and rear and side extensions.	1 Chigwell Park Drive
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21 EPF/0632/15	New front boundary wall and gates (already built)	Millers Lodge Millers Lane
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22 EPF/0073/15	The demolition of a large existing dwelling and the erection of a replacement building of 5 luxury apartments with associated parking.	152 High Road
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**Epping**

23 EPF/0892/15	A new two storey, 2 bedroom dwelling with parking.	93 Sunnyside Road
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24 EPF/1620/15	Proposed two storey front and rear extension.	10 Bridge Hill
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25 EPF/1324/15	Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application)	3 Bury Road
----------------	--	-------------

26 EPF/0340/15	Retention of illuminated front and side fascia signs.	42 High Street
----------------	---	----------------

27 EPF/2865/14	Extension at first floor level to increase floor space for existing approved flatted scheme plus associated external alterations, new set back second floor to provide 2 x 2 bedroom flats, associated refuse storage for all flats.	144 High Street
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**Loughton**

28 EPF/2186/15	Single storey side, rear and front extensions. First floor side and rear extensions. Rear dormer window. (Amendment to previously approved EPF/1489/14 by way of provision of rear dormer window at second floor level).	57 Church Lane
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29 EPF/2313/15	Revised application for a hip to gable roof extension with 1 no. rear dormer window and 2 no. front dormer windows to facilitate a loft conversion. New window on first floor side elevation.	36 Queens Road
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30 EPF/0749/15	Erection of a front boundary wall with railing metal above with a combined height of 1.8m. Metal automated sliding gate. (Amended design to EPF/2973/14).	2A Summerfield Road
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31 EPF/2608/14	Demolition of three existing properties and associated buildings to be replaced with 10 no. new dwellinghouses, new access road, parking and landscaping.	Trevelyan House Arewater Green
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32 EPF/0163/15	Demolition of garage and single storey side extension, erection of two bedroom house at end of resulting terrace. New vehicular crossover for existing house.	61 Deepdene Road
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33 EPF/2764/14	Change of use from use as a dwelling house	20 Ollards Grove
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(Use Class C3) to use for purposes as a residential institution as an Approved Premises for the management and supervision of offenders or defendants (Use Class C2).

34	EPF/0530/15	Demolition of single storey flat and redevelopment to provide 3 flats in a three storey building with accommodation within the roof and provision of 1 parking space at the rear and 3 off street parking spaces at the front with one space allocated to the adjoining dwelling at number 36 (amended scheme to EPF/2526/14)	34 Barrington Green
<b>Moreton, Bobbingworth and the Lavers</b>			
35	EPF/0355/15	(i) Raising height of existing dwelling to facilitate a loft conversion with two front dormers (ii) side and rear extension with rooms in roof, 3 x rooflights and french doors with Juliet balcony to rear (iii) front porch extension.	8 The Glebe Tilegate Road Magdalen Laver
36	EPF/2514/14	Change of use of land from agricultural to residential garden land, and remodelling and extension including basement and associated landscaping. (Revised application to EPF/1970/14)	Tilegate Lodge High Laver
<b>Nazeing</b>			
37	EPF/0206/14	Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping	Chimes Garden Centre Old Nazeing Road
38	EPF/2000/15	Erection of single dwelling and demolition of existing agricultural buildings	Hillside Nursery Hoe Lane
39	EPF/0962/15	Prior approval application for change of use from Agricultural building to residential.	Osborne Nazeing Road
<b>North Weald Bassett</b>			
40	EPF/2670/14	Demolition of Restaurant. Erection of 3 town houses and 2 detached houses. Resubmission following withdrawn application EPF/1810/14.	Former Carpenters Arms High Road Thornwood
<b>Roydon</b>			
41	EPF/1676/15	Proposed roof extension and conversion	17 Barn Hill
<b>Theydon Bois</b>			
42	EPF/0180/15	Demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, with associated car and cycle parking. Resubmission following refusal of EPF/2751/14.	47A Theydon Park Road Theydon Bois
43	EPF/0845/15	Single storey rear extension with a roof lantern	42 Morgan Crescent
44	EPF/0800/15	Certificate of Lawful Development for proposed attached front conservatory	Granville 119 Theydon Park Road
45	EPF/0799/15	Certificate of Lawful Development for proposed detached front garage.	Granville 119 Theydon Park Road
46	EPF/2040/14	Demolition of existing Public House and associated buildings and erection of thirteen residential apartments	Sixteen String Jack Coppice Row

with parking and communal garden.

### **Waltham Abbey**

- |    |             |   |                                       |
|----|-------------|---|---------------------------------------|
| 47 | EPF/0637/15 | Application for proposed demolition of existing balcony and retain ancillary garage, cart lodge and games room. | The Dower House<br>Manor Road         |
| 48 | EPF/1058/15 | Retrospective application for the use of land for open storage of building materials (Sui Generis use).         | Park Farm Nursery<br>Sewardstone Road |

### **Willingale**

- |    |             |   |                             |
|----|-------------|---|-----------------------------|
| 49 | EPF/1522/15 | New utility, study, shower room and garage, with a playroom above. Building is to be thatched and part tiled. New detached carport. | Quires Green<br>Walls Green |
|----|-------------|---|-----------------------------|

## **Enforcement Appeals**

### **Dismissed**

- |   |             |  |  |
|---|-------------|--|--|
| 1 | ENF/0103/14 | Without planning permission the erection of brick wall and metal railings around the front garden of the land                      | 108 - 110 High Street<br>Epping                                  |
| 2 | ENF/0241/14 | Without planning permission the erection of a pergola situated to the front of the principal elevation of the dwelling house       | Lambourne Park Farm<br>Hoe Lane<br>Lambourne                     |
| 3 | ENF/0298/12 | Building to be demolished as per EPF/2562/11 and Notice 1.   | Chase Farm<br>Vicarage Lane<br>North Weald Bassett               |
| 4 | ENF/0496/14 | Without Planning Permission the change of use of protected woodland to a mixed use of woodland and the stationing of a mobile home | Breach Barns Caravan<br>Park<br>Galleyhill Road<br>Waltham Abbey |
| 5 | ENF/0499/12 | Without planning permission the erection of a building for residential purposes  | Moor Hall Lodge<br>Moor Hall Road<br>Harlow                      |
| 6 | ENF/0630/12 | Without planning permission the erection of a building described as "Barn"   | Lambourne Park Farm<br>Hoe Lane<br>Lambourne                     |

### **Enforcement Appeal - Invalid, Notice Quashed**

- |   |             |  |  |
|---|-------------|--|--|
| 7 | ENF/0504/13 | Without planning permission the stationing eight of mobile homes/caravans for residential purposes on the land | Logic Travel -<br>Ricotta Transport<br>Tylers Cross Nursery<br>Epping Road<br>Roydon |
|---|-------------|--|--|

