

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee East Tuesday, 13th December, 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 Tuesday, 13th December, 2016  
at 7.30 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

A. Hendry 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 ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 32)**

To confirm the minutes of the last meeting of the Sub-Committee held on 9<sup>th</sup> November 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, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution 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 33 - 98)**

(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 - APRIL 2016 TO SEPTEMBER 2016 (Pages 99 - 158)**

(Director of Governance) To consider the attached report and appendices.

**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.

**This page is intentionally left blank**

## Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans 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 Committee.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East and Area Plans Sub-Committee West are held at the Civic Offices in Epping. Meetings of Area Plans Sub-Committee South are held at Roding Valley High School in Loughton.

### 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**, by ringing 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 generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### 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 Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

### 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 the application.

### How are the applications considered?

The 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 Committee will then debate the application and vote on either the recommendations of

officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

**Further Information?**

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

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



<p><b>Chairman</b>  <b>Cllr Jones</b>          Theydon Bois</p>	<p><b>Vice-Chairman</b>  <b>Cllr Keska</b>          Chipping Ongar,          Greensted and          Marden Ash</p>	<p><b>Cllr Avey</b>          Epping          Hemnall</p>	<p><b>Cllr Bedford</b>          Shelley</p>	<p><b>Cllr Boyce</b>          Moreton and          Fyfield</p>
---	--	--	---	--



<p><b>Cllr Brady</b>          Passingford</p>	<p><b>Cllr Breare-Hall</b>          Epping          Lindsey and          Thornwood          Common</p>	<p><b>Cllr Grigg</b>          North Weald          Bassett</p>	<p><b>Cllr McEwen</b>          High Ongar,          Willingale and          the Rodings</p>	<p><b>Cllr Morgan</b>          Hastingwood,          Matching and          Sheering          Village</p>
---	--	--	---	--



<p><b>Cllr Philip</b>          Theydon Bois</p>	<p><b>Cllr Rolfe</b>          Lambourne</p>	<p><b>Cllr Stellan</b>          North Weald          Bassett</p>	<p><b>Cllr Surtees</b>          Chipping Ongar,          Greensted and          Marden Ash</p>	<p><b>Cllr Waller</b>          Lower          Sheering</p>
---	---	--	--	--



<p><b>Cllr C</b>  <b>Whitbread</b>          Epping Lindsey          and Thornwood          Common</p>	<p><b>Cllr H</b>  <b>Whitbread</b>          Epping Lindsey          and Thornwood          Common</p>	<p><b>Cllr J M</b>  <b>Whitehouse</b>          Epping          Hemnall</p>	<p><b>Cllr J M</b>  <b>Whitehouse</b>          Epping          Hemnall</p>
---	---	--	--

**This page is intentionally left blank**



## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 9 November 2016  
East

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 9.58 pm  
High Street, Epping

**Members Present:** P Keska (Chairman), N Avey, N Bedford, H Brady, W Breare-Hall, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, H Whitbread, J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** S Jones, A Boyce and C Whitbread

**Officers Present:** J Shingler (Principal Planning Officer), R Perrin (Democratic Services Officer) and S Mitchell (PR Website Editor)

---

### 41. 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.

### 42. 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.

### 43. MINUTES

#### **RESOLVED:**

That the minutes of the meeting held on 5 October 2016 be taken as read and signed by the Chairman as a correct record.

### 44. APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Chairman, who had tendered her apologies, the Vice-Chairman became the Chairman and requested nominations for the role of Vice-Chairman.

#### **RESOLVED:**

That, in the absence of a Vice-Chairman, Councillor B Rolfe be appointed as Vice-Chairman for the duration of the meeting.

**45. DECLARATIONS OF INTEREST**

(a) Pursuant to the Council's Code of Member Conduct, Councillor A Grigg declared personal interest in the following items of the agenda by virtue of having employed the Applicant's Agent who was speaking. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1546/16 – 15 Beulah Road, Epping.
- EPF/2396/16 - Land adjacent to 171 High Road, North Weald.

(b) Pursuant to the Council's Code of Member Conduct, Councillor P Keska declared a non-pecuniary interest in the following items of the agenda by virtue knowing the Applicant's Agent. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1546/16 – 15 Beulah Road, Epping.
- EPF/2396/16 - Land adjacent to 171 High Road, North Weald.

(c) Pursuant to the Council's Code of Member Conduct, Councillor N Avey declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Objectors. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1862/16 – 5 Ambleside, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor N Avey declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Applicant and Objector. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2199/16 – Land adjacent to Taw Lodge, Epping Lane, Stapleford Tawney, Romford.

(e) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the Objector. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1916/16 – Orchard Cottage, Greensted Hall, Church Lane, Ongar.
- EPF/1930/16 - Orchard Cottage, Greensted Hall, Church Lane, Ongar.

(f) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of discussing the application with the Applicant, Objectors and Parish Council. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2000/16 – Sixteen String Jack, Coppice Row, Theydon Bois, Epping

(g) Pursuant to the Council's Code of Member Conduct, Councillor H Brady declared a non-pecuniary interest in the following item of the agenda by virtue of knowing Applicant as a fellow Parish Councillor. The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2345/16 – Land Adjacent to Law Lodge, Epping Lane, Stapleford Tawney.

(h) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in the following item of the agenda by virtue of knowing Objector. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2183/16 – 16 Bassett Gardens, North Weald Bassett.

(i) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a non-pecuniary interest in the following item of the agenda by virtue of the Applicant being a customer. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2396/16 – Land adjacent to 171 High Road, North Weald.

#### **46. ANY OTHER BUSINESS**

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

#### **47. DEVELOPMENT CONTROL**

The Chairman advised that due to the number of applications on the agenda, he had decided to re-order the Development Control items to ensure that applications with registered speakers would be heard first.

##### **RESOLVED:**

That the planning applications were determined as set out in the schedule attached to these minutes.

#### **48. ADJOURNED**

The Chairman advised the Committee that the meeting had been in session for three hours and asked if they wished to continue or adjourn the meeting and hear items 1, 2, 6, and 12 at a later date, to be advised.

##### **RESOLVED:**

That Members agreed the meeting be adjourned for items 1,2,6,and 12 and be heard at a later date, to be advised.

**CHAIRMAN**

**This page is intentionally left blank**

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0632/16
<b>SITE ADDRESS:</b>	263 High Street Epping Essex CM16 4BP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Consent for the conversion of part of existing A1 shop at ground floor and C3 first and second floor unit into 3 self contained flats including two storey rear extension.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583196](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583196)

**REASONS FOR REFUSAL**

- 1 The proposed development results in the loss of ground floor retail floorspace within the key retail frontage within the Town Centre, (where non retail uses already exceed 30%) to a residential use, as such the development is likely to result in harm to the vitality and viability of the town centre. The proposal is therefore contrary to policies TC3 and TC4 of the adopted Local Plan and Alterations and Draft Local Plan Policy E2.

Way Forward.

Members discussed whether there was a way forward but concluded that the only way forward would be to remove the proposed ground floor flat and retain that area for A1 use.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1546/16
<b>SITE ADDRESS:</b>	15 Beulah Road Epping Essex CM16 6RH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey rear extension and internal alterations
<b>DECISION:</b>	Deferred

**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=585154](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585154)

This application was deferred in order for a members site visit to be carried out.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1862/16
<b>SITE ADDRESS:</b>	5 Ambleside Epping Essex CM16 4PT
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Double and single storey rear extensions.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585804](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585804)

**REASON FOR REFUSAL**

- 1 The proposed addition due to its depth 70cm beyond the 3 metre depth that can be achieved by permitted development amounts to overdevelopment of the site contrary to policies CP7 and DBE9 and DBE10 of the adopted Local Plan and Alterations.

Members discussed the proposal and the impact of the development on the surrounding properties and were concerned that although the applicant could build a 3m deep extension of the same design as permitted development, the proposal was likely to be unneighbourly when viewed from the rear garden of number 6 Ambleside, due to the staggered nature of the properties in the road and the excessive ridge depth, and height. Overall they considered that the permitted 3metre deep extension would be likely to be harmful to amenity and that the additional 70cm depth proposed would result in an overdevelopment of the site contrary to the intentions of policy CP7 of the Adopted Local Plan and Alterations.

Way Forward.

Members discussed whether there was a way forward but essentially concluded that anything beyond the permitted development depth would be unlikely to be considered favourably.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1916/16
<b>SITE ADDRESS:</b>	Orchard Cottage Greensted Hall Church Lane Ongar Essex CM5 9LD
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension and alterations.
<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=585946](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585946)

**CONDITIONS**

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



**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1930/16
<b>SITE ADDRESS:</b>	Orchard Cottage Greensted Hall Church Lane Ongar Essex CM5 9LD
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II* listed building application for proposed single storey rear extension and alterations
<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=585978](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585978)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Additional drawings that show details of proposed new windows, doors, eaves and verges, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 4 All new and replacement rainwater goods shall be of black aluminium.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2000/16
<b>SITE ADDRESS:</b>	Sixteen String Jack Coppice Row Theydon Bois Epping Essex CM16 7DS
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house, tied dwelling, structures and buildings and the erection of 7 apartments and one cottage with communal garden, parking area and cycle store.
<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=586136](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586136)

**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: Site Location Plan, 14097 se-02, 1482.P201 Rev D 28/09/16, 1482.P206 Rev D 28/09/16, 1482.P207 Rev D 24/10/16, 1482.P208 Rev D 28/09/16, 1482.P209 Rev D 28/09/16, 1482.P210 Rev D 28/09/16, 1482.P211 RevE 24/10/16, 1482.P213 Rev D 28/09/16 and Planting Sketch design Plots 1- 6 430.001 Rev A.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice

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

- 6 Hard and soft landscaping shall be carried out in accordance with the approved Landscape Proposals for Plots 1-6 Frontage, Ref. 430.200 dated Sept 2016 by Alban Landscape. Furthermore, no development shall take place, including site clearance or other preparatory work, until an implementation programme and full details of hard and soft landscaping for the remaining communal areas have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
  
- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
  
- 8 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]

- 9 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]
- 10 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]
- 11 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.
- 12 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.

- 13 Prior to first occupation of the development the visibility splays and access arrangements, as shown on drawing no.1482-P206 Rev D, shall be provided and retained as such in perpetuity.
- 14 Prior to first occupation of the development any redundant vehicle dropped kerb crossings, across the site frontage, shall be reinstated to full height kerbing and footway.
- 15 Prior to first occupation of the development, the developer shall be responsible for the provision and implementation to each dwelling of the submitted Residential Travel Information Pack for sustainable transport.
- 16 Prior to 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.
- 17 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 18 There shall be no discharge of surface water onto the Highway.
- 19 No gates shall be erected at the entrance to the site without the prior approval of the Local Planning Authority.
- 20 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.
- 21 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 22 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.
- 23 Prior to first occupation of the development hereby approved, a pedestrian doorway shall be created into the proposed refuse store to allow access to the refuse store for future occupants without having to leave the development site.
- 24 The development shall be carried out in accordance with the recommendations set out in the Ecology Appraisal (dated 30th June 2014 - updated 2nd July 2015) and Bat Survey (dated 29th July 2014 - updated 7th July 2016) completed by D F Clark Ltd.
- 25 The proposed evergreen hedges shown to the front of each of the three buildings hereby approved, shall be permanently retained and if any part is removed or dies or is severely damaged or diseased, another evergreen hedge of the same size shall be planted within 3 months in the same place and retained thereafter.
- 26 The native hedge shown to the western and northern boundaries of the communal garden shall be permanently retained, at a height of 2 metres, and if it is removed or dies or is severely damaged or diseased, another native hedge of the same size and species shall be planted within 3 months in the same place and retained thereafter.

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2083/16
<b>SITE ADDRESS:</b>	Shell Service Station 24-36 High Street Epping Essex CM16 4AE
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Replacing previous automated car wash with smaller hand car wash operation within Shell Petrol Filling Station. In addition installing modular unit for the purpose of supply and fitting of tyres. (Revised application).
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586373](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586373)

**REASONS FOR REFUSAL**

- 1 The proposed intensification of use and introduction of the tyre changing facility in close proximity to residential properties will result in excessive harm to the living conditions of neighbours by reason of noise and disturbance to an extent that can not be adequately controlled by conditions. The proposal is therefore contrary to policies DBE9 and RP5A of the Adopted Local Plan and Alterations.

Way Forward.

Members discussed whether there was a way forward and concluded that a reduction in the intensification and impact on neighbours was required.

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2149/16
<b>SITE ADDRESS:</b>	44 New Farm Drive Lambourne Romford Essex RM4 1BT
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	New front porch and access ramp. New front bay window. New vehicular access. Single storey rear extension with flat roof and 2no. roof lanterns. Single storey side extension. Roof extension including increase in ridge height and construction of 1no. rear & 2no. front dormer windows to facilitate creation of rooms in the roof space.
<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=586527](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586527)

**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: 0603/01; 0601/02; 0731/02-b; and 0731/03-b.
- 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 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.



**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/2199/16
<b>SITE ADDRESS:</b>	2 Chapel Road Epping Essex CM16 5DS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of a single dwelling into 2 dwellings and associated internal alterations
<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=586594](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586594)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/16/020/001, BRD/16/020/003Rev A, BRD/16/020/006
- 2 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 or visitors vehicles.
- 3 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.

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

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/2345/16
<b>SITE ADDRESS:</b>	Land Adjacent to Taw Lodge Epping Lane Stapleford Tawney Romford Essex RM4 1ST
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing building, breaking up of part of existing hardstanding and erection of three-bedroom cottage with associated landscaping (revised application to EPF/1352/16).
<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=587318](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587318)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 The extent of the curtilage to the proposed dwelling shall not be any larger than that indicated in red on the submitted 1/1250 site location plan. This curtilage shall not be extended in the future without the further written approval of the Local Planning Authority.
- 4 The development hereby permitted will be completed strictly in accordance with the approved drawing numbered 3631/1B, a 1/500 block plan and plan showing footprint of existing and proposed buildings; a plan showing proposed floor plans and elevations; and a plan showing elevations of the existing building and footprint of the existing and proposed buildings.
- 5 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.

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

follows]

- 9 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
  
- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
  
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, and E of Part 1] of Schedule 2 to the Order ( Extensions, Roof additions and outbuildings) or Class A gates, fences , walls etc) of Part 2 of Schedule 2 of the order shall be undertaken without the prior written permission of the Local Planning Authority.
  
- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No: 15**

<b>APPLICATION No:</b>	EPF/2396/16
<b>SITE ADDRESS:</b>	Land adjacent to 171 High Road North Weald Essex CM16 6EB
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 1 no. detached house with 4 bedrooms. Re-submission of approved application: EPF/2245/13
<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=587574](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587574)

**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: 839/01, 839/02c, 839/03d, 839/04c, 839/05b, 839/06c
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the flank elevation(s) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 6 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.

- 7 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.

- 8 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

- 9 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

- 10 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

- 11 Prior to the commencement of works on site, the boundary between the two properties shall be erected. This is to ensure that the alder tree in the rear garden of 171 High Road is protected from damage during construction works.

- 12 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.

- 13 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.