### **Enforcement Appeal: Allowed with Conditions, but Varied**

- |   |             |  |   |
|---|-------------|--|---|
| 8 | ENF/0721/10 | Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site | Plot 38<br>Roydon Lodge Chalet<br>Estate, High Street<br>Roydon |
|---|-------------|--|---|

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## Appeal Decision

Site visit made on 2 February 2016

by **Daniel Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

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**Appeal Ref: APP/J1535/W/15/3139019**

**21 Princes Close, North Weald Bassett, Epping CM16 6EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Mellows against the decision of Epping Forest District Council.
  - The application Ref EPF/1440/15, dated 16 June 2015, was refused by notice dated 9 September 2015.
  - The development proposed is the erection of a single storey dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey dwelling at 21 Princes Close, North Weald Bassett, Epping CM16 6EN, in accordance with the terms of the application Ref EPF/1440/15, dated 16 June 2015, subject to the conditions set out in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of surrounding properties in respect of outlook and disturbance.

### Reasons

#### *Character and appearance*

3. The proposed bungalow (with two car parking spaces) would be built in part of the rear garden of 21 Princes Close. It would have its own vehicular access onto High Road and all of the trees on the site would be retained.
4. The dwelling would be approximately 3.8 metres in height to the ridge and would continue the existing building line along High Road to the north east of the site. This building line includes a petrol filling station and a number of detached dwellings. I acknowledge that the building line to the south west of the site (the rear of properties on Princes Close) is different, but I do not consider that there is any harm in following the building line to the north east.
5. The one bedroom bungalow would be single storey and much smaller in scale than the surrounding residential development. Taking this into account, along with the retention of existing trees on the site (and on the highway verge), the dwelling would not appear prominent nor conspicuous in the street scene.

6. The dwelling would not be built up to the side boundaries of the site and a proportionate amount of private outside space would be provided. Therefore, I do not consider that the property would appear cramped within its plot. Furthermore, the resultant garden area for 21 Princes Close would continue to be larger than most of the other rear gardens in the locality.
7. I conclude that the proposed dwelling would not cause harm to the character and appearance of the area, and would accord with the design aims of saved Policies CP2 and DBE1 of the Epping Forest District Adopted Local Plan 1998 (LP).

#### *Living Conditions*

8. The north facing side elevation of the dwelling would face properties on Cunningham Drive. This would be at a distance of approximately 12 metres from the nearest property. Taking into account the height of the dwelling, the screening effect of boundary fencing, and the distance from windows, I do not consider that the proposal would result in a material loss of outlook for the occupiers of these properties. The rear windows of numbers 21 and 22 Princes Close would be a significant distance from the proposed dwelling, and again the scale of the proposed development (coupled with the boundary treatment) would be such that it would not lead to a significant loss of outlook.
9. Whilst I acknowledge that the proposal does including two car parking spaces, and that there could be more day to day activity on the site than is currently the case, I do not consider that the degree of movement and activity from one dwelling would be such that it would result in significant levels of disturbance for the occupiers of the neighbouring residential properties.
10. I conclude that the proposal would not have a materially harmful effect upon the living conditions of the occupiers of neighbouring properties, and therefore the proposal would accord with saved Policies DBE2 and DBE9 of the LP which aim to safeguard the amenities enjoyed by the occupiers of existing properties.

#### **Other Matters**

11. I have considered the comments made by interested parties who have referred to "garden grabbing". There is no policy before me that specifically precludes housing development in gardens. In any event, I have found that the proposal would not cause harm to the character and appearance of the area.
12. The proposal includes space for the parking of two vehicles. The level of on-site car parking provision would be acceptable, and there was no objection to the proposal from the Highway Authority. I have no reason to disagree with their conclusions. Concerns have been raised about drainage, but I am satisfied that this matter can be controlled by a planning condition.
13. I have not been provided with any evidence to substantiate the comment that the proposal would encroach into the garden area of 22 Princes Close. The approval of planning permission would not, in any event, outweigh private property rights. Given the scale, position and design of the dwelling, I do not consider that it would lead to a material loss of light nor privacy for the occupiers of surrounding residential properties.
14. Comments have been made to the effect that the proposal would have an adverse effect on the water pressure in the area and that house values will fall.

I have no objective evidence to substantiate the claim relating to water pressure and effects on property values are not material planning considerations.

15. Representations have been made to the effect that the rights of the occupiers of some properties in relation to Article 8 of the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998, may be violated if the appeal were allowed. I do not consider that the proposal would unacceptably interfere with these rights, because I have concluded that the development would not have an adverse impact upon the living conditions of the occupiers of surrounding properties, nor upon the character and appearance of the area. The degree of interference that would therefore be caused would be insufficient to give rise to a violation of rights under Article 8.
16. None of the other matters, nor the comments made by interested parties, outweigh my conclusions on the main issues.

### **Conditions**

17. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
18. Planning permission is granted subject to the standard three year time limit condition.
19. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
20. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to materials, landscaping and the protection of trees. In order to safeguard the living conditions of occupiers of the dwelling and surrounding properties, it is necessary to impose conditions relating to contaminated land and hours of construction. In the interests of highway safety, it is necessary to impose conditions relating to construction vehicle wheel washing, surface water drainage and the construction of the access with High Road.
21. I do not consider that it is necessary to remove permitted development rights. The Planning Practice Guidance states that "*conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances*".

**Conclusion**

22. The proposed development would not have an adverse effect on the character and appearance of the area, nor upon the living conditions of the occupiers of neighbouring residential properties. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

*Daniel Hartley*

INSPECTOR



### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 2015/009/P02, 2015/009/ P03 and 2015/009/P04.
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes to the dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
4. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
5. No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
6. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and an 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, shrub or plant that tree, shrub or plant or any replacement is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place.
7. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved documents.

8. The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to the Local Planning Authority to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
9. All construction/demolition works and ancillary operations, including vehicle movement on site, 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.
10. Prior to first occupation of the development, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway and verge. The access shall thereafter be retained as approved.
11. No private surface water shall discharge from the development onto the highway.

## Appeal Decision

Site visit made on 23 February 2016

by **Andrew Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16<sup>th</sup> March 2016

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**Appeal Ref: APP/J1535/D/15/3132846**  
**3 Bury Road, Epping, Essex CM16 5ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Grant Foxley against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1342/15, dated 1 June 2015, was refused by notice dated 12 August 2015.
  - The development proposed is double storey lift, ground floor extension (porch) and internal alterations.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook, privacy and light.

### Reasons

3. The proposed development would comprise the extension of the existing bungalow at No. 3 Bury Road to create a two storey house with rooms contained within the roofspace.
  4. The neighbouring property at No. 24a Lower Bury Lane has a very small rear garden, its closest point being adjacent to the corner of the existing building at No. 3, such that the additional storey and roof proposed would dominate the small garden and rooms at the rear of No. 24a. This would cause significant harm to the living conditions of occupants of that dwelling in terms of their outlook.
  5. Obscure glazing and non-opening windows is proposed and could be required by condition to restrict overlooking of No. 24a, but this is a poor design solution for main bedrooms. I accept that there is some mutual overlooking between properties in the locality, although that would not justify the potential level of overlooking in this instance. The rear window not proposed to be obscure glazed is to the opposite side of the dwelling from No. 24a, sufficiently far away not to cause overlooking to occupiers of that property.
-

6. The analysis of levels of light to be experienced by occupiers of No. 24a following completion of the development set out in the officer report to the planning committee suggests that this would be likely to be limited. I consider that there would be some loss of sunlight in the early mornings, but this would not be at an unacceptable level and there would be little effect on levels of daylight from the development on that property.
7. Concern has been raised at the impact of the development on Nos. 1 and 5 Bury Lane. These are located to either side of the proposed development and, given that relationship, the harmful impacts identified above would not apply to those properties.
8. I understand that other bungalows in the area have been extended with an additional floor in a similar manner, but they appear to have a different relationship with neighbouring properties.
9. I conclude, therefore, that the proposed development, by reason of overlooking and the effect on the outlook of neighbouring occupiers at 24a Lower Bury Lane, would harm the living conditions of those occupiers. The proposed development is contrary to Policy DBE9 of the Epping Forest District Local Plan that seeks to protect the living conditions of neighbouring occupiers to development.
10. I note the reasons that the appellant wants a larger house to meet the particular circumstances of their family, but these do not justify the harm that I have identified above.
11. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Steen*

INSPECTOR

## Appeal Decision

Site visit made on 11 November 2015

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 04 December 2015**

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### **Appeal Ref: APP/J1535/W/15/3008001**

#### **Tilegate Lodge, Tilegate Road, High Laver, ONGAR, Essex, CM5 0EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Tony Finch against the decision of Epping Forest District Council.
  - The application Ref. EPF/2514/14, dated 15 October 2014, was refused by notice dated 5 January 2015.
  - The development proposed is change of use of land from agricultural to residential garden land, erection of two-storey rear extension (ground and basement) and associated landscaping.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are whether the proposal (1) is inappropriate development within the Green Belt (GB) for the purposes of planning policy set out in the National Planning Policy Framework (the Framework) and the development plan; (2) would affect the openness of the GB and the purposes of including land within it; and (3) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### **Background**

3. Extensions to the appeal property have commenced. The Council has confirmed that a Certificate of Lawfulness (CL) was issued for a side and rear single storey extension to the building under ref. EPF/0038/11. However, the parties agree that the development under construction has exceeded the limits of the CL, hence the submission of the appeal application. There appear to be some differences to fenestration between what has been built and the proposed plans, but for the avoidance of doubt I have determined this appeal on the basis of the development shown on the plans supplied.

## Reasons

### *Whether the Proposal is Inappropriate Development*

4. The Framework confirms that the extension or alteration of a building is not inappropriate in the GB provided that it does not result in disproportionate additions over and above the size of the original building. The glossary to the Framework defines 'original building' as that as existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.
5. The Planning, Design & Access Statement (PDA) confirms that Tilegate Lodge originally had a built footprint of approximately 86 square metres, but that extensions which could be constructed as Permitted Development (PD)<sup>1</sup> would add a further 124.6m<sup>2</sup>. The proposed footprint is stated as 224m<sup>2</sup>. The proposal would therefore more than double the 'above ground' footprint of the original building. Whilst the extended building would have the appearance of a single-storey structure, it would nonetheless extend across a much larger portion of the site than the original building.
6. The Council's Committee report confirms that the proposal is not policy compliant, and that an examination of the plans indicates a more than doubling in volume which could not be considered proportionate. I consider the matter of very special circumstances below, but as a matter of fact and degree, I share the Council's view that the proposal would be a disproportionate addition over and above the size of the original building. The development would therefore constitute inappropriate development that is, by definition, harmful to the GB, in conflict with the aims of the Framework, and Policy GB2A of the Epping Forest District Local Plan Alterations 2006 (LP) which although it predates the Framework is largely consistent with its objectives. In accordance with paragraph 88 of the Framework, this harm would have substantial weight.
7. Having regard to case law<sup>2</sup>, the proposed change of use to garden land does not fall within the scope of the specific exceptions set out in paragraphs 89 and 90 of the Framework, and as such it would also be inappropriate development.

### *Effect on Openness*

8. The appeal building is prominently positioned next to the road and adjacent to the driveway to Tilegate Farm. Although there is roadside planting, the existing building was clearly visible from the public domain at the time of my site visit.
9. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The attribute of openness is largely related to the absence of buildings or development, and not necessarily to visibility. In this case, the proposed extensions to the dwelling would result in a significant increase in built form at the site that would intrinsically affect the sense of openness, and these would also be perceived due to the prominent position of the building. I note from the submissions that a number of outbuildings have been cleared from the site, and the parties advise that this has increased openness. However, these structures have already been removed, and dealing

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<sup>1</sup> By virtue of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015

<sup>2</sup> *Fordant Holdings Ltd v SCLG & Cheshire West and Chester Council* [2013]

with this proposal on its own merits the material increase in the size of the dwelling would have its own impact.

10. Although it is a reasonably large area, in principle the proposed extension to the garden would not materially intrude into the landscape. However, the creation of a network of patios and formal lawns, complete with low retaining walls, high wall enclosures, steps and the extensive shingled driveway, would have an unacceptably urban impact in the GB, and would materially reduce the sense of openness at the site. The proposal would conflict with the aims of LP Policy GB4, which supports garden extensions provided that they do not have an adverse effect upon the open character of the landscape.
11. I therefore conclude that the proposal would be harmful to the GB by reason of inappropriate development, but that there would be additional harm to the GB arising from the effect of a development of the scale proposed on its openness, in conflict with the aims of the Framework. I give substantial weight to this harm, in accordance with paragraph 88 of the Framework.