## AREA PLANS SUB-COMMITTEE 'EAST'

Date 13 December 2016

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

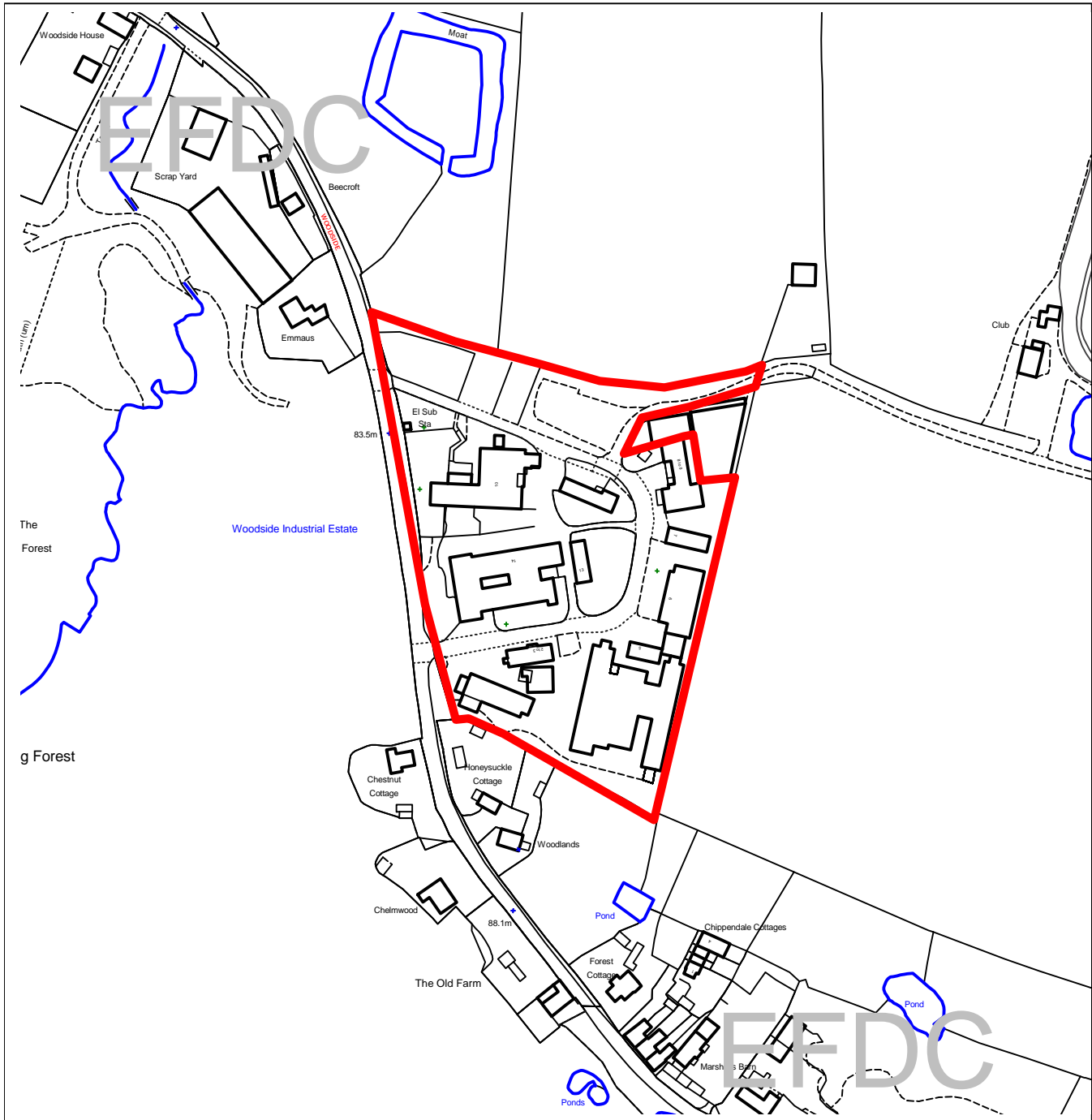
ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/3227/15	Woodside Commercial Site Woodside North Weald Essex CM16 6LJ	Grant Permission  (With Conditions)	35
2	EPF/2235/16	Ashlings Farm House Ashlings Farm Lane High Ongar Ingatstone Essex CM4 0JU	Grant Permission  (With Conditions)	49
3	EPF/2357/16	Zinc Arts High Street Ongar Essex CM5 0AD	Grant Permission  (With Conditions)	55
4	EPF/2368/16	Land and garages adjacent 25 Colvers Matching Green Essex CM17 0PX	Grant Permission  (With Conditions)	63
5	EPF/2427/16	39 Dukes Avenue Theydon Bois Essex CM16 7HG	Grant Permission  (With Conditions)	75
6	EPF/2484/16	Spencers Farm Oak Hill Road Stapleford Abbotts Romford Essex RM4 1JH	Grant Permission  (With Conditions)	81
7	EPF/2550/16	17 Hemnall Street Epping Essex CM16 4LS	Grant Permission  (With Conditions)	91

**This page is intentionally left blank**



# Epping Forest District Council

## Agenda Item Number 1



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/3227/15
Site Name:	Woodside Commercial Site, Woodside, North Weald, CM16 6LJ
Scale of Plot:	1/2500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/3227/15
<b>SITE ADDRESS:</b>	Woodside Commercial Site Woodside North Weald Essex CM16 6LJ
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	G T Commercial Holdings Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Outline Planning Application comprising demolition of Units 1, 1a, 7, 8, 9a, 9b, 13 & disused bunker and erection of 5 new units for B1/B8 uses. Infill buildings B1/B8 Use. (Access, appearance, layout & scale to be determined, landscaping reserved)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=581440](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581440)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) landscaping.
    - b) The reserved matters shall be carried out as approved.
    - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 6877 PPP1, 6877 PPP1 Rev: C, 6877 PEP1, 6877 PA Rev: A, 6877 PB, 6877 PC Rev: A, 6877 PD, 6877 PE, 915382
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the submitted information, no development, including works of demolition or site clearance, shall take place until a suitable Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 8 Any tree or vegetation clearance shall be carried out outside the bird breeding season (late February to late August) or an ecologist must undertake a bird breeding survey prior to demolition or clearance. Work may start once the ecologist has submitted a report to the Local Planning Authority confirming that no active nests will be affected by the works.
- 9 The ponds within 250m of the WWII bunker in the southeast corner of the site shall be surveyed for Great crested newts the season before the commencement of the development (mid March to mid June) and a report shall be submitted to and agreed in writing to the Local Planning Authority prior to the commencement of any works. If it is shown that Great crested newts are present then a suitable mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.
- 10 Prior to the commencement of the development a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority outlining the plan for the lighting during and after construction and the development shall be carried out in accordance with the agreed details.
- 11 Prior to the commencement of the development a plan for ecological enhancements regarding bird boxes, bat boxes, and any native planting shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed details.

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

follows]

- 16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
  
- 17 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
  
- 18 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

**Description of Site:**

Woodside Commercial Site is an established industrial estate located on the eastern side of Woodside just outside the village of Thornwood. The site contains a number of commercial units and several businesses and is served by two access points (one as an entrance and one as an exit).

There are a number of preserved trees on the site, predominantly around the site boundary, with open farmland to the north and east. To the south of the site are residential properties that are part of a small linear settlement along Woodside and opposite to the site to the west is Epping Forest.

The site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

## **Description of Proposal:**

Outline planning consent is being sought with access, appearance, layout and scale to be determined. Therefore the only matter reserved for later assessment is landscaping. Notwithstanding this information and amendments have been sought with regards to tree protection due to the presence and potential impact on protected trees.

The proposed development would involve the demolition of units 7 and 13 and the erection of 5 new B1/B8 buildings indicated on the submitted plans as Buildings A, B, C, D and E.

- Building A would be located along the norther section of the site and would measure a maximum width of 92.4m. This would be staggered (to follow the line of the boundary and ensure the adjacent protected trees are preserved) and would contain 15 two storey units. This building would have a stepped pitched roof (due to the topography of the land) to ridge heights of a maximum of 8.2m.
- Building B would be located on the eastern side of the site and would infill between/in front of existing (retained) buildings. This would measure a maximum width of 54m and would contain 9 two storey units. The building would have a triple ridged roof measuring 8.4m in the central section dropping to 8m on either side.
- Building C would be located in the south eastern corner of the site and would replace an existing bunker. It would measure 10.25m in width and would contain a single two storey unit with a pitched roof to a ridge height of 7.8m.
- Building D would be located within the centre of the site and would measure a maximum of 47m in width. This would be single storey with multiple ridge heights reaching 5m in height and would contain 7 units.
- Building E would be located at the south western corner of the site and would measure 28.6m x 14.8m. It would contain 4 two storey units and would have a pitched roof to a ridge height of 7.8m.

The level of car parking on the site would increase from 66 spaces to 129 spaces. The access to the site and internal road network would be unaltered from the existing situation.

## **Relevant History:**

EPR/0042/51 - Use of existing building as furniture store – approved/conditions 25/05/51  
EPR/0153/51 - Use existing building for storage – approved/conditions 26/09/51  
EPR/0008/52 - Use of buildings for storage – approved/conditions 23/02/52  
EPR/0071/52 - Use existing buildings for storage – approved/conditions 13/06/52  
EPR/0029/54 - Use existing premises for engineering – refused 03/04/54  
EPO/0264/69 - Change of use to storage – approved/conditions 10/06/69  
EPF/0392/74 - Use of part of building for light industrial purposes (assembling of condensing units for commercial refrigerators) – refused 04/09/74  
EPF/0738/75 - Proposed establishment of permanent storage use – approved/conditions 01/02/77  
EPF/1400/75 - Details of alterations to industrial premises – refused 24/05/76  
EPF/0949/79 - Formation of parking area for lorry trailers – refused 10/09/79  
EPF/0806/81 - Change of use from Builders Yard (Class 10) to manufacture and storage of Ice Cream (Class 3). Unit 5 – refused 06/07/81  
EPF/1016/83 - Replacement storage building – approved/conditions 26/09/83  
EPF/0161/86 - Erection of commercial storage building and ancillary offices. Unit 2 – refused 28/04/86 (dismissed on appeal 11/03/87)  
EPF/1004/86 - Revised plans for replacement storage building with ancillary offices. Unit 2 – refused 15/09/86  
EPF/0718/87 - Replacement storage building with ancillary offices – approved/conditions 21/09/87



EPF/1204/88 - Outline Application for 17 detached houses – refused 26/08/88 (dismissed on appeal lodged 26/6/89)

EPF/0242/90 - Revised application for a replacement storage building with ancillary offices. Unit 2 – approved/conditions 04/06/90

EPF/0508/97 - Single storey extension to office building. Unit 1 – approved/conditions 14/07/97

EPF/0235/98 - Demolition of existing commercial buildings and lean to and replacement with single detached commercial building. Unit 2 – refused 21/04/98

EPF/0926/98 - Demolition of existing buildings and erection of single replacement office and store building. Unit 2 – refused 05/10/98

EPF/0016/99 - Demolition of detached building and erection of new pitched roof single storey building for use as workshop and store. Unit 2 – approved/conditions 16/04/99

EPF/1137/00 - Change of use of industrial/storage unit to childrens day nursery – approved/conditions 15/11/00

EPF/0432/02 - Extension to unit No. 8 and provision of additional unit between unit Nos. 7 and 8 for Class B1/B2/B8 use – refused 31/05/02

EPF/1947/02 - Extension to unit No.8 and additional unit between unit Nos.7 & 8 for B2 use – refused 22/11/02

EPF/0975/03 - Proposed change of use and replacement of pitched roof with flat roof to covered area and small extension to accommodate day nursery. Units 15/15A – approved/conditions 25/07/03

EPF/0169/04 - Erection of first floor extension on existing flat roof storage area. Formation of car park to side of property. Unit 1 – approved/conditions 28/05/04

EPF/0954/05 - Retrospective application for security fencing to vehicle compound – approved/conditions 17/08/05

CLD/EPF/1318/05 - Certificate of lawfulness for use of units 15A & 15B for lorry van, and car parking and storage – lawful 25/10/05

EPF/1805/06 - Security fencing over 2 metres high for security of parking cars, vans and lorries and storage container with temporary roof – refused 23/08/07 (allowed on appeal 04/04/08)

EPF/0170/13 - Demolition of existing store and erection of office building. Unit 9 – approved/conditions 22/03/13

**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

CP8 – Sustainable Economic Development

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

RP4 – Contaminated Land

U2B – Flood Risk Assessment Zones

DBE1 – New Buildings

DBE2 – Impact of Buildings on Neighbouring Property

DBE4 – Design and Location of New Buildings within Green Belt

DBE9 – Amenity

NC4 – Protection of Established Habitat

LL10 – Retention of Trees

LL11 – Landscaping Schemes

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.

The site is identified in the Epping Forest District Draft Local Plan Consultation October 2016, as site ELR-0093 – an employment site identified for intensification. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

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

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

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

- There is a general concern as to how many units are being demolished and exactly where they are situated – it is not clear on the plan.
- Concern at the number of units to be created and also the number of parking spaces.
- It looks as if some of the parking spaces are being created in front of where units have roller shutters – how is access going to be carried out to those units.
- There are currently a lot of problems with parking in Thornwood Common and this increase in units would exacerbate the parking and could mean cars parking on the side roads. This would have a detrimental effect to the safety of residents in Thornwood Common.
- Trees have already been removed from the site without permission.
- The height of some of the proposed buildings – ie one and a half storeys and two storeys – will be overbearing and out of keeping with what is already there.
- This represents an overdevelopment of the site.
- Concern at open air storage.
- The highways report is very alarming, and the Parish Council Members feel that this was undertaken simply as a 'desk top exercise'. Members feel that Highways should visit the site and see their concerns first hand, and also meet with members of the Parish Council and a small number of local residents.

CPRE – **Comment** that there is a need for suitable commercial sites within the district where various businesses can operate in pleasant surroundings to provide local employment opportunities and make a valuable contribution to the economic viability of the area. However hope that high environmental standards are met, the impact on the Green Belt is fully considered as is the impact on Epping Forest. Also comment on drainage, sustainable transport options, highway hazards from deer, air pollution and fast broadband connection.

THORNWOOD ACTION – **Object** to the increased noise, increased road traffic and feel that traffic calming measures should be installed in Woodside.

BEECROFT HOUSE, WOODSIDE – **Object** as they previously successfully appealed to the Traffic Commissioner against a GVOL Variation application to increase the number of permitted vehicles. The site already has full capacity of commercial traffic and the local vehicular concerns are now worse.

6 BRICKFIELD COTTAGES, HIGH ROAD – **Object** as the ECC Highways comments raise no objection on the basis that there would be no increase in use, however there would be 3,219m<sup>2</sup> net additional floorspace. This will inevitably result in increased traffic and parking requirements. Also the proposal would impact on biodiversity of the adjacent SSSI site.

37 UPLAND ROAD – **Object** due to increase traffic concerns.

13 WOODSIDE – **Object** as Woodside is already a rat-run and more traffic would be unbearable.

UNIT 4C, WOODSIDE ESTATE – **Object** to the number of proposed units, the overdevelopment of the site, the noise and disturbance, the lack of parking provision, highway safety concerns and the environmental impact this would have.

3 CHIPPENDALE COTTAGES – **Object** due to the removal of existing trees, the impact the development would have on surrounding residents, the impact on biodiversity, and the increase in traffic.

2 THE POULTONS, WOODSIDE – **Object** due to increased traffic and the impact on highway safety.

41 DUCK LANE – **Object** as this would be overdevelopment of the site, there are already traffic problems on Woodside, there should be noise restrictions and opening hour restrictions imposed, this may impact on highway safety and the free flow of traffic, and feel that no chemicals should be allowed on the site.

18 FOREST GROVE – **Object** due to increased traffic and as this would impact on the existing parking problems in the area.

CHELMWOOD, WOODSIDE – **Object** due to an increase in traffic, impact on the Green belt, and due to the presence of protected trees.

CEDAR COTTAGE, WOODSIDE – **Object** as two storey units would be out of character with the site, this would result in more traffic, and no adequate provision has been made for extra parking on site.

THE OLD FARM, WOODSIDE – **Object** due to the impact on the Green Belt, the size of the building would increase their visual impact, as this would result in increased traffic, and due to parking concerns.

44 DUCK LANE – **Object** as this would impact on highway safety.

42 DUCK LANE – **Object** as this will lead to an increase in traffic, is in the middle of the forest and would result in increased pollution and environmental damage, and due to the impact on trees.

29 DUCK LANE – **Object** as this would lead to an increase in traffic.

BEE HOUSE, WOODSIDE – **Object** as parking and deliveries will become even more congested and will lead to overflow onto the road.

NO ADDRESS GIVEN – **Object** to the increase in traffic.

UNIT 14J, WOODSIDE ESTATE – **Support** the application as this will provide much needed business units on a well maintained small industrial estate.

10 WOODSIDE CAMP (CHILDRENS DAY NURSERY) – **Support** the application as it will enhance the site and provide a smarter landscape.

55 FENTON GRANGE – **Support** the application as it creates more jobs and opportunities in the community.

UNIT 4G, WOODSIDE ESTATE – **Support** as this is a much needed renovation.

UNIT 14B, WOODSIDE – **Support** as this will benefit the site and all that work around this area.

UNIT 6C, WOODSIDE ESTATE – **Support** as this is a well-run site and occupants have been kept up to date throughout the process.

UNIT 6B, WOODSIDE ESTATE – **Support** and welcome additional units, however would like to ensure that there is enough parking provided on site.

UNIT 4F, WOODSIDE ESTATE – **Support** as this will create more jobs and encourage small businesses to developed within the local area.