### **Other Considerations**

12. The Framework advises that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. A factor of some weight in support of the proposal could be the exercise of PD rights. A Certificate of Lawfulness was issued in 2011 (ref. EPF/0038/11) but the associated plans (supplied by the Council) showed a development of much smaller footprint than proposed in this appeal. The appellants refer to the option to construct an 8m deep rear extension as PD, but it is not evident that a prior approval application for such a development has been granted by the Council (the 'Planning History' supplied by the parties confirms that such an application, ref. EPF/1741/13 was refused).
14. Whilst the exercise of PD rights could enable a significant extension to the original two-bedroom dwelling, the proposal represents further expansion. In assessing whether or not a proposal is disproportionate in the context of the Framework, the starting point is the size of the original building rather than the original building plus any PD extensions. Given that the 'fallback' position set out in application EPF/0038/11 was for a materially smaller development than in this appeal, I ascribe it limited weight. Moreover, implicit to a 'fallback' position is the ability to be implemented, which is not evidently the case with an 8m deep extension.
15. The appellants advise that the development would have no greater impact on the openness of the GB. This is addressed above. For the reasons given, I do not find that the increase in footprint would have the limited impact considered by the appellants, albeit I acknowledge that the eaves and ridge heights would remain modest. This assertion therefore has limited weight. The removal of outbuildings and consequent increase in openness has already been secured, and as such this would not justify a substantial increase in the size of the associated dwelling.

16. The proposed basement would be wholly subterranean without any external evidence of its presence, such as lightwells. Although the Framework does not distinguish between extensions above and below ground, the inclusion of a basement would not conflict with the purposes of the GB or its designation. However, the absence of harm caused by the basement would have neutral weight, as it nevertheless forms part of the inappropriate development.
17. The appellants indicate that vacancy at the site has the potential to result in events including vandalism, anti-social behaviour, trespass, security risks and general deterioration of the site. However, the site could be secured and maintained through other less intrusive measures, and these potential risks – for which there is no evidence supplied – have limited weight. Given the works which have already taken place at the site, I am not convinced that the site would be left vacant as suggested by the appellants if the appeal fails.
18. The appeal property is adjacent to the Grade II listed Tilegate Farmhouse. However, given the clear subdivision between the two sites, I do not find that the condition of the appeal site, as a construction site, materially impacts upon the setting of the listed building. As such, the suggested enhancement of the site as a result of this appeal has only limited weight.
19. The appellants advise that there has been substantial engagement with planning officers, and a positive officer recommendation to the Planning Committee. Whilst the rationale for the recommendation is noted, for the reasons set out above I find that the formal decision of the Council was justified. As such I have placed modest weight on this factor.
20. A key argument set out in the appellants' Statement of Case is the decision-making process of the Council's Sub-Committee. However, there are other procedures to pursue concerns about the determination process, and such matters cannot be explored in a Section 78 planning appeal. The appeal must be considered on its planning merits, and as such this argument has little weight in this decision.
21. The appellants advise that the purpose of the proposal is to deliver a family-sized dwelling. However, I have ascribed this limited weight, as it is not evident that this aim may only be secured in a building of the size proposed.
22. The date of the Council's Local Plan policies is a factor of some weight, but the consistency of the policies with the Framework has been taken into account in this appeal, and the proposal has been assessed in the light of the more up to date national policies.
23. The appellants have drawn attention to a number of other sites in the GB, which they cite as precedents for the appeal proposal. However, in the absence of fuller details of the examples I am unable to gauge a comparison with the appeal proposal. As such, I can give these little weight in my assessment.
24. With regard to the proposed change of use of land from agricultural to residential garden land, I note the appellants' view that the land has been used as garden area in excess of ten years. However, whether or not planning permission is required for the use of the land is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the



matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

**Conclusion**

25. Having balanced the various matters, other considerations do not clearly outweigh the harm to the GB by reason of inappropriateness, the additional harm to its openness, and the conflict with national planning policy. The very special circumstances necessary to justify the development do not exist, and for the reasons given above I conclude that the appeal should be dismissed.

*H Lock*

INSPECTOR

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## Appeal Decision

Site visit made on 22 September 2015

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 October 2015

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**Appeal Ref: APP/J1535/W/15/3027904**

**47A Theydon Park Road, Theydon Bois, Epping, Essex CM16 7LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sarah Turner against the decision of Epping Forest District Council.
  - The application Ref EPF/0180/15, dated 21 November 2014, was refused by notice dated 18 March 2015.
  - The development proposed is demolition of existing two storey dwellinghouse and construction of a new two storey building, with accommodation in the roof, to provide 5 x 2 bedroom apartments, plus associated car and cycle parking.
- 

### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Sarah Turner against Epping Forest District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue in this case is the effect of the proposed parking arrangements on the efficient operation of Theydon Park Road and the character and appearance of the area.

### Reasons

4. Policy ST6 of the Epping Forest District Local Plan 1998 with Alterations 2006 (LP) requires on-site car parking to be provided in accordance with the adopted 2001 standards or successor documents. The current Parking Standards (Essex County Council 2009) require flats or houses with two bedrooms or more to have two parking spaces. This indicates that the proposed development should have 10 spaces. The proposal is for five parking spaces.
5. Paragraph 2.5.1 of the Standards does allow for a relaxation of the requirement in main urban areas having frequent and extensive public transport and cycling and walking links. I recognise that the appeal site is within walking distance of the facilities in the centre of Theydon Bois and the underground station. However, the location does not amount to a main urban area where a high level of accessibility may lead to a demonstrably lower level of average car ownership among occupants of the proposed flats and, in turn,

justify a significant reduction in the number of the parking spaces normally required.

6. Section 3.2 of the Standards advises that the preferred bay size is 5.5m by 2.9m. The proposed spaces would be 5m by 2.5m which is the minimum size set out in the Standards and which should only be used in exceptional circumstances. No such circumstances have been advanced in this case. The area available for parking is confined by site boundaries and a footpath. As such, any cars which are not parked accurately within the minimum sized spaces would likely inhibit the use of the adjoining space. Together with the shortfall in the total number of spaces provided therefore, I consider that the proposal is likely to lead to on-street parking and difficulties for vehicles manoeuvring into and out of the site.
7. Although Theydon Park Road is subject to parking restrictions, they only apply between the hours of 1000 and 1100 and would not prevent on street parking at other times. Whilst the road is not heavily trafficked, it is free flowing and has little on-street car parking. Consequently, the additional on-street parking and conflicting vehicle movements likely to arise from the proposal would lead to a reduction in the efficient operation of Theydon Park Road. The proposal would not, therefore, comply with policy ST6 of the LP.
8. The site is located in an area of mainly detached dwellings set behind reasonably generous front gardens which are enclosed by a mix of planting and low walls. The area, therefore, has a relaxed, suburban character which contributes positively to local distinctiveness.
9. The appeal property is a detached two storey dwelling with an integral garage and parking in the front forecourt. It is, therefore typical of the properties in the area. The proposed building would be positioned slightly further back from the road frontage to allow for the provision of the parking spaces in the forecourt.
10. The proposed parking and access area would take up the greatest part of the area in front of the proposed building. Whilst a narrow area would be retained along the site's northern boundary, much of this would be used to store refuse and recycling bins. The planting area immediately in front of the proposed building would help to soften views of the building itself, but would do little to screen views of the car parking from the street. There would be no space for planting between the car parking area and the front boundary of the site. Therefore, although a condition could be used to secure details of hard and soft landscaping, I consider that proposed site layout provides insufficient space for an effective planting scheme.
11. I recognise that some other properties in the area have extensive areas of hard standing in the front forecourt. However, few have as little planting as would the appeal proposal. Moreover, the other properties appear to be predominately single household dwellings and, therefore, the parking areas are not used as intensively as would be the appeal proposal, particularly given the shortfall in the number of spaces proposed to be provided.
12. Therefore, I find that the proposed parking arrangements would dominate the front of the site and lead to unwelcome on street parking. As a result, the site and adjoining road would take on a stark and urban appearance which would be out of keeping with its surroundings. Consequently, the proposal would

have a harmful effect on the character and appearance of the area. It would conflict with LP policy DBE6 which presumes against residential proposals where car parking dominates the street scene.

*Other Matters*

13. The appellant has referred to the London Plan and to Transport for London's Public Transport Accessibility Level indicators. However, the appeal site does not fall within the administrative area of the Mayor for London and, therefore, these provisions are not applicable. Reference is also made to the East of England Spatial Strategy. However, this plan is no longer in force.
14. The appellant contends that the Council cannot demonstrate a five year supply of deliverable housing land and therefore, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), relevant policies for the supply of housing should not be considered up to date. No detailed information on the housing land supply position in the District has been submitted. In any event, the development plan policies on which I have relied are not for the supply of housing and there is no firm evidence to indicate that they are in conflict with the Framework.
15. Whilst the Framework does support sustainable housing development on previously developed land, in this case the proposal conflicts with relevant development plan policies and the concerns set out above outweigh the benefits of the provision of four additional units.
16. My attention has been drawn to an appeal decision for the conversion of an existing house into flats at Greenview (appeal ref APP/J1535/A/13/2207004) which, the appellant argues, sets a precedent for the appeal proposal. The main issue in that scheme concerned affordable housing. Nevertheless, 12 on-site parking spaces were proposed for six two bedroom flats in a location which the appellant considers sustainable. As such, the number of spaces proposed appears to comply with the requirements of LP policy ST6 and the current Parking Standards. Therefore, whilst each proposal must be considered on its merits, I am not persuaded that the Greenview decision supports the amount of parking proposed in this appeal.
17. The appellant has raised concerns regarding the Council's handling of an earlier application (application ref EPF/2751/14) and points out that the application which is the subject of this appeal was recommended for approval by the Council's planning officer. However, I have dealt with the current proposal purely on its planning merits.
18. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

**Conclusion**

19. For the reasons set out above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR

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## Appeal Decision

Hearing held on 5 November 2015

Site visit made on 5 November 2015

**by Claire Victory BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 March 2016**

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**Appeal Ref: APP/J1535/W/15/3081535**

**Sixteen String Jack, Coppice Row, Theydon Bois, Epping CM16 7DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Rory Anderson (Constable Homes) against the decision of Epping Forest District Council.
  - The application Ref EPF/2040/14, dated 26 August 2014, was refused by notice dated 10 December 2014.
  - The development proposed is the demolition of existing buildings and structures and erection of thirteen residential apartments with associated parking, open space and amenities.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The beer garden in the north-west corner of the appeal site lies within the Metropolitan Green Belt, but the remainder of the site is not within the Green Belt and lies within the village envelope. Whilst the Council referred to the effect of the proposal on the character of the surrounding area, including land within Green Belt, it has confirmed that national policy for development within Green Belt in section 9 of the National Planning Policy Framework (the Framework) is not relevant to the appeal scheme, and that the proposal would not constitute inappropriate development in the Green Belt, and I see no reason to disagree.
3. Essex County Council has confirmed that following the revision to CIL regulations in respect of the pooling of planning obligations which came into effect on 6 April 2015, it is no longer seeking contributions towards education transport from this scheme. Consequently, the Council has withdrawn its fourth reason for refusal.
4. After the close of the Hearing, the Council provided a copy of a Decision Notice<sup>1</sup> relating to a different scheme on the same site. I deal with this matter below.

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<sup>1</sup> Ref. EPF/1629/15

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## **Main Issues**

5. The main issues in the appeal are therefore:

- The effect of the development on the character and appearance of the area;
- The effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site, with particular regard to off-street car parking provision;
- The effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook; and
- Taking all of the above into account, whether the development would constitute sustainable development.

## **Reasons**

### *Character and appearance*

6. Sixteen String Jack is a vacant public house formed of two interconnected 2 storey buildings positioned close to the site frontage of Coppice Row. Pinchbrick Cottage, on the corner of Coppice Row and Robins Lane is a two storey cottage with double pitched roof. To the west there is a small electricity substation with open fields beyond, and residential properties opposite. Elmcroft, a two storey detached dwelling to the rear is set at an oblique angle to the existing appeal buildings within spacious gardens and is accessed from Robins Lane, a narrow unadopted road to the east of the site. Properties in the area are predominantly detached but there are a variety of building styles and no consistent building line along Coppice Row. The appeal site is situated on the edge of the built up area of Theydon Bois and on the fringe of Epping Forest.
7. The buildings fronting Coppice Row would be of a height broadly commensurate with other two storey properties in the area, but would be significantly greater in width than the existing property, and would result in an almost continuous built frontage across the appeal site. Despite a staggering of the frontage, and set back further from the road than the public house, and a variation in materials and architectural detailing, this part of the development would appear as a single mass of significant width that would unduly dominate the Coppice Row frontage.
8. Pinchbrick Cottage is set close to the back edge of the footpath, but its principal elevation fronts Robins Lane, and the narrowest elevation faces Coppice Row. Likewise Reka, a two storey dwelling opposite the appeal site is also close to the highway, but part of the dwelling is single storey in height and a 1.5 storey side element forming a double garage is set much further back. Consequently, whilst there are properties in the immediate vicinity that are situated close to their site frontage, the proposal would take up a substantially greater proportion of site frontage than that of these neighbouring properties.
9. Moreover, although there are some large detached dwellings to the east of the site with very little space to each side, they are generally set well back within the plot, providing for a greater sense of space. In addition, properties to the west with larger gaps to each side are also set back from the road frontage. As