UNIT 4A, WOODSIDE ESTATE – **Support** as this will improve the appearance and use of the site.

UNIT 4, WOODSIDE ESTATE – **Support** as this would improve and establish the site.

UNIT 14C, 14D AND 14E, WOODSIDE ESTATE – **No objection** as this will enhance the area and the local economy.

THE BEEHIVE, WEST STREET, GRAYS – **Support** the application as it would enable them to locate a site within Epping Forest which they have been seeking for some time. There is currently nothing else suitable available in or around this location regardless of cost.

UNIT 16, WOODSIDE ESTATE – **Support** the application as there is a lack of available commercial space in and around Epping and this would provide greater availability and affordable rentals for new and growing businesses.

UNIT 8, WOODSIDE ESTATE – **Support** as this will improve the existing site and will provide additional employment opportunities.

8 WOODSIDE BUSINESS PARK – **Support** as the existing premises on the site are not fit for purposes and the proposed development will benefit the site, the local economy, community and employment prospects.

UNIT 14A, WOODSIDE ESTATE – **Support** as this will provide more job opportunities for local people.

UNIT 5, WOODSIDE ESTATE – **Support** as this will be beneficial and improve employment in the area.

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

Whilst the submitted application is for outline planning consent all matters except landscaping (with the exception of tree protection) are to be determined. As such everything except the provision of new landscaping is currently under consideration.

The proposed development would create additional employment units within a long established industrial estate and therefore would create additional employment opportunities and would be economically and socially sustainable. Furthermore several current occupants of the site, along with interest business representatives, have expressed support for the proposal as it would provide additional commercial accommodation to meet the identified needs within the District. These factors weigh in favour of the development and should be given significant weight in the application.

It should also be noted that the site is identified in the Draft Local Plan Consultation as site ELR-0093 – an employment site identified for intensification. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

The key considerations in this application are the impact on the Green Belt, highways safety and parking considerations, impact on surrounding residents, the design and visual impact of the proposal, the impact on protected trees, and the impact on biodiversity.

Principle of development in the Green Belt:

The application site is a long established commercial site that has been in use for several decades. As can be seen in the planning history various commercial uses and developments have been approved since as early as 1951. As such this site would clearly constitute previously developed land as defined within Annex 2 of the National Planning Policy Framework.

The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, including:

- *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 key consideration in this exception to inappropriate development is whether the proposal constitutes a 'limited infilling' or a 'partial or complete redevelopment' of the site. Whilst the proposal would involve some demolition/replacement of existing buildings the proposed new units would be situated within the confines of the existing industrial estate and surrounded by existing (retained) buildings. As such it is considered that the proposed development would constitute 'infill'.

Since it is almost impossible to provide infill without having a greater impact on the openness of the Green Belt it is not considered that the last sentence of this exception caveats 'limited extensions'. Nonetheless the proposed buildings would be contained within the confines of the existing, historic industrial site and would be viewed within the context of the existing, retained buildings. Therefore whilst the proposal would result in increased built form on the site this would have a relatively minor physical impact on openness and as such it is considered that the proposal would not constitute inappropriate development within the Green Belt.

Whilst only limited weight can be given to the Draft Local Plan and no spatial options have yet been identified for employment sites within this document the application site is identified within the Draft Local Plan as an 'employment site identified for intensification'. This should be given some, albeit limited, weight in favour of the proposal.

Highway safety/parking:

One of the key concerns of surrounding neighbours is regarding highway safety and traffic impacts. The application has been assessed by Essex County Council Highways who have responded stating that "*from a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it 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*".

Concern has been raised by neighbours since the informative on this states "*the site benefits from existing accesses which provide good visibility and geometry onto Woodside and as the proposal is only to modernise the site and not increasing the amount of use, there will be little if any*

*highway impact'* (my emphasis). However as is evident in the proposed submission there will be some 3,219m<sup>2</sup> of additional commercial space added to the site. Following these comments a discussion was held with the Highways Officer highlighting that there would be additional commercial units provided on site. Nonetheless, given the existing one way system and quality of the existing access points to the site it is still considered that the proposal would not raise any objections in terms of highway safety or the free flow of traffic on Woodside.

The Essex County Council Vehicle Parking Standards recommends a maximum of 1 space per 30m<sup>2</sup> for B1 use buildings and 1 space per 150m<sup>2</sup> for B8 use buildings. Since the proposal would result in an undefined net increase of 3219m<sup>2</sup> the maximum parking provision for the site would range from between 22 to 108 off-street spaces. It is proposed to provide an additional 63 spaces, which raise the existing 66 parking spaces that currently serve the 3420m<sup>2</sup> of existing B1/B8 use on the site to 129 spaces.

As can be seen above the current off-street parking provision on the site is 1 space for every 51.8m<sup>2</sup> of B1/B8 use and the proposed development would largely retain this by providing 1 space for every 51.5m<sup>2</sup> of B1/B8 use. Since this figure lies between the two stated recommendations, both of which are maximum standards, it is considered that the level of off-street parking provision proposed is acceptable in this instance.

#### Neighbouring Amenity:

The only immediately adjacent neighbouring residents to the site are Honeysuckle Cottage and Woodlands, with Chestnut Cottage being on the adjacent side of Woodside. The closest new building to these properties would be Building E, which would replace an existing part single storey/part two storey structure and would measure a maximum height of 7.8m with a shallow pitched roof pitching away from the adjacent neighbours.

This building would be located a minimum of 3.6m from the shared boundary with Honeysuckle Cottage and over 28m from the closest point of the neighbouring dwellinghouse. Given these distances and the presence of the existing preserved boundary trees it is not considered that this building would cause any significant adverse impact on the amenities of the neighbours.

All other proposed new buildings would be located within the existing industrial estate well away from any surrounding neighbours. Whilst the provision of additional units would result in an increase in vehicle movements and activity on the site, given the long established and extensive existing use on the site it is not considered that this increase would create any excessive additional harm as a result of noise or general disturbance.

#### Design:

The proposed new buildings would range in height and be a maximum of two storeys with shallow pitched roofs. They would be utilitarian and industrial in design similar to the existing buildings already on the site. Whilst some of the proposed building would be slightly higher than the existing structures on the site the new buildings would be viewed within the context of the established industrial estate and in large parts would be well screened by existing trees and vegetation. Therefore the overall visual appearance of the development is considered to be acceptable.

#### Landscaping:

The proposal has been revised throughout the life of the application as a result of discussions with the Councils Tree & Landscape Officer. This has involved buildings being reduced in size in order to ensure adequate separation from preserved trees and the reduction and reconfiguration of the works to the south eastern corner to provide a single unit (instead of two as originally proposed) with no parking or roadways situated directly under the preserved trees in this part of the site.

Subject to a condition regarding tree protection, which would include the requirement to design any car parking under trees in a way to minimise impact to rooting areas, it is concluded that the proposal would be achievable without detrimental harm to or loss of existing preserved trees.

It has been highlighted by neighbours, and is known to the council, that some trees have been taken down on site recently, however none of the removed trees were subject to tree preservation orders and therefore these works were undertaken lawfully. Nonetheless, given the proposed development and additional built form that would result on the site it would be necessary to re-establish specific tree planting throughout the site following the loss of numerous good specimens in recent months and to assist in softening and screening the proposed development. However since landscaping is the only matter reserved in this outline application this matter is not under consideration in this application and would subsequently be dealt with at Reserved Matters stage.

#### Ecology:

The application is accompanied by an Ecological Survey that has been assessed by the Councils ecological officer. Subject to conditions there are no objections in respect of ecology.

#### Other considerations:

##### *Land Drainage:*

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 is required, which can be dealt with by way of a condition. The applicant is proposing to dispose of surface water by main sewer however the Councils records do not indicate a surface water sewer at this location. Therefore further details are required regarding surface water drainage, which can be dealt with by condition.

##### *Contaminated Land:*

Due to its former use as a military site and current use as an industrial estate there is the potential for contaminants to be present on site and therefore the contaminated land conditions are necessary.

#### **Conclusion:**

In light of the above it is considered that the proposed development would constitute the 'limited infill of a previously developed site' and would not have a greater impact on the openness of the Green Belt. Therefore the proposal would not constitute inappropriate development within the Green Belt. In addition the development would provide additional purpose built commercial units within an existing, well established industrial estate, which would assist the Council in providing adequate employment sites to meet an identified need.

The key concerns from neighbouring residents are regarding highway safety and parking provision, however no objection has been received from Essex County Council regarding access and sufficient off-street parking provision would be made in line with the current provision on site. The revised plans adequately address any concerns regarding the impact on preserved trees and the proposed new units would not have a significantly adverse impact on the amenities of neighbouring residents or the character and appearance of the area.

Due to the above it is considered that the proposed development complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and therefore the application 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***

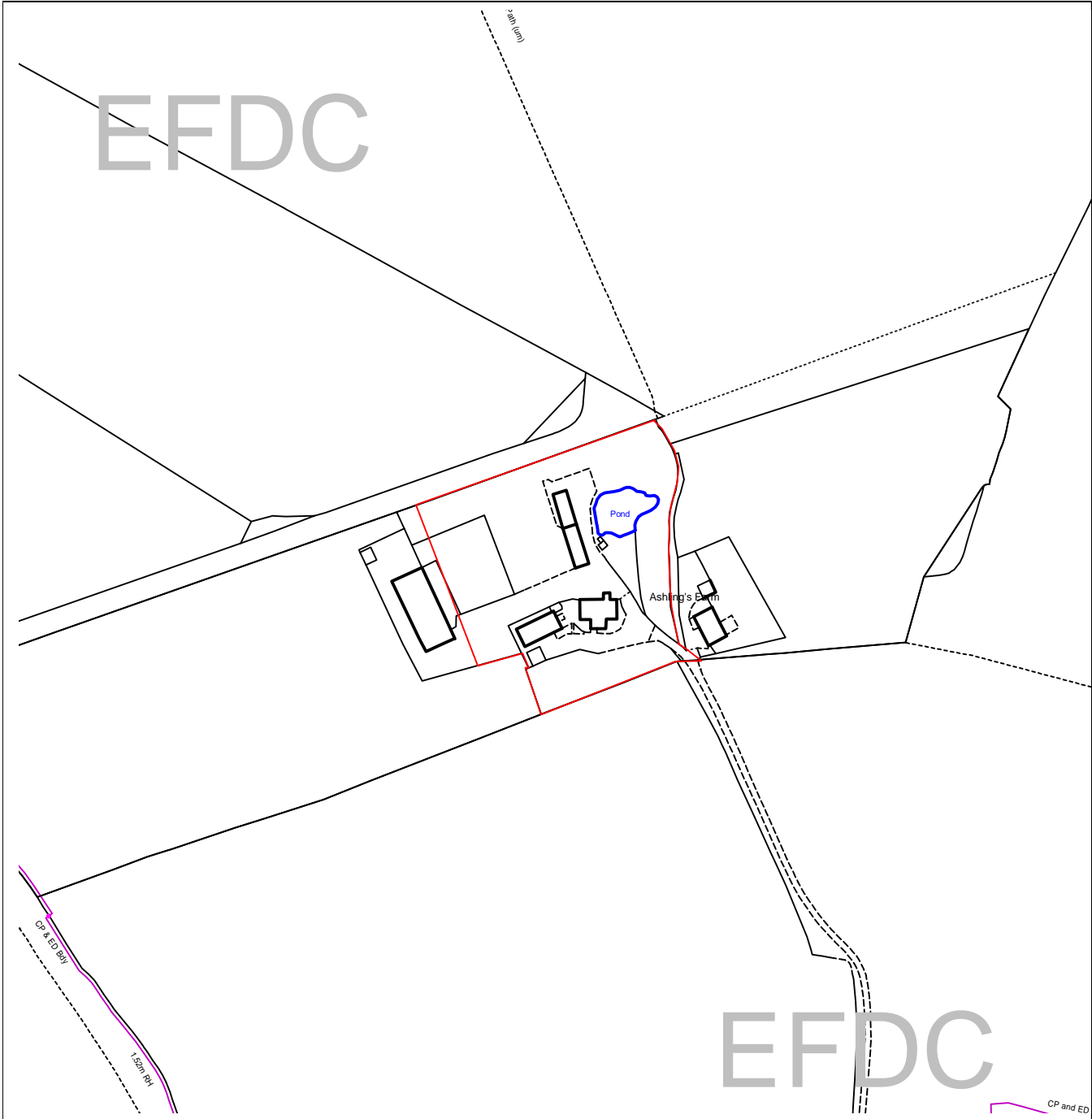
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Agenda Item Number 2



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/2235/16
Site Name:	Ashlings Farm House, Ashlings Farm Lane, High Ongar, CM4 0JU
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2235/16
<b>SITE ADDRESS:</b>	Ashlings Farm House Ashlings Farm Lane High Ongar Ingatestone Essex CM4 0JU
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	John McHale
<b>DESCRIPTION OF PROPOSAL:</b>	Application for variation of condition 18 on planning application EPF/2066/15 (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=586720](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586720)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 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, FLV\_350
- 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 The hard and soft landscaping scheme as agreed in writing by EPF/2731/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.
- 8 The Tree protection scheme as agreed in writing by EPF/2731/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.
- 9 The hard and soft landscaping scheme as agreed in writing by EPF/2275/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.
- 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 The habitat scheme as agreed in writing by EPF/2731/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.

- 18 The buildings shown to be removed on drawing FLV\_350 shall be demolished and removed from the site within three months of the first occupation of any of the new dwellings on plots 1, 2 or 3.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(i))

### **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 proposal is to vary condition 18 on planning application EPF/2066/15, which proposed the demolition of existing buildings on the site and 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.

EPF/2066/15 – Demolition of existing buildings and erection of three new dwellings. – Approved by Area Plans East.

### **Policies Applied**

GB2A – Development in the Green Belt

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

they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

9 Neighbours consulted – NO COMMENTS RECEIVED

High Ongar Parish Council – NO COMMENTS RECEIVED

### **Issues and considerations**

Condition 18 on the original planning consent required that:

*None of the dwellinghouses hereby approved shall be occupied until all three houses are constructed.*

*Reason:- To avoid the retention of the existing dwelling in order to restrict the level of development within the Metropolitan Green Belt, in accordance with the guidance contained within the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations.*

This was a condition which was expressly requested by Members of the planning committee above the recommended conditions. Its purpose was to ensure that the main farm house, which has a substantial volume and formed much of the justification for the previous consent, is demolished and removed from the site if the consent is carried out.

The applicant has requested that this condition is varied to read:

*The buildings shown to be removed on drawing FLV\_350 shall be demolished and removed from the site within three months of the first occupation of any of the new dwellings on plots 1, 2 or 3.*

*Reason: To avoid the retention of the existing dwelling in order to restrict the level of development within the Metropolitan Green Belt, in accordance with the guidance contained within the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations.*

This will allow greater flexibility for the applicant, enabling a phased development, whilst still ensuring that should the houses on either the swimming pool and stable building sites are built first they can not be occupied unless the larger main dwelling is demolished, which meets the purposes of imposing the previous condition, so there is no significant increase in development within the Green Belt.

### **Conclusion**

The proposed change to the condition does not result in any potential harm and achieves the purpose of the original condition and it is therefore recommended that the condition is varied.