- such, the bulk and massing of the development, combined with its prominent position close to the site frontage would be at odds with the more spacious, suburban character of the surrounding area.
10. The building to the rear would be lower in height than the frontage building, but would still be clearly visible in both directions when travelling along Coppice Row. The expanse of built form across the site frontage, combined with the depth of building to the rear, would add to the harm I have identified.
  11. The appellant contends that the scheme is in accordance with the Essex Design Guide (EDG), insofar as it specifies design approaches for developments of greater than 20 dph, in providing a continuity of frontage. The scheme would have a density of about 80-86 dwellings per hectare (dph). Policy H3A of the Epping Forest District Local Plan (LP) (1998 and Alterations 2007) allows for development at higher densities to make efficient use of land. However, support in principle for higher densities is subject to a consideration of the specific circumstances of the site and its surroundings. In this particular instance I have found that the proposed scheme would cause harm to the character and appearance of the surrounding area and would thus conflict with Policy H3A and the EDG.
  12. The appellant has also cited the Theydon Bois Village Design Statement (TBVDS) in support of the appeal scheme. This was issued by the Theydon Bois Parish Council in June 2012 but has not been adopted by the Council as supplementary planning guidance. Nevertheless, although the VBVDS identifies a 'terracing' effect of large detached properties filling the width of their plots, nearby examples of these houses, as I have already described, are positioned further back in their plots than the appeal proposal would be, and thus do not provide justification for the appeal scheme.
  13. Finally, it has been put to me that pre-application advice from Council officers supported the principle of a large building across the site frontage, but such advice is given without prejudice to the Council's formal decision, and carries little weight in this appeal.
  14. For the above reasons I conclude that the development would cause harm to the character and appearance of the surrounding area. It would be contrary to LP Policies CP3, CP7, H3A, GB7A and LL3, which, amongst other things require development to respect the character and environment of the locality, for development on the edge of settlements and adjacent to Green Belt land to be sensitive to the character of the landscape including reduced densities, and which support the use of higher densities unless it would have an adverse impact on the character and density of surrounding development. It would also be contrary to the Framework which requires development to respond to local distinctiveness.

#### *Parking Provision*

15. The Council's parking standards<sup>2</sup> require 1 car parking space for 1 bedroom units and 2 spaces for 2 bedroom properties, and 0.25 visitor spaces per dwelling, rounded up to the nearest whole number. One allocated car parking space is proposed per dwelling, and there would be 2 visitor spaces within the

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<sup>2</sup> Parking Standards, Design and Good Practice, Essex County Council (2009) adopted by Epping District Council in 2010 as a Supplementary Planning Document

- scheme. As such there would be a shortfall of 10 resident spaces and 2 visitor spaces when assessed against the parking standards.
16. The standards allow for a relaxation of standards in certain locations considered to be more accessible by public transport, cycling and walking. However, the parties dispute the extent to which the appeal site is accessible by non-car modes, and thus whether a relaxation of the standards is appropriate.
  17. An informative to the car parking standards at page 64 notes that reductions of the vehicle standard may be considered if there is development "*within an urban area (including town centre locations) that has good links to sustainable transport*". Reference has also been made to paragraph 2.5.1. of the document, which states that for "*main urban areas*" a reduction to the parking standards may be considered, particularly for residential development. Main Urban Areas are defined as "*those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.*" However, there is nothing in the document to suggest that a relaxation of the parking standards may not be applied in either case.
  18. The site is about 10 minutes walk from the centre of Theydon Bois, albeit up a relatively steep hill. The village has a range of shops and facilities, including an express format supermarket, pubs and restaurants, village hall, primary school, health and sports centres. An underground station on the Central Line, and bus stops near to the junction of Coppice Row and Piercing Hill, about 5 minutes walk from the site provide access to larger supermarkets and secondary schools in centres such as Epping and Loughton. Notwithstanding the topography, which I accept may dissuade some residents from travelling on foot; I consider the site to be an urban area that has good links to sustainable transport, as set out in the parking standards.
  19. Should demand for car parking within the site exceed supply, residents may seek to park on the street. Coppice Row has no parking restrictions. There is a small lay-by just to the west of the site with approximately two parking bays, and one further down the hill. Furthermore, most properties have generous off-street parking capacity. Consequently there is nothing before me to suggest there is a particular problem of parking stress in this location.
  20. The width of Coppice Row is variable, and narrows in the vicinity of the site, particularly next to Pinchbrick Cottage where the footway also narrows. There is a bend in the road just before the approach to the site downhill from the west, on the approach to the village and the speed limit along this section of Coppice Row is 30 mph. I acknowledge the concerns of the Council and local residents that there is a perception of danger from the potential for accidents, due to overspill parking on Coppice Row, and the Parish Council has referred to unreported accidents in the locality. However the appellant has provided data from the Highway Authority (HA) which indicates that there have been no fatal or serious accidents in the last 10 years in the vicinity of the site, and the Council has presented no compelling evidence to the contrary.
  21. The HA has confirmed there would be an improvement in highway safety due to the building line being moved back, the provision of an improved visibility splay in both directions, and the closing of the Robins Lane access. Although there are local concerns regarding the closing of this access, vehicles would be able to manoeuvre within the site so that drivers can enter and leave in

forward gear. It is also possible that cars parked on Coppice Row would slow down vehicle speeds to a degree. Consequently on the basis of the evidence before me there would not be a significant cumulative adverse effect arising from the proposed parking provision, and there would be no conflict with paragraph 32 of the Framework.

22. Moreover, whilst I accept that families might occupy the two bedroom flats, new residents would occupy these properties in the knowledge that each unit has a single car parking space allocated. I therefore consider a relaxation of the parking standard would be justified in this instance.
23. My attention has been drawn to an appeal decision at 47A Theydon Park Road<sup>3</sup> dated 6 October 2015 for the demolition of a dwelling and the erection of five 2 bedroom flats, where five car parking spaces were proposed, against a requirement of 10 spaces. In that case the Inspector concluded that the site was in walking distance of the centre of Theydon Bois, but that the location did not amount to a main urban area where a significant reduction in the number of parking spaces normally required could be justified. However, there were other concerns with the scheme, including sub standard car parking bays and a lack of demarcation between the off-street parking area and a footpath, which the Inspector found in combination would be likely to lead to on-street parking and difficulties for vehicles manoeuvring in and out of the site. Furthermore, in that case the HA objected to the proposal for these reasons. Those concerns have not been raised in the appeal proposal before me. As such that proposal can be clearly distinguished from the scheme before me and carries limited weight in reaching my decision.
24. Since the Hearing, the Council has refused a further planning application for a similar scheme at the appeal site for slightly fewer units<sup>4</sup>, however, that decision has no bearing on my decision on this scheme.
25. Taking all of the above into account, I conclude that there would be no adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Thus there would be no conflict with LP policy ST6, which requires all development to provide on site parking in accordance with the Essex Parking Standards.

#### *Living Conditions*

26. Elmcroft, the property to the north, is set at a slightly higher ground level than the appeal site and the common boundary is formed of a thick evergreen hedge of at least 3 metres in height that would be retained. Nevertheless, with the exclusion of the beer garden, which would be used as a communal garden area, the building to the rear of the appeal site would run more or less the full width of the site, and would be over 25m in length. Despite the hipped roof form and 1.5 storey height, the excessive length, combined with the close proximity to the boundary, means that it would appear as an unacceptably overbearing feature when viewed from the house and garden of Elmcroft.
27. The development would include a single storey element with mono pitched roof fronting Coppice Row adjacent to Pinchbrook Cottage, with a broadly similar building line. The rear elements of the scheme would be some distance away

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<sup>3</sup> APP/J1535/W/15/3027904

<sup>4</sup> EPF/1629/15

behind the parking courtyard and the detached garage at the rear of Pinchbrook Cottage.

28. I therefore conclude that there would be no harm to the living conditions of the occupiers of Pinchbrook Cottage, but there would be significant harm to the occupiers of Elmcroft, by reason of the substantial length of the rear section of the scheme and its proximity to the northern boundary of the site. Thus the proposal would conflict with LP Policy DBE9. This policy seeks to ensure that new development does not result in an excessive loss of amenity for neighbouring properties.

*Whether sustainable development*

29. It was common ground at the Hearing that the Council cannot demonstrate a 5 year supply of deliverable housing sites. As such, paragraph 49 of the Framework is engaged, and the Council's policies for the supply of housing are out of date. In such circumstances, paragraph 14 of the Framework provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
30. In determining whether the proposal would be a sustainable development form of development, paragraph 7 identifies the three dimensions to sustainable development, namely the social, economic and environmental roles. Turning first to the social role, the provision of 13 flats would make a contribution to the supply of homes in a district with a housing shortfall. In addition, future occupants would have access to local shops and services in Theydon Bois with access by rail and bus to centres further afield. As such it would meet the social dimension of sustainable development. There would be an economic benefit in the short term from the construction of the scheme, and future occupiers would use local shops and services. The proposal would therefore meet the economic dimension.
31. In terms of the environmental dimension, the appellant has referred to the sustainability credentials of the scheme, relating to energy and water efficiency. I have also found that there would be no harm arising from the development with regard to highway safety. However, there would be harm to the character and appearance of the surrounding area, arising from the significant bulk and mass of the development. There would also be harm to the living conditions of the occupiers of Elmcroft, the adjacent property to the north, with regard to outlook. Thus the environmental dimension of sustainable development would not be met.
32. I have given significant weight to the Framework's objective to boost significantly the supply of housing, but the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits identified. As such the proposal would not constitute sustainable development and would fail to accord with national policy, and the provisions of the development plan.

**Other Matters**

33. It has been put to me that Robins Lane is private and the appellant has no right of access across it, but this is a private legal matter and has no bearing on the outcome of this appeal.
34. There have been concerns regarding the effect of the proposal on the privacy of neighbouring occupiers on the opposite side of Coppice Row, but the separation distance would not be significantly greater than that experienced by other properties facing each other along Coppice Row, and thus I have given this matter limited weight in reaching my decision.

**Conclusion**

35. For the above reasons I conclude the appeal should be dismissed.

*Claire Victory*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Rory Anderson	Land Buyer, Anderson Group (Constable Homes) and Appellant
Mr Richard Clews	Associate Planner, Strutt and Parker LLP
Mr Michael Druce	Barrister, Cornerstone Barristers
Mr Duncan Stoten	Director, Stomor Civil Engineering Consultants

### FOR THE COUNCIL:

Mrs Marie-Clare Tovey	Planning Officer, Epping Forest District Council
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### INTERESTED PERSONS:

Ms Elizabeth Burn	Resident and representing Epping Forest Royal Preservation Society
Cllr Peter Gooch	Vice-Chair Theydon Bois Parish Council, Chair Epping Forest District Council Planning Committee
Mr Martin King	Resident
Cllr John Phillip	Ward Councillor and Portfolio Holder Development Management, Epping Forest District Council and Chair Theydon Bois Parish Council
Dr John Warren	Resident and Chair Theydon Bois Action Group
Mr Webb	Resident

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 List of suggested conditions, submitted by the Council
- 2 Extracts from Parking Standards, Design and Good Practice, Essex County Council (2009) submitted by the Appellant
- 3 Consultation response from Essex County Council as Highway Authority, dated 18 December 2014, submitted by the Appellant
- 4 Appeal Decision ref. APP/J1535/W/15/3027904 dated 6 October 2015 concerning 47A Theydon Park Road, Theydon Bois, submitted by Dr John Warren

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## Appeal Decision

Site visit made on 17 February 2016

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14 March 2016**

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### **Appeal Ref: APP/J1535/W/15/3135158**

### **Carpenters Arms, High Road, Thornwood, Epping, Essex CM16 6LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Desmond Rees against the decision of Epping Forest District Council.
  - The application Ref EPF/2670/14, dated 12 November 2014, was refused by notice dated 8 April 2015.
  - The development proposed is the erection of 3 town houses, 2 detached houses and a change of use from public house.
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### **Application for Costs**

1. An application for costs was made by Mr Desmond Rees against Epping Forest District Council. This application is the subject of a separate decision.

### **Decision**

2. The appeal is dismissed.

### **Main Issues**

3. It is considered that the main issues are:
  - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, including the effect of the development on the openness of the Green Belt and the purposes for including land within it;
  - (b) The effect of the development on the visual amenity of the Green Belt and character and appearance of the area; and
  - (c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### **Reasons**

*Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy, including the effect of the*

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*development on the openness of the Green Belt and the purposes for including land within it*