***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:***

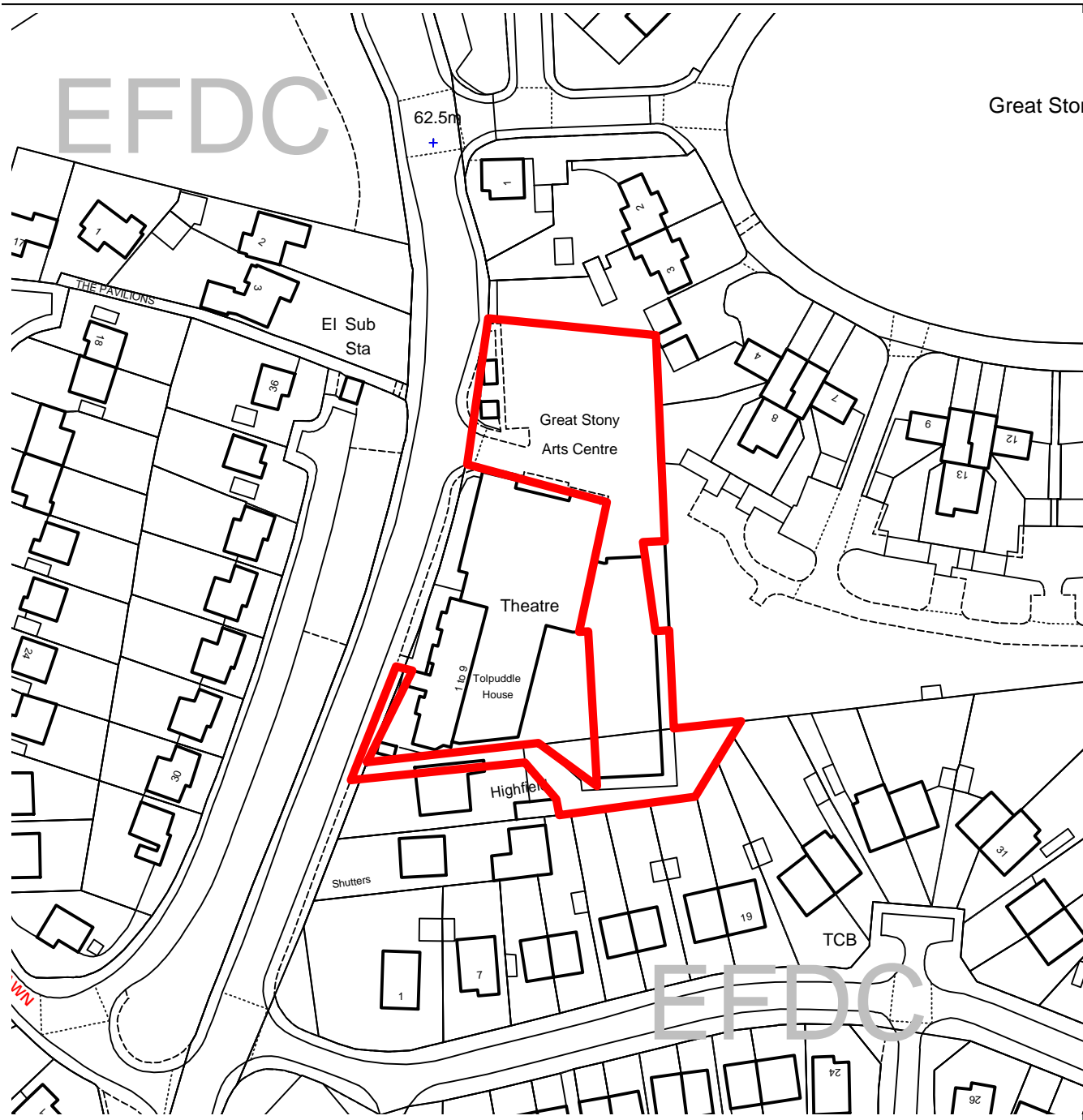
***Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564371***

***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



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2357/16
Site Name:	Zinc Arts, High Street, Ongar, CM5 0AD
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2357/16
<b>SITE ADDRESS:</b>	Zinc Arts High Street Ongar Essex CM5 0AD
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Zinc Arts
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of 'overnight stay' block to non-self contained studio flats with use of facilities shared with community arts centre.
<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=587393](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587393)

**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: 1720/1 - 4 inclusive, 5A, 6 and 7A
- 3 At least one of the residents communal rooms shown on the approved plans shall be available solely for residents use upon first occupation of the accommodation hereby permitted. The second communal room shall thereafter be provided, along with the external link canopy within 6 months of first occupation, unless otherwise agreed in writing by the Local Planning Authority. Communal facilities shall thereafter be retained in accordance with the approved details for the duration of the use.
- 4 Residents parking bays indicated on drawing 1720/7A shall be marked with resident parking signage prior to first occupation and shall thereafter be maintained as such for the duration of the use.

*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:**

Zinc Arts Centre occupies the former Great Stony school buildings on the east side of the High Street. Buildings comprise a mix of single and two storey elements; the original building comprises a mix of community and arts uses including teaching/workshop rooms, nursery, café and reception. There have been significant extensions to the originally including a theatre, additional rooms for centre activities and two x two storey residential blocks to the south; a frontage block managed and let by East Thames Housing Association for supported living and the application block at the rear. A car park lies to the northern end of the site comprising around 50 spaces.

The site is located within a primarily residential section of the High Street. Great Stony Park, the residential community to the north and east, lies behind a gated access to the north. The site lies within the Great Stony School Conservation Area and within the Green Belt.

### **Description of Proposal:**

The application relates to the rear of the two storey residential blocks which was built originally as an overnight accommodation block for people involved with activities at the centre. The accommodation is best described as being resembling modern budget en-suite hotel rooms comprising a bed, chair and desk and a number have wet room facilities in the bathrooms. A separate accessible bathroom is currently provided at ground floor and there are 25 rooms served off a central corridor.

Permission is sought for minor adaptations to be made to the building and to use it for more general housing. Each of the 25 rooms will be provided with a galley kitchenette. Residents facilities will include two lounges or activity rooms, one on the ground floor of the building replaces the current accessible bathroom and a second in the rear of the main building accessed from the rear via a laundry room available to all residents – a canopy is shown linking the two elements. Main access to the building will be from the courtyard area via a side access around the frontage block.

Nine parking spaces within the main car park are identified as being allocated for residential occupiers.

It should be noted that the application has been amended to remove reference to the variation of a section 106 agreements that limits use of the buildings on the site to purposes connected with community arts or ancillary purposes. This was included in the application description (see consultation responses below) but has been removed both for procedural reasons – a section 106 agreement cannot be amended as part of a planning application and requires a separate application for alteration – and for further review of whether amendment is in fact required. The applicants have advised that their preference is not to amend the agreement.

### **Relevant History:**

The previous use of the site ceased in the 1990's. The residential buildings in Great Stony park were separated from the wider site and converted to houses under application EPF/1561/97, the section 106 agreement referred to above was attached to this permission.

Applications specifically relating to the arts centre use comprise:

- EPF/1627/98 Change of use of land and buildings from school/playground to arts and education centre with car park, plus minor external alterations - approved.
- EPF/1859/08 The demolition of existing outbuildings and small area of single storey rear addition to main arts centre building and new extensions to provide fully wheelchair accessible additional teaching rooms, multi purpose studio, overnight stay

accommodation, dining facilities, supported housing (9 flats), cycle and car parking spaces, gardens and new vehicular access from the High Street - approved.

**Policies Applied:**

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
GB2a	Development in the Green Belt
GB8a	Change of use or adaptation of buildings
GB16	Affordable housing
CF12	Retention of community facilities
DBE9	Loss of Amenity
ST6	Vehicle parking

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

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

Date of site visit: 04 November 2016  
Number of neighbours consulted: 42  
Site notice posted: 04 November 2016  
Responses received: 29 objections have been received and one response supporting the proposals. Objections have been received from the following locations (Ongar addresses unless otherwise identified)::

- Great Stoney Park – 3, 5, 9, 13, 18,20 and 55.
- Great Lawn – 4, 15, 19, 23 and 34
- High Street – Braeside, Woodbine Cottage, 75 and 1,2 and 5 Highfield Place
- Bowers Drive – 30
- Fyfield Road – 59
- London Road – 135
- Mayflower Way – 28 & 39
- Roding View – 9
- Rodney Road – 2
- The Pavilions – 3
- Victoria Road – 3

In addition, 7 Torrells Hall Cottages, Shellow Road Willingale and Queen Anne Cottage, Greensted Road, Greensted.

The letter of support is from occupier of 9 Fairbank Close, Ongar.  
Objectors have raised the following issues:

- Objections to the variation of the s106 agreement – residents were concerned that this affected other properties bound by the legal agreement and would remove any control on the use of the land for general housing. Comment – as referred to above, the issue of the s106 agreement is no longer part of the application and is being addressed separately. The legal matters do not affect Members abilities to determine the planning merits of the case.
- Parking – some residents comment that parking at the centre is inadequate at peak times and the introduction of residential parking would exacerbate the issues.
- Amenity issues, around potential noise disturbance from occupiers within the building and,

particularly in relation to the adjacent flats to the south, from the new access to the accommodation.

- Green Belt and Conservation Area issues – residents question the suitability of the development in the context of the site falling within both and what impact the development has on the overall character of the area..
- Appropriateness and character of the use – objectors raise issues around the nature of the accommodation, in terms of the standard of the units in terms of housing standards, conflicts with other activities on and users of the site and the nature of the use which some have referred to being akin to a hostel.
- General accessibility issues – concerns are raised as to whether the location is accessible for the model of car capped development effectively being proposed and the implications thereof for future residents.
- Loss of original site concept – some objections refer to the concept of the centre and how this may be affected by the loss of the existing facilities for specialist courses and the impact a more intensive residential use has on the arts centre function.
- Viability of concept – a number of objectors raise concerns at the viability of the model being proposed by the applicants – in particular is there a genuine demand amongst the target groups for units of the size proposed and what happens if the concept does not attract the level of occupation envisaged.
- One objector, understood to be a former officer at the centre has specifically queried the applicants submission on the financial case.

The submission in support of the application comments that the site is close to the town centre and requires only minor works which will have limited impact, the scheme is supported for providing low cost homes in a secure environment.

Parish Council: Ongar Town Council objected to the application with regard to the variation of the S106 agreement; the Committee made no other comments on the scheme. In the light of this element having been removed from the application, officers consider the Town Council have no objection.

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

The applicants have submitted that the current proposal is the culmination of an extended period of review of the operation of facilities at the site. They advise that under the terms of the funding received to improve the facilities including building the residential elements, their current repayment and interest free periods end in March 2017 and the Trust finds itself currently in a position where this funding will have to be serviced if the centre is to remain operational. Failure to adequately address this may have implications for the continued existence of the centre. Efforts to meet these requirements are somewhat hampered by the general financial climate in which the centre operates whereby it has seen a reduction in its broader funding as a result of the loss of grant aid in recent years being experienced by all in the sector. The lack of success of the present use (the annual occupancy of the facility is around 16%) has also meant that it has not generated the income that was originally modelled and was anticipated may contribute to the servicing of the ongoing financial demands. Funding has now been secured to carry out the adaptations referred to in the application but it should be noted that this is time limited will cover only minimal adaptations to the building.

In developing the current proposals the Trust have considered a range of options for more viable uses. These have included discussions with the Council, County Council, charities and housing providers over a range of options including, other leisure related occupation, care facilities and specialist supported housing without success.

The Trust have established a community interest company to manage the property if the use proceeds. The Chair of the Trust will also act as Chair of the new company (Group 12) and a number of board members will sit on both boards. Day to day management will be linked in to the Arts Centre's present management – a duty manager is on the site at all times while the centre is open and external agents deal with out of hours issues. A detailed tenancy agreement has been prepared, based on a model used by East Thames for the frontage units. The applicants state their view that the tenancy agreement introduces additional controls of residential tenants that are not available to them under the current use.

As Members are aware, financial considerations can be treated as material to planning decisions. While one objector argues that the financial model put forward by the applicants may be resolved by other means (for example restructuring the debt in light of financial conditions to seek to secure further charge free periods), such alternatives are not before Members, nor is there any evidence this is achievable. Officers consider that the applicants financial arguments should be acknowledged and given due weight, including concerns as to the future of the centre if alternative resource cannot be generated.. It is broadly acknowledged that arts funding has declined over a number of years and that facilities such as this must look at increasingly varied means of generating income to meet future costs. The existing use of the building does not generate sufficient revenue to justify its retention and alternative uses should be considered if they contribute to the overall viability of the community uses.

As to the use itself, there would appear no obvious reason to object to the principle of a residential use of this nature within the building. While the site is within the Green Belt boundary, it is close to the town, capable of use without major adaptation and does not have a materially greater impact on the Green Belt; thus it is consistent with policy GB8a subject to amenity and parking considerations below. The alterations to the building have no physical impact on the Conservation Area.

In wider amenity terms, officers have had regard to the similarities between the existing and proposed. There is no increase in the number of rooms overall, and the existing use permits occupiers to be resident at all times of the day and night. The addition of basic facilities to the rooms and the loss of the direct link to users of the centre (notwithstanding the Trust's intentions to encourage residents to participate in their activities by offering discount vouchers for use in the centre) will make only limited changes to the potential pattern of occupation. While activity will inevitably increase given the low occupancy of the building at present, this is a result of the lack of success of the existing model rather than anything connected to the character of the use. It is therefore difficult to argue in land use terms that the nature of the proposed use is so far removed from what is currently permitted to justify that residential amenity will be substantially harmed.

Similar arguments arise over issues of parking in that the existing accommodation use shares the car park with other uses in the centre. There is nothing in particular to suggest that those who would currently use the building are any more or less likely to rely on a car than those who may occupy the building in the future. Allocating a parking area for residential occupiers takes a realistic approach to the need to manage the site.

A number of objections refer to the standard of accommodation, both in terms of housing standards, local need and accessibility. While issues around need are to some degree market led, the offer would appear to be unique in the area and would provide accommodation which local agents have advised there is demand for. The applicants advise that as a result of publicity for the scheme, they have also received expressions of interest. The site is no more or less accessible than any other part of Ongar town centre; local bus services link to other parts of the District and beyond. The units are not designed to meet national housing standards, but are aimed at a different market to permanent dwellings to which these standards are usually applied and any assessment on this issue would be misleading. The individual units provide a reasonable standard

of facilities for individuals and communal spaces are available to residents as well as access to the centres facilities and activities.

### **Conclusion:**

Officers consider that the financial circumstances of the centre are a significant factor in the development of the proposals and as a result the consideration of the application. The prospect that the arts and community use may not be able to survive without the income generated by this use is in your officer's view material and provides unique and special circumstances in determining this application.

In terms of considering issues around the potential impact of the change of use, Members should have regard to the differences between the existing permitted use and the proposal and not be unduly affected by the current levels of activity. In this regard, the existing building contains the same number of rooms that could lawfully occupied 24 hours a day by occupants who may have access to vehicles that they wish to park on site. In this context, the changes are minor and do not in officers view amount to a significantly more intrusive use.

It is evident that the key to allaying neighbouring resident's fears is that the accommodation is adequately managed. Assurances are in place in that there are links between the arts centre Board and the community interest company established to manage the accommodation and that day-to-day management will be directly linked. Members can be further assured that the continued interest of the arts centre are best served by good quality management of the whole site.

Members should also note that approving the planning application does not directly affect the existing section 106 agreement relating to the broader use of the building. This remains the subject of ongoing discussions and if it is concluded that the s106 agreement requires revision, this would need to be the subject of a separate application.

It is recognised that the issues in this case are finely balanced. A direct comparison between a fully operational use suggests that there are limited difference between the uses that in land use terms are not sufficient to argue that the use is unacceptable , and do not outweigh other arguments in favour of the application in terms of the diversity of the housing stock and the financial considerations for the centre.

***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***

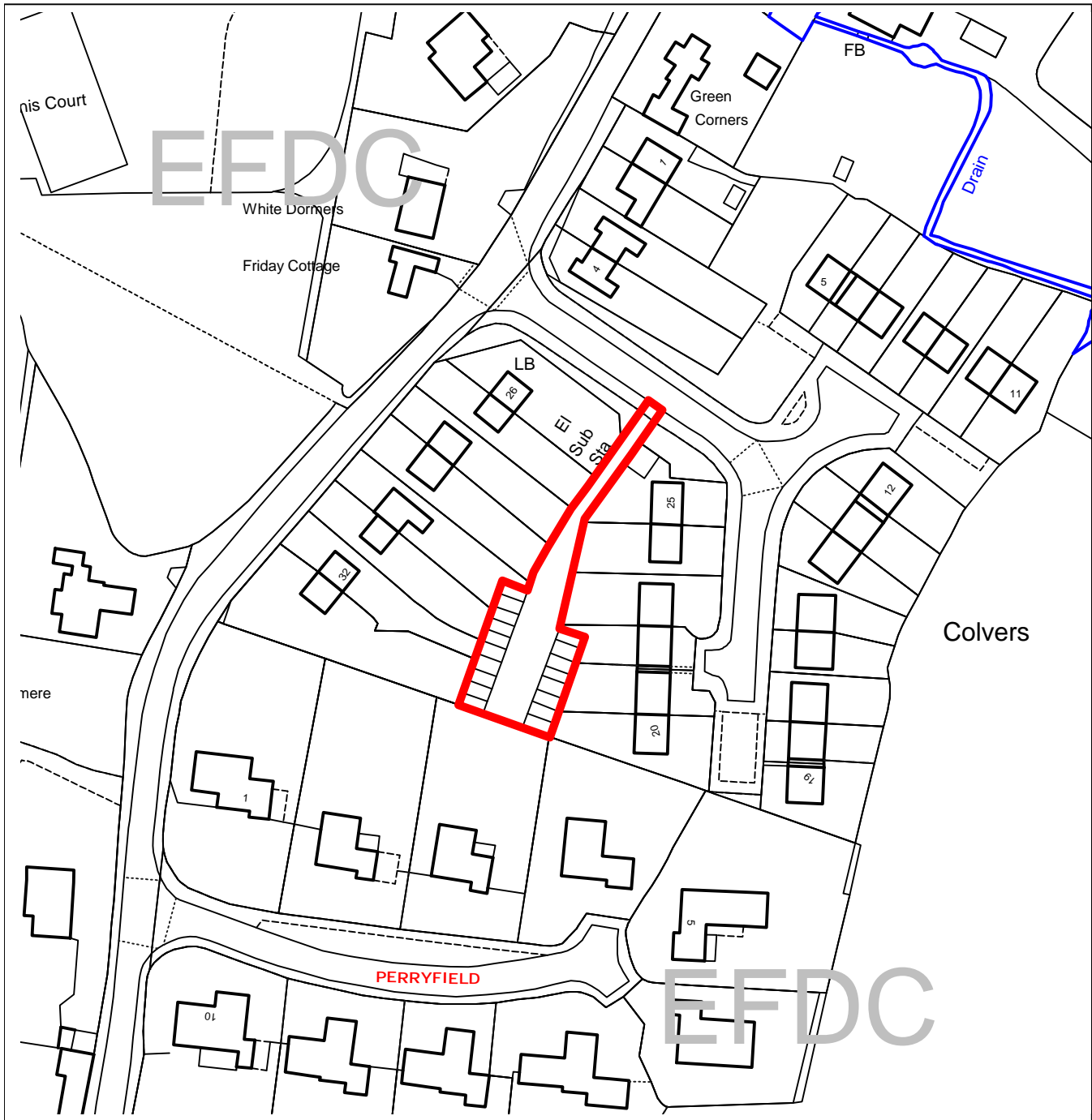
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

THIS PAGE IS INTENTIONALLY BLANK



# Epping Forest District Council

## Agenda Item Number 4



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2368/16
Site Name:	Land and garages adjacent, 25 Colvers, Matching Green, CM17 0PX
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2368/16
<b>SITE ADDRESS:</b>	Land and garages adjacent 25 Colvers Matching Green Essex CM17 0PX
<b>PARISH:</b>	Matching
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	East Thames
<b>DESCRIPTION OF PROPOSAL:</b>	2 affordable homes with 10 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=587473](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587473)

**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: 612 084 PL01 A, 612 084 PL02, 612 084 PL03 C, 612 084 PL04, 612 084 PL05 A, 612 084 PL06 A, 612 084 PL07 A, 612 084 PL08 B, 612 084 PL09 A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place 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 Prior to first occupation of the development the vehicular access to the proposed parking off of Colvers shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped



kerb vehicular crossing of the footway.

- 7 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.
- 8 There shall be no discharge of surface water onto the Highway.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10 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]
- 11 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]

- 12 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]
- 13 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.
- 14 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.
- 15 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.
- 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.

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

**Description of Site:**

The application site is currently occupied by 18 garages located behind No's 26-34 Colvers to the west and 20-25 Colvers to the east. Access to the site is from the north. The site is within the village of Matching Green, and located within the Metropolitan Green Belt.

**Description of Proposal:**

Consent is being sought for the demolition of the existing garages and the erection of 2 semi-detached dwellings. These would both be affordable dwellings.

The proposed dwellings would be one-and-a-half/two storeys in height with a mono-pitched roof and two rear dormer windows. The two dwellings would measure 13.1m in width and a maximum of 9m in depth, however the first floor, which is set within the mono-pitched roof, would partially overhang the front elevation but be offset from the rear elevation.

The development would provide 10 off-street parking spaces and associated access and amenity space.

**Relevant History:**

None

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
H5A – Provision for affordable housing  
H6A – Site thresholds for affordable housing  
H7A – Levels of affordable housing  
GB2A – Development in the Green Belt#  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking

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

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

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

PARISH COUNCIL – Object on grounds of not in keeping with the area and the prime need for the area is parking provision and it would be a better option to demolish the garages and provide parking spaces. The scheme is not cost effective and will not meet the needs of the residents.

PETITION SIGNED BY 25 RESIDENTS – Whilst there is no objection to the building of two new houses the residents need more parking. Suggest that instead of 4 new parking spaces on the grassed area 6-10 are provided.

2 COLVERS – Object as the design of the dwellings would not be in keeping with the area and due to the impact on the existing parking problems in the locality.

3 COLVERS – Object as this would exacerbate existing parking problems, as the design of the dwelling is not in keeping with the area, and since this would cause overlooking to neighbours.

4 COLVERS – Object as there are already parking problems that would be exacerbated by the development, highway safety concerns, and due to the noise nuisance during construction.

11 COLVERS – Whilst there is no objection to the building of two new houses the residents need more parking. Suggest that instead of 4 new parking spaces on the grassed area 6-10 are provided.

12 COLVERS – Object due to existing parking problems that would be exacerbated by this development.

13 COLVERS – Object due to the impact on parking and highway safety.

16 COLVERS – Object due to overcrowding and increase in road use and parking. Also there is not adequate public transport in the area and the new dwellings would overlook neighbouring properties.

21 COLVERS – Object due to the impact on the existing parking problems and highway safety, the loss of a view, and due to the loss of light and privacy.

22 COLVERS – Object due to the impact on parking in the locality.

23 COLVERS – Object as they would lose their secure garage that is currently in use and the parking situation in the area is already unacceptable. This would be worst if the garages are demolished. Also concerned about overlooking.

24 COLVERS – Object due to existing parking problems that would be exacerbated by this development, the impact additional on-street parking would have on highway safety, since all of the garages are in use, the proposed allocated spaces in the site would cause loss of privacy and noise nuisance, since using the green space for additional parking would impact on the safety of children, the new dwellings are higher than the previous garages and not in keeping with the area, the existing trees would detrimentally impact on the amenities of future residents, there is insufficient amenity space proposed, concerned about refuse problems, noise nuisance from new

residents, impact on the existing trees, feel that retaining the existing garage walls would be unsightly, concerned about construction traffic and disturbance, insufficient width of the access to the site, since their own calculations record highway levels of parked cars than those undertaken by the applicant, and since there is a long history of correspondence regarding parking problems in the area.

27 COLVERS – Object due to disturbance from future residents, the impact on on-street parking, the loss of privacy from the new dwellings, due to the noise and disturbance that would result from the development, and as the access road to the site is too narrow.

28 COLVERS – Object due to the loss of existing parking, overlooking from the new dwellings, loss of part of the green, and since Matching Green is not well served by public transport and local amenities.

29 COLVERS – Object as they would lose their existing garage which is in use, there would be a detrimental impact on parking in the area and suggest that part of the application could include dropping the kerbs of surrounding properties.

30 COLVERS – Object as the design of the houses is out of keeping with the area and since this would have a detrimental impact on parking in the locality.

32 COLVERS – Object due to the loss of views and overlooking from the new dwellings.

33 COLVERS – Object as the development is out of character with the surrounding bungalows and due to the parking and highway problems this would cause.

3 PERRYFIELD – No objection to the better use of the space and appreciate that the retention of the garage wall would cause less disruption to neighbours however request that during development contractors make every effort to maintain security to neighbouring properties.

8 PERRYFIELD – Concerned that whilst new council housing is necessary this should not be at the expense of parking provision.

9 PERRYFIELD – Object due to parking and highway concerns and the impact on childrens play area.

CAREMERE, HIGH LAVER ROAD – Object as this would exacerbate existing parking problems in the area.

ALPENROSE, HIGH LAVER ROAD – Concerned about parking and access to resident's properties but also about the loss of existing green space.

WHITE DORMERS, HIGH LAVER ROAD – Object due to the impact on parking provision, due to the removal of the existing trees, and as the style of the dwellings is not in keeping with the area.

NO ADDRESS GIVEN (HIGH LAVER ROAD) – Object due to parking and highways matters.

### **Issues and Considerations:**

The key issues within this application are the impacts on the Green Belt, the suitability of the site for such a development, highway/parking concerns, design/layout, and regarding amenity considerations.

#### **Green Belt:**

Whilst the application site is located within a built up village location surrounded by residential properties it is nonetheless 'washed over' by the designated Green Belt and therefore must be considered with regards to its impact on this.

The erection of buildings constitutes inappropriate development within the Green Belt however the National Planning Policy Framework provides a list of exceptions to inappropriate development. This includes:

- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *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.*

With regards to the exception of 'limited infill' the Council accepts that Matching Green is a village that can cater for additional infill properties. Whilst the site is not a traditional 'infill' since it does not follow a general pattern of development it is surrounded on all sides by existing residential properties and therefore would meet the exception of 'limited infilling in villages'.

In addition to the above, since the proposed new dwellings would both be affordable houses the development could be considered as 'limited affordable housing for local community needs'. However Local Plan policy GB16, which deals specifically with small scale affordable housing schemes within the Green Belt, gives a set of criteria that should be met in order for such schemes to be considered as 'rural exception sites'. These are:

- (i) there is a demonstrable social or economic need for the accommodation in the locality which cannot be met in any other way and which can reasonably be expected to persist in the long term. An application would be expected to be supported by the local Parish Council and a proper appraisal of need;*
- (ii) the development is well-related to the existing settlement and there is no detriment to the character of the village or the countryside, or to Green Belt objectives. Proposals involving extensions into the open countryside or the creation of ribbons or isolated pockets of development should be avoided. There should be no significant grounds for objection on highways, infrastructure or other planning grounds; and*
- (iii) suitably secure arrangements will be made to ensure the availability of the accommodation, as built, for initial and subsequent local needs households whose total income is insufficient to enable them to afford to rent or buy a dwelling of a sufficient size on the open market.*

Since the development is not supported by the local Parish Council and no specific information has been submitted with regards to 'local need' it is not considered that the proposal meets this exception to inappropriate development.

Given the existing use of the site this clearly constitutes previously developed land as defined in Annex 2 of the NPPF. The existing garages have a footprint of some 245m<sup>2</sup>. Whilst the proposed new dwellings would be two storey dwellings and would be higher than the garages which they would replace the overall floor area of these dwellings (across both storeys) would measure 192m<sup>2</sup>, which would be a 21% reduction in floor area. Therefore the proposal would meet this exception to inappropriate development.

Due to the above it is considered that the proposal would meet both the exception of 'limited infilling in villages' and the 'redevelopment of previously developed land' and therefore the proposal would not constitute inappropriate development harmful to the Green Belt.

Principle of the Development:

The application site is located within the village of Matching Green which is not well served by sustainable transport or local amenities. Whilst the NPPF and Local Plan promote sustainable forms of development and encourage new development (particularly housing development) in areas with good public transport links recent appeal decisions have clearly shown that this issue alone is not sufficient to outweigh the benefits of additional housing when a Council cannot demonstrate a five-year supply of land for housing.

The Council is currently consulting on a draft Local Plan where sites are being identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it is considered that this lack of a five year land supply, along with the provision of 100% affordable housing, outweighs the unsustainable nature of the site.

Affordable Housing:

There is no requirement for any affordable housing to be provided on a scheme of this size, however since the proposed development has been put forward on behalf of East Thames Housing Group and is located on Council owned land the development would provide 100% affordable housing. This would be of benefit to the overall housing provision within the district.

Since there is no requirement to provide affordable housing on this site, and as this is a Council led development, it is not necessary to secure this by way of a legal agreement.

Highways/Vehicle Parking:

A key consideration in this case is with regards to the loss of the garages, particularly in light of anecdotal evidence from neighbours regarding existing parking problems within the locality.

The submitted Transport Statement shows that 13 of the 18 garages are currently rented out, with 11 of these to people living locally. Since the submission of the application it has been confirmed that the vacancy rate stated as 5 has in fact now increased to 7, although it is not stated whether the 2 empty garages are those previously occupied by those living locally or those in 'distant use'.

With regards to the level of additional car parking required as a result of the loss of the garages, the Transport Statement highlights that:

*11. ...it can be seen that a total of 11 garages are utilised by residents local to the garage locations. It is highly likely that some of those who rent the garages use them for storage and will not require a replacement garage unit but instead utilise facilities more appropriate for storage. The percentage of users who do not keep a car in their garage is estimated to be around 78%. This figure is derived from data presented in the 'Mouchel residents study 2007' carried out for Essex CC.*

*12. There are currently no available spaces in local EFDC owned garages. Therefore on the assumption that 22% of the garage users are likely to use the garages for car parking, there could potentially be parking transference of two vehicles from garages to on-*

*street parking. The provision of four additional on-street bays could accommodate this demand*

A parking survey has been undertaken within the locality of the site and the results of this survey are expressed in terms of 'parking stress' with Colvers having an observed parking stress of 81%. This is already above the typically acceptable threshold level of 80% and therefore it is accepted by the applicants that any additional on-street parking within Colvers would further increase the parking stress beyond acceptable levels.

The displacement of two cars onto the street would raise the existing parking stress from 81% to 89%, which would be considered unacceptable. It is due to this that an additional 4 parking bays are proposed on the existing green area to the north of the site. This would enable the 2 off-set parking spaces to be accommodated without adding to parking stress.

Essex County Council Highways have assessed the submitted information and have concluded the following:

*The Highway Authority is satisfied that any displaced parking will not be detrimental to highway safety or efficiency as a result of the development. The submitted Transport Statement (TS) has shown that the very worst case scenario demonstrates that on-street parking levels will not reach an unacceptable amount. Although the Highway Authority does not necessarily endorse on-street parking, the reality is, there will be fewer vehicles actually displaced from the garages than the worst case scenario, as a reasonable proportion of them will not be used for parking in. Furthermore the proposal is providing an additional 5 parking spaces off street.*

*The proposal will not increase vehicle movements along the accessway above the level of the previous use, operating at full capacity, and there is also sufficient turning provided within the site.*

*Consequently the proposal will not adversely affect highway safety or efficiency.*

The proposed development would provide 10 parking spaces as part of this development. This goes well beyond the requirements of the Essex County Council Vehicle Parking Standards of 2 parking spaces for each dwelling plus a single visitor parking space. Therefore, despite concerns raised by the neighbouring residents, it is concluded that the proposed development would not be contrary to Local Plan policies ST4 and ST6 or the Highway Authority's Development Management Policies.

Concern has been raised by some neighbouring residents with regards to the width of the access to the site and its suitability for the development. The access to the site is single lane and therefore would not allow for vehicles to pass. Notwithstanding this, since no objection has been raised by Essex County Council regarding this matter it can only be assumed that this size access is appropriate for the proposed development. This would likely be due to the low number of proposed houses compared to the existing use of the site and the level of vehicle movements that could theoretically result from 18 garages.

#### Design:

The proposed new dwellings would be relatively modern in their design with mono-pitched roofs, timber cladding and a sedum roof. Whilst the provision of modern houses would not reflect the appearance of the surrounding dwellings (particularly the bungalows in Colvers), given the location of the new dwellings these would not appear within any specific street scene and therefore would not be viewed within the general context of the surrounding properties. As such it is considered



that a more contemporary design can be achieved on the site without detriment to the character and appearance of the surrounding area.

The level of private amenity space for the proposed dwellings would be 73.4m<sup>2</sup> for one property and 113.8m<sup>2</sup> for the other. The recommended levels of amenity space for each dwelling would be 60m<sup>2</sup> and as such both dwellings would have well in excess of the recommended levels.

#### Neighbouring Amenity:

The proposed dwellings would be located 6.6m from the rear boundaries of the neighbouring properties on Perryfield, which have rear gardens to a depth of around 20m. The boundary between the application site and these dwellings is heavily vegetated and the existing landscaping would be retained (particularly since most of this is within the neighbour's site).

The proposed dwellings would be located 2.2m from the shared boundary with No. 21 Colvers and 4m from the shared boundary with No's 31, 32 and 33 Colvers. Given the distances involved, the length of the neighbours gardens, and the overall height of the dwellings (which reduces down to 3.8m to the rear) it is not considered that the development would cause any excessive loss of light or outlook to these neighbours.