4. The appeal site straddles the Green Belt boundary with the former public house and restaurant building being within the defined urban area and the associated car park within the Green Belt. As a matter of principle, the Council does not object on Green Belt grounds to the redevelopment of the existing building for residential purposes. The Green Belt objection is directed at the 2 detached dwellings proposed to be erected on the car park which forms part of the curtilage of the building but, although surfaced, has an open character.
5. Paragraph 89 of the Framework refers to limited infilling or the partial or complete redevelopment of previously developed sites may, in some circumstances, not be inappropriate development in the Green Belt. Policy GB2A of the Epping Forest District Local Plan and Alterations (LP) is inconsistent with the Framework concerning these types of development within the Green Belt. Accordingly, I have determined this appeal based upon the more up-to-date expression of national planning policy. However, any redevelopment of a previously developed site should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
6. I am satisfied that the appeal site is previously developed land because it is occupied by a permanent structure and, reflecting the definition in the Annex to the Framework, it is also appropriate to include the curtilage as part of the developed land. The appeal scheme would involve the complete redevelopment of this previously developed site but the Annex's definition makes it clear that it should not be assumed the whole of the curtilage should be developed.
7. Paragraph 79 of the Framework identifies that one of the essential characteristics of Green Belts is their openness. By reason of height and scale, the erection of two 2-storey dwellings on the car park would undoubtedly have a greater impact on the openness of the Green Belt. The significant harm is not mitigated by the reduction in the extent of either the hardstanding or the footprint of the existing building. As previously noted, the existing building is not wholly within the Green Belt whereas these proposed dwellings would be.
8. The redevelopment of the car park for housing would intensify the built form of development within the Green Belt. However, there would not be a specific conflict with the purposes of the Green Belt because built development would not encroach into the open countryside and there would not be urban sprawl. However, the absence of a conflict with the purposes of the Green Belt is demonstrably outweighed by the significant harm caused to the openness. This harm alone is sufficient for me to judge that the erection of the 2 dwellings would amount to inappropriate development in the Green Belt.
9. Accordingly, although the designation only affects part of the site, it is concluded that the erection of the appeal scheme would include inappropriate development within the Green Belt and, as such, it would conflict with the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight



should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

*The effect of the development on the visual amenity of the Green Belt and character and appearance of the area*

10. The site is located at the junction of Carpenters Arms Lane and High Road. I agree with the appellant's claims that the general design of the 3 dwellings proposed to be erected on the site of the existing building would reflect the tighter urban grain of residential properties which front High Road. There are terraced properties fronting the road and these proposed townhouses would not be an incongruous form of residential development.
11. Similarly, the proposed detached dwellings fronting Carpenters Arms Lane would respect the design and character of other 2-storey properties which front this road. The concerns of the Council about the size of the curtilages of these 2 proposed dwellings has been carefully noted. However, the combination of the amenity spaces' width and depth would ensure that these dwellings possessed a spacious appearance and would be assimilated into the streetscene.
12. For the type of development proposed the provision of a shared off-street parking area is a common approach to adopt, including elsewhere within Thornwood where a former public house site has already been redeveloped. The parking spaces would be sited adjacent to a proposed dwelling and would be overlooked by the properties sited on the opposite side of the road.
13. Although the Tree Preservation Order (TPO) has been applied to the 4 trees fronting Carpenters Arms Lane after the determination of the appeal application, I am required to consider the effect of the proposed development on these protected trees. The submitted drawings indicate that all the trees subject of the TPO would need to be felled to enable the erection of the 2 detached dwellings and associated car parking spaces.
14. The appellant's arboricultural assessment identifies the trees as being category C. The Council's Tree and Landscape Officer originally advised that the trees were not considered to be of significant amenity value to warrant protection or retention. Based upon my site visit there are no reasons for me to disagree with these assessments. By reason of the trees making a limited contribution to the streetscene their loss would not be a reason for this appeal to fail.
15. For the reasons given, I do not share the Council's concerns that the appeal scheme would, from a design and layout perspective, represent an over development of the site which would be out of character with the adjacent residential properties. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the area and, as such, it would not conflict with the sustainable development and design requirements of LP Policies CP1, CP2, CP3 and DBE1.
16. However, by reason of their siting and size, it the erection of the proposed dwellings on the car park would intensify the built form of development within

the Green Belt. Accordingly, it is concluded that the appeal scheme would cause harm to the visual amenity of the Green Belt but because of the car park use and the adjacent properties this harm would be limited. There would still be a conflict with LP Policy GB7A concerning retaining the visual amenity of the Green Belt which, on this matter, is consistent with paragraph 81 of the Framework which refers to retaining and enhancing the visual amenity of the Green Belt.

*If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development*

17. The appeal scheme has been judged not to harm to the purposes of the Green Belt. However, this matter merely results in there being no additional harm to that arising from the inappropriate development and the weight attached to this matter needs to be tempered accordingly. Therefore, moderate weight has been attached to it and, has been noted, the degree of harm caused to the purposes of the Green Belt is limited.
18. Significant weight is attached to the absence of unacceptable harm being caused to the character and appearance of the surrounding area. This weight takes into account 3 of the proposed dwellings being sited outside the Green Belt and the appeal site being previously developed land albeit subject to the caveat contained in the Framework's Annex.
19. The appellant has referred to the presumption in favour of sustainable development being applicable to the appeal scheme if it was judged to be not inappropriate development. However, the footnote to paragraph 14 of the Framework identifies Green Belt as a specific policy where development should be restricted. Further, although the Council may need to release land from the Green Belt to accommodate housing via review of the Local Plan, the National Planning Practice Guidance says that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. Although 3 dwellings would not be in the Green Belt, limited weight is attached to these matters in the determination of this appeal.
20. Local residents have highlighted concerns about parking along Carpenters Arms Lane and the standard of its junction with High Road. However, the Council acknowledges that the required car parking provision can be met on-site. Further, the Highway Authority has not objected to the proposed development on grounds of traffic generation and highway safety. In the absence of specialist contrary evidence, there are no reasons for me to disagree with the Highway Authority on these matters and limited weight is given to them in the determination of this appeal.
21. Concerns have also been expressed by local residents because of the effect of the appeal scheme on their living conditions. No objections have been raised by the Council on these grounds and, based upon my site visit, there are no reasons to disagree with this assessment. Although I have noted concerns about the separation distances between the proposed dwellings, the Council acknowledge that the living conditions of the future occupiers would not be

unduly harmed. These matters have been given limited weight in the determination of this appeal.

22. For different reasons, reference has been made by the appellant and local residents to the Teazle Mead scheme which is located to the west of the site. However, although some information has been provided, I do not possess the full planning circumstances of this other scheme to enable me to make an effective comparison with the proposed development, including matters such as the extent and scale of any previous built forms of development. For this reason, limited weight has been given to this matter.
23. Local residents have raised other issues such flooding and the loss of a local facility. However, the evidence indicates that the site has been vacant for a number of years and that the former uses are unviable. There is no evidence to indicate that a suitable condition could not address concerns about flooding. Concerns about an unwelcome precedent being established if this appeal succeeded have been noted but the proposed development has been assessed on its own merits. None of these matters affect the main issues which have been identified as the basis for the determination of this appeal.
24. Whether the appellant owns all the land within the appeal site is not a matter for me to determine as part of this planning appeal.

### **Conclusion**

25. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, harm to the openness of the Green Belt, the limited harm to the visual amenity of the Green Belt and the conflict with national policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should fail.

*D J Barnes*

INSPECTOR

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