The proposed dwellings do include a single first floor flank window in each property facing towards the neighbouring properties however this is a secondary bedroom window clearly marked on the plan to be 'obscure glazed'. A suitable condition can be added to ensure the window is obscure glazed and fixed shut, which would adequately protect the amenities of neighbours.

Given the location and positioning of the proposed dwellings it is not considered that there would be any undue overlooking or loss of privacy to any other surrounding neighbours.

Concerns have been raised about potential noise and disturbance from future occupants of the site, however it is not considered that two dwellings would have any greater impact than the use of the site for 18 garages which, if used to full capacity, would result in significantly more vehicle movements than the proposed development.

Concerns have also been raised about disturbance and nuisance as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction.

#### Other considerations:

##### *Land Drainage:*

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

##### *Contamination:*

Due to the use of the site as domestic garages and the presence of made ground there is the potential for contaminants to be present on site. Since domestic dwellings with gardens are classified as a particularly sensitive proposed use an appropriate contamination assessment is required. As remediating worst case should be feasible it should be possible to deal with land contamination risks by way of condition.

Refuse Collection.

The plans include an area at the access to the site for the storage of refuse on collection day which meets the Councils requirements.

#### Trees

Concern was raised by one objector regarding loss of trees within a conservation area. The site is not within a conservation area and the trees are therefore not protected. 3 small category c trees of little amenity value are proposed for removal. The remaining trees including the large horse chestnut and two smaller ash trees at the access to the site, which are of amenity value are to be retained and protected during construction.

#### **Conclusion:**

The proposed development would meet the exception of 'limited infilling in a village' and 'the redevelopment of previously developed land' and therefore would not constitute inappropriate development within the Green Belt. Furthermore it would provide much needed affordable housing to assist in the Council meeting its five-year land supply.

Given the location of the proposal it is considered that the more contemporary design of the properties would be acceptable and the development would not result in any excessive loss of amenities to surrounding neighbours.

Although the proposed development would result in the loss of occupied garages the additional parking spaces proposed as part of the development would adequately accommodate any displacement from the existing garages.

Given the above, the proposed development is considered to be acceptable and therefore the application is recommended for approval, subject to conditions.

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

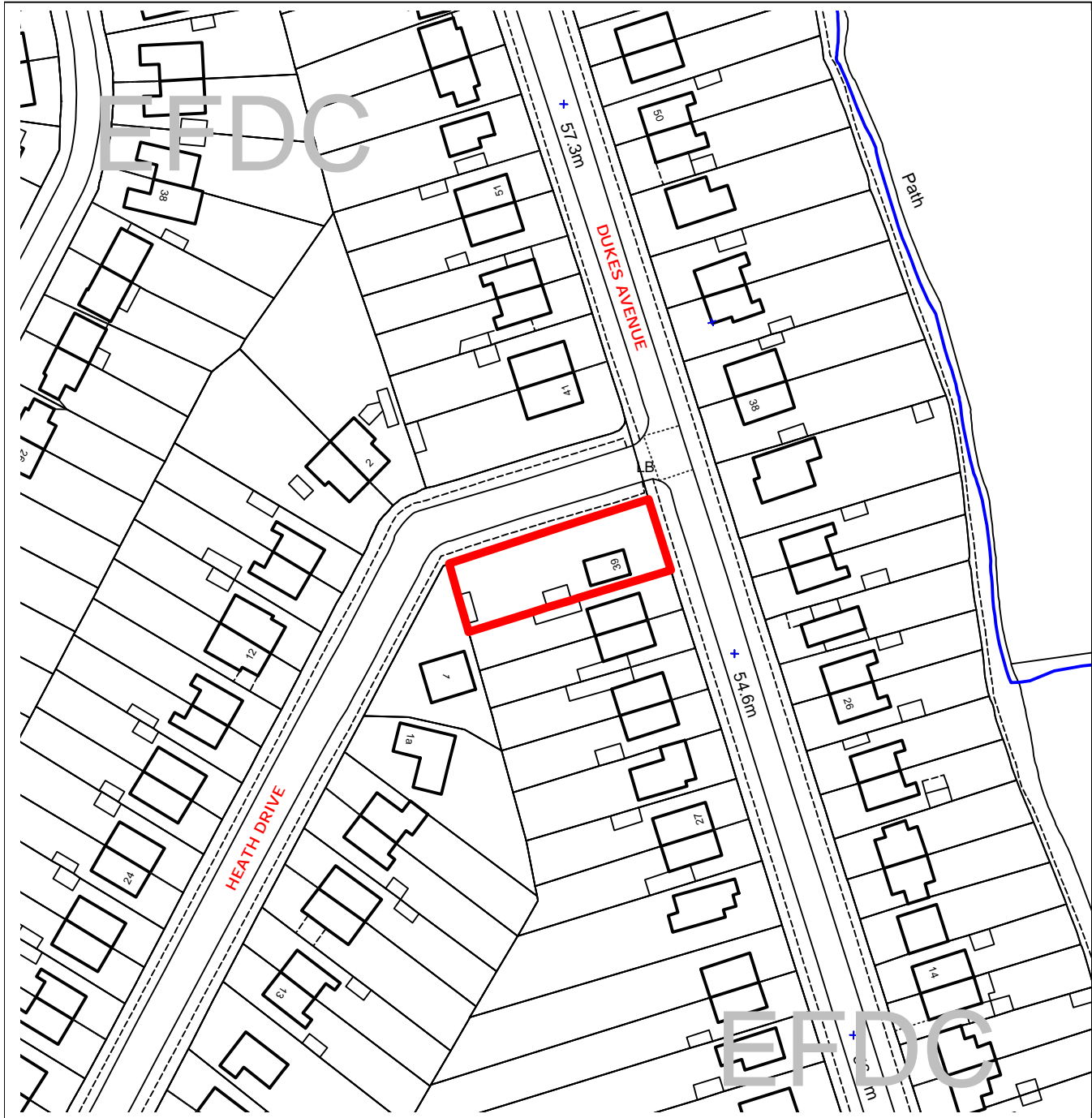
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 5



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2427/16
Site Name:	39 Dukes Avenue, Theydon Bois, CM16 7HG
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2427/16
<b>SITE ADDRESS:</b>	39 Dukes Avenue Theydon Bois Essex CM16 7HG
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Jason Donnelly
<b>DESCRIPTION OF PROPOSAL:</b>	New dwelling adjoined to existing detached dwelling and extension to existing dwelling to form two four bedroom semi detached dwellings (revised scheme).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

**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: 39DATB/16/P/001 Rev A, 39DATB/16/P/002 Rev A (Received 21/11/2016), 39DATB/16/P/003 Rev A and 39DATB/16/P/004 Rev A
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place, 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.

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

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

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

The application site is a rectangular plot with a two storey detached property situated at the corner of Dukes Avenue and Heath Drive. The property is situated on slightly higher land than street level. There are existing street trees to the front and side of the property and there is an existing vehicular access to the rear of the site from Heath Drive. The property is not within a Conservation Area or the Metropolitan Green Belt.

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

The application seeks consent for a new dwelling attached to the existing dwelling to form a pair of semi-detached properties. The existing house will be extended to create two 4 bedroom properties. The proposal will extend the existing property at single storey by 4m to the rear. The new property will mirror the existing with a width of 6.2m, depth of 13.2m and the proposal will have the same height roof as the existing. The proposal also includes a joint rear dormer to create living accommodation in both roof areas.

#### **Relevant History:**

EPF/1667/13 – Erection of two storey side extension and single storey rear extension and double garage. Recommended for approval but refused at committee for the following reason- “The proposed side addition, due to its overall width and bulk, and proximity to the boundary of the property with Heath Drive will be overdominant in the streetscene and harmful to the character of the area, contrary to policy DBE10 of the adopted Local Plan and Alterations.”  
EPF/0073/14 - Erection of two storey side extension and single storey rear extension. Demolition of existing single garage and erection of double garage – App/Con (not implemented)  
EPF/2522/14 - Proposed new house to rear garden and demolition of existing garage and shed.  
Proposed new vehicular access to existing dwelling – Refused and dismissed at appeal

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

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:**

THEYDON BOIS PARISH COUNCIL – Objection

We note the amendments made to the previously withdrawn application EPF/1720/16 to protect the trees and grass verge at the front of the property and the provision of additional parking at the rear.

However, the Parish Council remain unconvinced that this proposed new dwelling will fit comfortably on this confined corner plot. It is suggested that the accuracy of the measurements on the plan are checked as they differ from previous plans submitted for this site. We would like to see an annotated plan, with dimensions of the plot and the new building to ensure that the proposal is viable.

Planning history for this site also shows that Members previously refused a proposed side extension which was two metres from the boundary in order to maintain the openness of this corner plot. The current proposal shows the building to be closer to the boundary than that previously refused. The length of the two-storey flank wall close to the boundary will clearly detract from the openness of the corner.

The Parish Council recommends refusal of this application in its current format, however should the Planning Officer be minded to recommend approval, the Council strongly recommends that Permitted Development Rights – Class 1, Part A and B are removed to enable control over any further building on what would be a very cramped site. We would also strongly recommend the additional conditions:

- Parking allocation to be laid out as per the submitted plans, and this area to be retained in perpetuity for the parking of vehicles.
- No new crossovers to be created to the front or rear of the property without written approval of the Local Planning Authority.

19 Neighbours consulted:

43 DUKES AVENUE – Concerns relating to considerable bulk, proximity to side boundary, no visitor parking, concern that a crossover to the front will be formed in the future, no landscaping proposed

### **Issues and Considerations:**

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

#### Design

The proposal is a mirror of the existing property and is considered a generally acceptable design and is appropriate within this area of 1930's dwellings. The rear dormer and rear single storey elements are common place additions to dwellinghouses and considered acceptable elements of the scheme.

The proposal does alter the appearance of this corner plot, whereas the existing property has a 7.5m distance to the boundary, the proposed new dwelling will be within 1.4m of the boundary at the closest point. Although this is a significant change it is not considered to disrupt the appearance of the streetscene in this location so excessively to justify a refusal. Similar plots in the surrounding area (e.g. 46 Woodland Way) extend to similar distances to the boundary and retaining 1.4m to the side boundary is considered a more than acceptable distance.

A previous application for a two storey extension has been refused at this site, however this current proposal reads as a distinct separate dwelling rather than a disproportionate extension. The extent of the previously refused extension resulted in an uncharacteristically large property which was out of keeping with the general form and character of surrounding properties. This scheme is in keeping with surrounding character.

As the proposed design results in a mirror image and the single storey element results in a suitably deep property it is considered reasonable to remove permitted development rights for roof extensions and extensions to control the future design and protect amenity of neighbours.

#### Neighbouring Amenity

The closest neighbour is No. 37 Dukes Avenue. The 4m deep rear extension will be located 1m from the shared boundary with a height of 2.6m. It is considered that the set in and modest height prevents any excessive impact on this property. Additionally there is an existing outbuilding within the rear garden of No. 37 at the boundary which will offer some screening.

With regards to the dormer and the new dwelling although there may be some additional overlooking to No. 37 and to the rear garden, this is not considered to give rise to any excessive loss of privacy above that of the existing dwelling.

Given that this is the corner property and the road bends to the rear it is not considered to result in any excessive impact on the amenity of any other nearby property.

The rear private amenity space for both properties is a reasonable size and useable shape and is not dissimilar to size and shape of surrounding properties. It is considered reasonable to remove permitted development rights for outbuildings to ensure an acceptable level of amenity for future and adjacent occupiers.

#### Parking

The proposal includes 4 parking spaces 2 for each dwelling which meets the Essex County Council parking standards. The proposal utilises the existing rear vehicular access and no highway safety issues are raised.

#### Landscaping

The previous application was withdrawn due to the need for the removal of two street trees to accommodate parking to the front of the site. This current application has revised the parking layout so that it is only too the rear and it is proposed to leave the front area as garden. The Tree and Landscape Officer has no objection to this revised proposal subject to a condition requiring details of hard and soft landscaping. In addition, the street trees in this location, significantly add to the character of the area and therefore it is considered reasonable to remove permitted development rights for a crossovers to ensure the Council retain future management over such works.

Plan accuracy. The accuracy of the plans been checked against the ordnance survey plans and aerial photo's and there is no reason to suspect that they are inaccurate. Annotated drawings are not required as all are to appropriate scales and consistent.

#### **Conclusion:**

The proposal results in a new dwelling in a built up area which is of an acceptable design, with limited impact on neighbouring amenity, with an acceptable level of parking and with no harm to the existing street trees. 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***

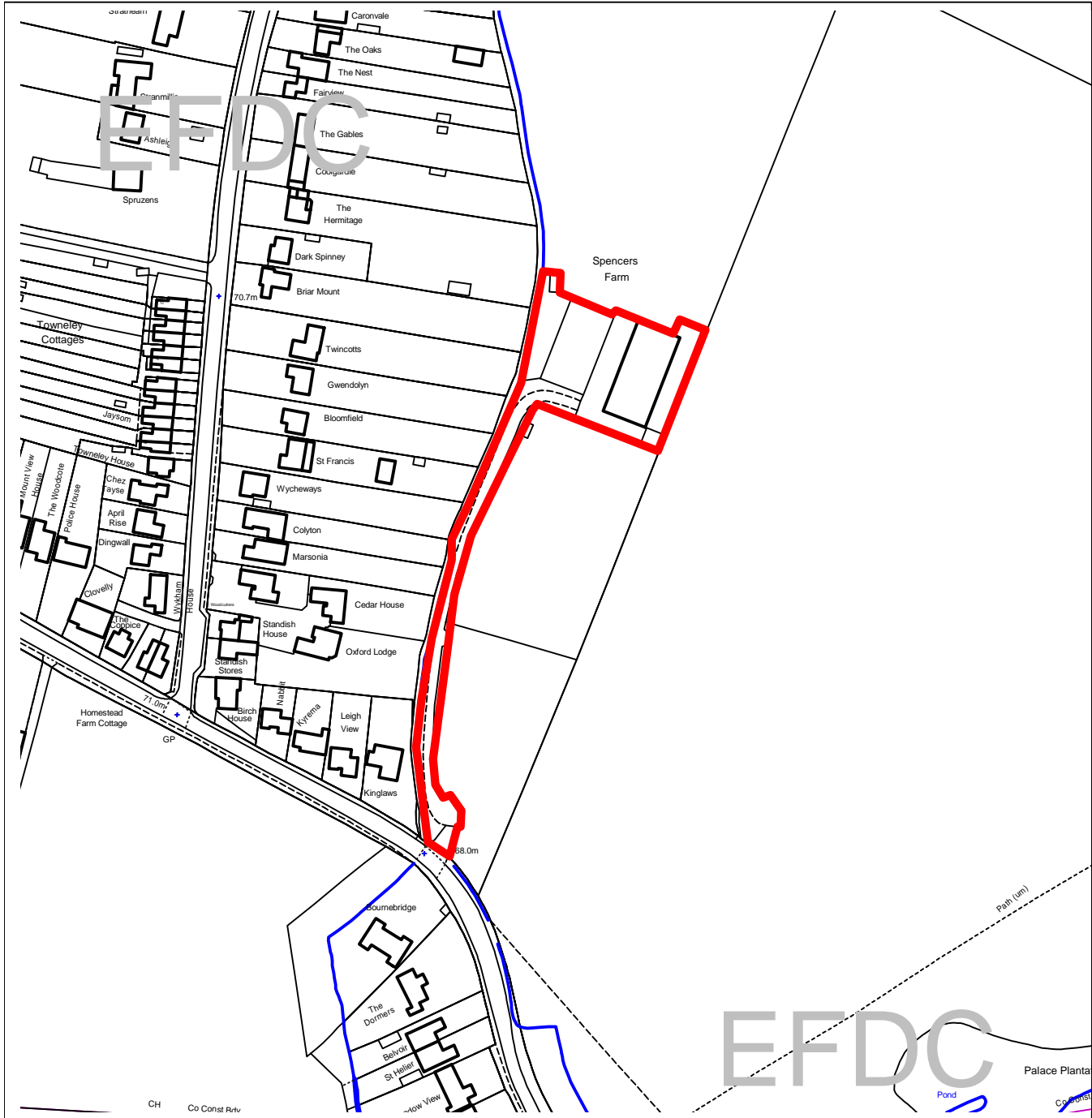
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Agenda Item Number 6



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2484/16
Site Name:	Spencers Farm, Oak Hill Road, Stapleford Abbots, RM4 1JH
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2484/16
<b>SITE ADDRESS:</b>	Spencers Farm Oak Hill Road Stapleford Abbots Romford Essex RM4 1JH
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Miss Lisa Lane
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing buildings, erection of four detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft 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=587834](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587834)

**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: Site Location Plan, 1911.2, 1911.3A, 1911.3B, 1911.4, 1911.5 (Plots 1 & 3), 1911.5 (Plots 2 & 4) 1911.6, 1911.8 and 1911.1755calc
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor window openings in the flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be

converted into a room or used for any other purpose.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place 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.
- 10 Prior to the first occupation of the development the passing bays, as shown on drawing no.1911.3A, shall be fully implemented and shall be retained in perpetuity for their intended purpose.

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

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

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 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.
- 19 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 E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 20 No demolition shall take place between 1st March and 31st August (inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird nests immediately before demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. Any such written confirmation shall be submitted to and agreed by the local planning authority prior to commencement of any demolition.

- 21 An external lighting plan shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Any external lighting shall be installed in accordance with such agreed details.
- 22 A plan showing roadside refuse collection location within the site, with details of screening shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. The area of refuse collection shall be marked out in accordance with such agreed details and retained as an area for the storage of refuse and for no other purpose.

*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 located at the end of a 200m long track and is a roughly rectangular site with a large barn type building, (two storey in height) with single storey wings, a separate single storey outbuilding and ménage to the front of the building and forecourt area. The site is located on the north side of Oak Hill Road and is located directly to the rear of residential properties fronting Tysea Hill. The access road to the site is directly to the rear of the gardens of these properties. The site is within the Metropolitan Green Belt, although the properties on Tysea Hill are within the built up area. The site is not within a Conservation Area.

**Description of Proposal:**

The application seeks consent for the demolition of the existing buildings and the erection of four detached houses with integral garage, provision of passing bays, boundary treatment and hard and soft landscaping. The houses will have a maximum height of 7.4m, width of 9m and depth of 14m and form a linear row.

**Relevant History:**

Various applications – none relevant

**Policies Applied:**

**Epping Forest District Local Plan and Alterations**

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety  
ST6 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention  
GB2A – Development within the Green Belt  
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:**

STAPPLEFORD ABBOTTS PARISH COUNCIL – No stated objection. Comments made – planning permission has a livery granted in 1993, but whilst house within the barn doesn't seem to have planning permission it does state in para.8.1 that parts of the building were later used for storing children's toys and as living accommodation, and as these uses commenced many years ago, they are now clearly lawful.

No mains sewer, recent flooding of effluence into rear gardens of properties backing onto the brook. They admit no access for refuse collection and provision needed within property at roadside. Where is provision for Fire Appliances to access properties in an emergency. Removal lorries and delivery vehicles could have similar problems. Concern would be flooding in these proposals, that hasn't properly and adequately been planned for.

32 Neighbours Consulted and a Site Notice posted:

6 Objections received from:

FAIRVIEW, BLOOMFIELDS, OXFORD LODGE, MARSONIA, COLYTON (all TYSEA HILL) and OAKWOOD, OAK HILL ROAD

The comments can be summarised as follows:

Inappropriate in Green Belt, loss of security to properties, disruption from construction, impact on wildlife, will set a precedent, increase in traffic, drainage and flooding issues, increase in noise, light and air pollution, loss of privacy, loss of value of properties and loss of view

### **Issues and Considerations:**

The main issues to consider are the general principles of the development, whether the proposal is appropriate within the Green Belt and issues relating to affordable housing provision, design, neighbour amenity, landscaping, flooding and refuse storage.

#### **Principle of the Development/Green Belt**

The site has been in equestrian use for some time and like many similar sites within the District, in national planning policy terms this site is classed as previously developed land and its redevelopment may not be inappropriate. Paragraph 89 of the NPPF recognises the partial or complete redevelopment of previously developed land which does not have a materially greater impact on the open character of the Green Belt as being potentially acceptable.

The removal of the large main building and small outbuilding and replacement with 4 dwellinghouses results in a significant reduction in volume from 3,387m<sup>3</sup> to 2,548m<sup>3</sup> which results in a 25% reduction in volume of buildings on the site and therefore it is considered to result in an increase in openness of the Green Belt. In addition the proposed dwellings will be located on the footprint of the large building so not introducing any built form in an alternative location. The proposed houses are also 0.3m lower than the existing main barn.

With regards to the character of the Green Belt, 'barn type' buildings/equestrian facilities are expected sights within rural Green Belt areas. However, this is an edge of settlement location and the land rises up to the north, east and south with the site not widely visible within the landscape. Given the location and topography it is not considered the proposal has a detrimental impact on the character of the area.

Given that the proposal has resulted in a reduction in volume it is considered reasonable to control further development at the site with the removal of permitted development rights for extensions, roof extensions and outbuildings.

The site is only just outside of the village envelope. The village of Stapleford Abbots does not offer a wide variety of services/shops, however it would be possible to walk from this site to the local shop on Tysea Hill and to a Public House and a bus service does serve the village. It therefore is a sustainable development in this respect.

### Affordable Housing

Since the proposed development is for 4 no. detached houses, which have a combined gross internal areas (GIA's) totalling less than 1001m<sup>2</sup>, which is less than the threshold for affordable housing, given national planning changes on affordable housing within the last year, the Council is not in a position to seek the provision of any affordable housing within this development.

### Design and Layout

The proposal is for four detached properties located in mirror pairs. The design is rather suburban in appearance but it is not out of character with the detached properties located on Tysea Hill/Oak Hill Road. Materials proposed are to be traditional and the proposed landscaping will soften the overall appearance and the design is generally acceptable.

With regards to the proposed layout a parking area would be located to the front of the properties with gardens to the rear and is a fairly standard layout.

### Amenity

The proposed properties would provide a reasonable amount of amenity space for future occupants. Furthermore there is open countryside to the rear of the site. Side facing windows at first floor level can be reasonably conditioned as obscure glazed.

There are no neighbours close enough to be seriously affected in amenity terms, although loss of privacy has been raised as an objection, the nearest residential properties are some 120m away and this is not considered a significant issue given this distance. Additionally the site is well screened by an existing mature tree screen to the rear of the properties at Tysea Hill.

Neighbours have raised concern with regards to noise levels from traffic movements but for 4 properties it is not considered that these movements will be excessive. In addition the rear gardens of those properties that back onto the site are quite deep with the nearest property within 38m of the access road and therefore it is not considered that any noise will be excessive. Amenity harm therefore is very difficult to justify in this case.

### Trees and Landscaping

The Tree and Landscape Officer has no objection to the proposal. It is considered that the proposal will have minimal adverse visual impact on the landscape character of the area but it is expected to be suitably landscaped.



In terms of the existing tree-scape, the conifers adjacent to the existing ménage are shown to be retained, and will require protection during development activities.

### Highways/Parking

The proposal is not considered to result in any significant increase in traffic above the current use of the site. Although understood from neighbour representations traffic movements at the site are minimal, given the lawful use of the site, the existing use could attract a higher number of traffic movements far beyond the proposed domestic use of the site.

Essex County Council Highways have no objection to the site as the proposed development benefits from an existing access that has suitable visibility and geometry onto Oak Hill Road. The proposed residential use will not increase vehicle movements above the existing lawful use, to the benefit of all highway users. Furthermore the additional passing bays adds more benefit to the scheme by allowing improved passing along the length of the private access track, which addresses the parish council concerns over possible fire engine and delivery vehicle access. Consequently the proposal will not be detrimental to highway safety or efficiency at this location and in fact creates improvements to the access to and from the site.

### Contaminated Land

Due to its use as a farmyard and stables there is the potential for contaminants to be present on site. The standard conditions are therefore necessary.

### 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. A Flood Risk Assessment (FRA) is therefore required. In addition the Council's Land Drainage team have requested conditions requiring details of foul and surface water drainage and as part of this condition, there is opportunity for neighbour concerns regarding flooding to be addressed.

### Ecology

A preliminary ecological appraisal was submitted with this application which highlighted the need to avoid demolition during the nesting period and require further details of lighting and the Council's Countrycare Manager has no objection to the scheme subject to conditions ensuring the recommendations take place.

### Refuse Storage

The Councils Refuse manager has commented that due to the distance from the main road – wheelie bins would have to be presented at the site boundary as a collection lorry would not be able to access the site and has suggested that a designated area is made at the site entrance and this is considered acceptable to condition as such. There is adequate space within the entrance to the site to accommodate such an area and the front entrance is well screened by existing vegetation from neighbouring properties.

### **Conclusion:**

The proposed development is considered to be acceptable in principle and would not have a materially greater impact on the Green Belt. There is no requirement for affordable housing owing to its size under the necessary threshold. The design and layout is appropriate, highway access shows improvements and there is no excessive impacts on surrounding amenity. It is therefore recommended for approval subject to conditions.

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

***Planning Application Case Officer: 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



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/2550/16
Site Name:	17 Hemnall Street, Epping, CM16 4LS
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2550/16
<b>SITE ADDRESS:</b>	17 Hemnall Street Epping Essex CM16 4LS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr I Pinkus
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 no. one-bed flats and 3 no. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear.
<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=588015](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588015)

**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: 16019\_001, 16019\_002 Rev: A, 16019\_003, 16019\_004 Rev: A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 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.

- 6 Prior to the occupation of the development hereby permitted secure cycle storage shall be provided as shown on drawing no. 16019\_002 Rev: A and retained thereafter for the benefit of future occupiers.
- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

**Description of Site:**

The application site currently contains a single storey bungalow located on the south eastern side of Hemnall Street that is situated between a similar bungalow to the northeast and a block of recently developed flats to the southwest. Beyond each adjacent neighbour are two storey dwellinghouses and opposite the site is the Hemnall Social Club and the redeveloped Citizens Advice Bureau, with includes first floor flats.

The application site is bordered to the northwest by the Epping Conservation Area and the designated Epping Town Centre, however the site does not itself lie within either of these designated areas.

**Description of Proposal:**

Consent is being sought for the demolition of the existing bungalow and the erection of a detached block of five flats. The proposed new building would be three-storeys in height (with the second floor being incorporated into the roof area) measuring 10.3m in width and 14.8m in depth with a crown roof measuring a maximum height of 8.1m.

The proposal would provide three no 2-bed flats and two no. 1-bed flats served by three parking spaces at the front of the site and communal amenity space to the rear of the site. Secure cycle parking would be provided within the rear amenity space.

**Relevant History:**

None

**Policies Applied:**

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
DBE1 – Design of New Buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private Amenity Space  
DBE9 – Loss of amenity  
HC6 – Character, appearance and setting of conservation areas  
ST1 – Location of Development  
ST6 – Vehicle Parking  
RP3 – Water quality

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:**

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

TOWN COUNCIL – Object. This proposal is an overdevelopment of the site in terms of its bulk and scale. It would be overbearing for the neighbouring bungalow, resulting in a loss of amenity in terms of light and overshadowing. The proposal would result in the loss of yet another bungalow in Epping, particularly on level ground and within walking distance of town, when evidence shows that a mixture of dwellings is required, rather than more and more flats. The proposal does not provide adequate parking, particularly in a narrow road, with double yellow lines, where there is no possibility of parking on street. This would displace residents parking into a town which already has serious parking problems. This proposal would have a detrimental effect on the quality of life in this urban area.

EPPING SOCIETY – Object. The design is too high and the bulk will have a negative impact on the street scene. A narrowing effect will be created in the street as the site is opposite a new building of similar size. Only 3 car parking spaces are provided for 5 households, this is clearly not enough. The immediate area is double yellow lines and the town already has an on street parking problem. The proposal would result in the loss of yet another bungalow in Epping. Two doors down another bungalow was lost about eight years ago when the site was redeveloped. This design will overshadow the neighbouring property at number 15a. The new Theydon Trust flats will be overlooked by the first and second floor windows.

15A HEMNALL STREET – Object as the building is too big, will result in a loss of light and overlooking and concerned about amenity.

50 HEMNALL STREET – Object as the development is out of character with the area and since the surrounding properties are no higher than two storeys.

12 NICHOLL ROAD – Object due to a loss of privacy, light and due to additional on-street parking concerns.

16 NICHOLL ROAD – Object as three storeys is out of place in the road and will cause overlooking and as there is insufficient parking provision.

17 AMBLESIDE – Object to the loss of a bungalow and insufficient parking provision.

## **Main Issues and Considerations:**

The main issues that arise with this application are:

- Principle of the development
- Design and impact on the surrounding area
- Impact to neighbouring amenity
- Parking

### **Principle of development:**

The application site consists of a detached bungalow located outside of the designated town centre of Epping. This is one of two detached bungalows within this stretch of road with a block of recently developed flats located to the southwest. Beyond each adjacent neighbour are two storey dwellinghouses and opposite the site is the Hemnall Social Club and the redeveloped Citizens Advice Bureau, with includes first floor flats.

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this large site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. The presumption in favour of sustainable development is the 'golden thread' running through planning policy and Local Planning Authorities are required through paragraph 15 of the NPPF to "*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*". This encouragement is reflected within many Local Plan policies including CP6 which states that "*development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure*".

In addition, paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*". The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

Due to the above the principle of making more efficient use of this sustainable site for additional housing close to the town centre and sustainable transport options would be appropriate in this location, subject to a full assessment of the specifics of the scheme.

One of the concerns raised regarding the proposal is the loss of the existing bungalow. There are currently no Local Plan policies that secure against the loss of existing bungalows, however the Draft Local Plan does propose a policy (H1 E.) that states that "*the loss of bungalows will be resisted as they provide a supply of accessible accommodation*". At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

In response to these concerns the applicant has confirmed that the existing bungalow was marketed for a number of months with no private residents wishing to purchase it as anything other than a development site. Furthermore, in order to compensate for the loss of the existing

bungalow the proposed development would provide a one-bed and two-bed flat on the ground floor that would benefit from level pedestrian access and would provide suitable alternative accommodation to ambulant disabled persons or the elderly. This would provide similar accommodation to meet the needs that are currently met by the existing bungalow and therefore is sufficient to outweigh the harm from the loss of this bungalow.

*Design and impact on the surrounding area:*

The application site is located between a single storey bungalow and a two storey block of flats and borders Epping Conservation Area (although is itself not located within the conservation area). Notwithstanding this, Local Plan policy HC6 states that:

*Within or adjacent to a conservation area, the Council will not grant planning permission for any development... which could be detrimental to the character, appearance or setting of the conservation area (my emphasis).*

Whilst the proposed development would replace a single storey bungalow with a three storey block of flats the second storey of the building would be located within the roof area and as such the overall scale and bulk of the property would be akin to a two storey property. As a result of this the proposed new building would be just 400mm higher than the adjacent block of flats and no higher than the two storey dwellings at No's 5-15 Hemnall Street. Although the resulting building would be higher than the adjacent bungalow this neighbouring property is an anomaly along Hemnall Street whereby most properties are significantly higher buildings.

Furthermore, notwithstanding the above, over three storey buildings can be seen within the immediate locality of the site, including at the junction of Hemnall Street and Station Road and on the recent flatted development at No. 3A Hemnall Street.

The proposed building has been designed to appear akin to a single detached dwellinghouse since it would be of a domestic scale with a single entranceway. The building would benefit from a projecting front bay and an overhanging front roof canopy at ground floor level. The roof would incorporate a single gable projection and two dormer windows to the front and two rear dormer windows set behind the mock pitched rear roof. Given the varied design and scale of properties in Hemnall Street, both within and outside of the conservation area, it is not considered that the proposal would be harmful to the character and appearance of the locality.

*Impact to neighbouring amenity:*

The main impact from the development would be to the residents of the neighbouring bungalow. The proposed new building would extend approximately 4.5m beyond the rear wall of this neighbour at two storeys, with the second floor roof section being roughly in line with the back wall of the adjacent bungalow since the roof drops down to the rear to mitigate any harm to these neighbouring residents.

Although the increase in height of the proposed development would clearly have some impact on the neighbouring residents the flank wall of the proposed flats would be located some 4m from the flank wall of this neighbouring bungalow and would retain a 1m step in from the shared boundary. Due to this the proposed new building would not encroach within a 45 degree point as measured from the rear windows of the neighbouring bungalow. Whilst there are two flank windows within the neighbouring bungalow facing the application site these appear to be non-habitable or secondary windows and would continue to benefit from a 5m gap. As such the impact on the neighbour's amenities would not be considered to be excessive. No flank windows are proposed within the new building and therefore there would be no undue overlooking or loss of privacy to this neighbouring site.



The adjacent block of flats to the southwest of the site fills the majority of the neighbouring site and as such extends some 5m beyond the rear wall of the proposed new building. Due to this there would be a minimal impact on the residents of the neighbouring block of flats.

Concern has been raised by residents in Nicholl Road that back on to the site with regards to loss of light and privacy. Given that there would be a distance of some 8m from the shared boundary and 15m from the rear wall of the closest neighbour (increasing to 12m and 19m at second floor level) the impact from the proposed development on these neighbouring properties would not be excessive.

Concern has also been raised with regards to the potential overlooking of the recently developed flats above the Citizens Advice Bureau opposite the site. Given that the distance between these windows would be in excess of 15m and would be over the public highway it is not considered that this would cause any significant undue harm to the opposite neighbours.

#### Parking:

The proposals would provide 3 off-street parking spaces to the front of the site. The Essex County Council Vehicle Parking Standards requires 8 spaces for the future residents and 2 visitor space, however it does state in the Vehicle Parking Standards that "*reductions of the vehicle standard may be considered if there is development within an urban area (including town centre locations) that has good sustainable transport*". Given that this site lies just outside the designated town centre of Epping, and there are good public transport links in the area, a reduction in parking provision is considered acceptable here.

A revised plan has been received showing that the parking spaces comply with the recommended parking standard sizes and showing the provision of a secure bicycle store within the rear amenity area.

#### Other matters:

There would be a significant area of communal amenity space provided to the rear of the site for use by future residents that would clearly comply with Local Plan policy DBE8.

The applicant is proposing to dispose of surface water by main sewer; however the Council's records do not indicate a surface water sewer at this location. Therefore further details of surface water drainage disposal are required, which can be dealt with by way of a condition.

#### Conclusion:

The proposed development would make more efficient use of this sustainable urban site and would provide additional residential properties. Due to this the proposal would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and would assist in the Council meeting its five-year supply of deliverable housing sites. These factors weigh heavily in favour of the proposal.

Whilst the proposal would result in the loss of an existing bungalow the site has been marketed without success and this loss would be mitigated by the creation of two ground floor units served by level pedestrian access. It is not considered that the new dwelling would be detrimental to the character or appearance of the surrounding area or the adjacent conservation area. Despite concerns from the neighbouring residents the proposal would not result in any excessive loss of amenities to neighbouring residents.

Although the development would have a low number of off-street parking spaces it is considered that this is acceptable within this built-up location adjacent to the town centre and the development would provide secure bicycle storage, which would encourage sustainable transport means.

Due to the above it is considered that the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for approval.

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

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

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



**Epping Forest  
District Council**

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

### **Date of meeting: Plans East – 9 November 2016**

**Subject: Probity in Planning – Appeal Decisions, 1<sup>st</sup> April 2016 to 30 September 2016**

**Officer contact for further information: Nigel Richardson (01992 564110)**

**Democratic Services Officer: Rebecca Perrin (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 March 2016 and 30 September 2016, the Council received 49 decisions on appeals (48 of which were planning related appeals, the other 1 was enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 48, 18 were allowed (37.5%). Broken down further, GOV07 performance was 8 out of 32 allowed (25%) and GOV08 performance was 10 out of 16 (62.5%).

##### **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 - APPEALS ALLOWED:**

### **Area Committee South**

#### **Buckhurst Hill**

EPF/1812/15	Proposed demolition of existing building and construction of a replacement building providing 13 flats	West Lodge 32 Palmerston Road
-------------	--	----------------------------------

#### **Chigwell**

EPF/1279/15	Proposed two storey new build house (Revision to EPF/1505/14)	26 Meadow Way
-------------	---	---------------

EPF/3207/15	Provision of front basement extension part completed.	170 Manor Road
-------------	---	----------------

#### **Loughton**

EPF/2418/15	Demolition of existing bungalow and erection of 2 no. 3 bed dwellings.	21 Priory Road
-------------	--	----------------

EPF/2983/15	Demolish garage and replace with two-storey side extension. Attached replacement garage with granny flat above. Front dormers. Ground floor and two-storey rear extension. Accommodation within roof space.	24 Alderton Hill
-------------	---	------------------

EPF/2580/15	Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area).	Land close to junction of Westall Road and Burney Drive
-------------	--	---

### **Area Committee East**

#### **Epping**

EPF/1399/15	Conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking.	15 Bell Common
-------------	---	----------------

EPF/2163/15	Erection of 18 dwellings, including access, parking, amenity and landscaping.	Allotments rear of 8 to 22 Institute Road Coopersale
-------------	---	---

#### **Lambourne**

EPF/0300/14	Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)	Great Downs Farm London Road Abridge
-------------	---	--

**North Weald Bassett**

EPF/0183/15	Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15)	North Weald Golf Club Rayley Lane
-------------	---	--------------------------------------

**Area Committee West**

None

7. The appeal performance for GOV08, committee reversals, was outside of target at 62.5%. It is of course understood that these are the more contentious planning applications 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 6 cases where the committees were successful are as follows:

**COMMITTEE - APPEALS DISMISSED:****Area Committee East****Epping**

EPF/1783/15	Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bed roomed flats. Removal of Cypress tree.	16 Kendal Avenue
-------------	---	------------------

EPF/2484/15	Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.	33 Chapel Road
-------------	---	----------------

EPF/3024/15	Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store.	9 Church Hill
-------------	---	---------------

**North Weald Bassett**

EPF/1737/15	Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof.	94 - 96 High Road
-------------	---	-------------------

**Area Committee South****Loughton**

EPF/1973/15	Demolition of existing house and construction of eight residential flats with associated car parking	51 High Road
-------------	--	--------------

spaces, amenity space and refuse collection area.

EPF/2111/15	Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area.	257 Chester Road
-------------	--	------------------

### **Area Committee West**

None

8. Out of 1 **ENFORCEMENT NOTICE APPEAL** decided, 1 was **allowed**. This is as follows:

ENF/0249/14	Without planning permission the change of use of stables to a building used as a single residential dwelling	The Outlook Moreton Bridge Moreton
-------------	--	--

### **COSTS**

9. There was no award of costs against the Council for unreasonable behaviour in the reasons for refusal in this 6 month period.

10. National Planning Practice Guidance on Award of Costs advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party in the following two circumstances:

- a party has behaved unreasonably; and
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

### **Conclusions**

11. Whilst performance in defending appeals at 37.5% 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. 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.

12. Finally, appended to this report are the appeal decision letters relevant to each Plans sub-committee area, which are the result of Members decision at planning committees.

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

### **Total Planning Application Appeal Decisions 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016**

#### **Allowed With Conditions**

##### **Buckhurst Hill**

1 EPF/1812/15	Proposed demolition of existing building and construction of a replacement building providing	West Lodge 32 Palmerston Road
---------------	---	----------------------------------

	13 flats		
2	EPF/1348/15	Demolition of the existing outbuildings to the rear of 158 Queens Road. Erection of two part 2 and part 3 storey buildings at the rear containing 4 flats. Ground floor rear extension of the retail units proposed. First floor part rear extension proposed. New gable roof proposed with 3 dormer windows in connection with conversion of floors above shop to 2 flats. (Revised application to EPF/1684/13)	158 Queens Road
<b>Chigwell</b>			
3	EPF/3207/15	Provision of front basement extension part completed.	170 Manor Road
4	EPF/1279/15	Proposed two storey new build house (Revision to EPF/1505/14)	26 Meadow Way
<b>Epping</b>			
5	EPF/2163/15	Erection of 18 dwellings, including access, parking, amenity and landscaping.	Allotments rear of 8 to 22 Institute Road Coopersale
6	EPF/1399/15	Conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking.	15 Bell Common
<b>Lambourne</b>			
7	EPF/0300/14	Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)	Great Downs Farm London Road Abridge
<b>Loughton</b>			
8	EPF/2442/15	Single storey front extension and new external front steps.	62 Queens Road
9	EPF/2580/15	Prior notification for a telecommunications installation comprising the erection of 13.5m high dual stack monopole supporting 6 no shrouded antennas, a 0.3m dish, 2 no. equipment cabinets and ancillary development (Revised proposal to previously refused EPF/0386/11 - it is now not proposed to erect the installation on the pavement - it is now proposed 6.5m to the rear of the pavement in a grassland area).	Land close to junction of Westall Road and Burney Drive
10	EPF/0194/16	Two storey rear extension with balcony, balustrades and 2m high privacy screens on either side of the balcony area. Relocation of existing external steps and landing area to provide egress and access to the garden.	71 Queens Road
11	EPF/2983/15	Demolish garage and replace with two-storey	24 Alderton Hill

side extension. Attached replacement garage with granny flat above. Front dormers. Ground floor and two-storey rear extension. Accommodation within roof space.

- |    |             |   |                  |
|----|-------------|---|------------------|
| 12 | EPF/2682/15 | Demolition of existing property and erection of a replacement dwelling. | 21 Alderton Hill |
| 13 | EPF/2418/15 | Demolition of existing bungalow and erection of 2 no. 3 bed dwellings.  | 21 Priory Road   |
| 14 | EPF/0697/16 | Demolition of existing property and erection of a replacement dwelling. | 21 Alderton Hill |

**Nazeing**

- |    |             |  |                                  |
|----|-------------|--|----------------------------------|
| 15 | EPF/0437/16 | Raise ridge height to bungalow and provide loft extension  | 2 Middle Street                  |
| 16 | EPF/1060/13 | Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective. | Sedgegate Nursery<br>Sedge Green |

**North Weald Bassett**

- |    |             |   |                                      |
|----|-------------|---|--------------------------------------|
| 17 | EPF/0183/15 | Erection of three storey building to accommodate 20 no. apartments (to replace existing clubhouse and Essex barn to be demolished under Prior Notification application EPF/0267/15) Appeal Lodged 21/9/15 | North Weald Golf Club<br>Rayley Lane |
|----|-------------|---|--------------------------------------|

**Waltham Abbey**

- |    |             |  |              |
|----|-------------|--|--------------|
| 18 | EPF/2021/15 | Double storey side and single storey rear extension. | 20 Halfhides |
|----|-------------|--|--------------|

**Dismissed**

**Chigwell**

- |    |             |  |  |
|----|-------------|--|--|
| 19 | EPF/0957/16 | Two storey side extension  | 11 Ely Place   |
| 20 | EPF/1621/15 | Use of double garage as a dwelling house, and carrying out associated external alterations | Land adjacent to 26<br>Maypole Drive<br>Chigwell Row |

**Epping**

- |    |             |  |                  |
|----|-------------|--|------------------|
| 21 | EPF/1783/15 | Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bedroomed flats. Removal of Cypress tree. | 16 Kendal Avenue |
| 22 | EPF/2484/15 | Demolition of existing two storey dwellinghouse and garage, the construction of a new two storey residential building with loft and                                    | 33 Chapel Road   |



basement accommodation containing 3x1 bed and 4x2 bed apartments, with associated car, bicycle parking and refuse facilities.

23	EPF/0109/16	Single storey front extension.	100 Hemnall Street
24	EPF/3024/15	Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store.	9 Church Hill
<b>Fyfield</b>			
25	EPF/2154/15	Proposed first floor side extension. Two storey rear extension with first floor balcony. Loft conversion including dormers to rear. Enlarged patio area to rear. Two storey bay windows to front elevation. Two vehicle standing areas.	Blakeney Clatterford End
<b>High Ongar</b>			
26	EPF/3026/15	Formation of a second vehicular entrance to the property	Harley Cottage 202 Nine Ashes Road
<b>Loughton</b>			
27	EPF/0181/16	Retrospective application for two storey side extension, loft conversion, including rear dormer, porch and single storey rear extension.	7 Colebrook Lane
28	EPF/3245/15	First floor rear extension.	26 The Crescent
29	EPF/2706/15	Two storey side extension.	47 Deepdene Road
30	EPF/2255/15	Change of use of the premises 6a Valley Hill from use as shop premises (Use Class A1) to use as a hot food takeaway (Use Class A5).	6A Valley Hill
31	EPF/2855/15	Demolition of existing bungalow and erection of two detached bungalow-style townhouses, with integral garages.	54 Ollards Grove
32	EPF/0866/15	Two detached two storey cottage properties, with garages at basement level.	54 Ollards Grove
33	EPF/1973/15	Demolition of existing house and construction of eight residential flats with associated car parking spaces, amenity space and refuse collection area.	51 High Road
34	EPF/2990/15	Retention of existing annex as separate dwelling.	56 Oakwood Hill

35	EPF/2111/15	Subdivision of site and proposed 1 no. 1 bed dwellinghouse with parking and garden area.	257 Chester Road
<b>Nazeing</b>			
36	EPF/3158/15	Extensions to and conversion of double garage to form a two bedroomed self-contained granny annexe to Nonsuch Cottage	Nonsuch Cottage Back Lane
37	EPF/2015/15	Conversion of existing bungalow into 2 no. detached dwellings. Small frontal extension and partial demolition to achieve separation. Raise ridge height and erect front dormer windows.	2 Middle Street
<b>North Weald Bassett</b>			
38	EPF/1737/15	Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof.	94 - 96 High Road
39	EPF/2218/15	Retention of workshops and storage units in buildings 15 & 16	Chase Farm Vicarage Lane
<b>Ongar</b>			
40	EPF/1628/15	Single storey rear extension.	Orchard Cottage Greensted Hall Church Lane
41	EPF/1721/15	Grade II* listed building application for a single storey rear extension.	Orchard Cottage Greensted Hall Church Lane
<b>Roydon</b>			
42	EPF/3215/15	To replace the front garden fencing around Grade II listed building, with the same height and length of fencing as the existing, but with an altered design and materials.	Brick Lock Cottage
<b>Stanford Rivers</b>			
43	EPF/2737/15	Detached dwelling	153 London Road
<b>Theydon Mount</b>			
44	EPF/0949/16	Retention of raised patio with addition of natural screening	6 Hill Hall Cottages Mount Road
<b>Waltham Abbey</b>			
45	EPF/3230/15	The extension and conversion of an existing dwelling to create two dwellings. The erection of a new dwelling, creating three dwellings in total	North Villa Mott Street
46	EPF/3032/15	Proposed 3 bedroom bungalow in the rear garden of 16 Pick Hill. Waltham Abbey	Rear garden of 16 Pick Hill
47	EPF/2512/15	Application for approval of details reserved by condition 2 'Materials', condition 5 'Landscape	Bantham Cottage Wellington Hill and

Scheme' and condition 6 'Flood Risk Assessment' of planning permission EPF/2101/12 (Extension of time limit on EPF/0025/10) (which gave approval to the erection of a two storey detached house to replace existing dwelling.)	Bowls Club Site Rats Lane
--	------------------------------

**Willingale**

48 EPF/0551/16	Erection of stables and change of use of land for the keeping of horses	Tarrymans Birds Green
----------------	---	--------------------------

**Enforcement Appeals**

**Allowed With Conditions**

ENF/0249/14	Without planning permission the change of use of stables to a building used as a single residential dwelling	The Outlook Moreton Bridge Moreton
-------------	--	--

**This page is intentionally left blank**

---

## Appeal Decision

Site visit made on 26 April 2016

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

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

**Decision date: 9 June 2016**

---

**Appeal Ref: APP/J1535/W/15/3139958**  
**15 Bell Common, Epping, Essex CM16 4DY**

- 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 R Hipkin against the decision of Epping Forest District Council.
  - The application Ref EPF/1399/15, dated 11 June 2015, was refused by notice dated 9 September 2015.
  - The development proposed is the conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing annexe to separate dwelling, provision of car port, front canopy and rear decking at 15 Bell Common, Epping Essex CM16 4DY in accordance with the terms of the application Ref: EPF/1339/15, dated 9 September 2015, subject to the following 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: 773 -EP01- B, 773-EP02C, 773-EP03A, 773-EE01B, 773-EE02A, 773-EE03B, 773-PP01G, 773-PP02C, 773-PP03B, 773-PE01C, 773-PE02D, 773-PE03B.
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the canopy hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) The dwelling shall not be occupied until proposed site access and driveway have been provided and space has been laid out and made available for use for car parking within the site, in accordance with drawing Nos 773-PP02C and 773-PP03B. Those areas shall thereafter be retained and shall not be used for any purpose other than the parking and turning of vehicles.
  - 5) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no enlargement or alteration of the building or provision of any ancillary building within the

curtilage of the building, as permitted by Classes A, B, and E of Part 1 of Schedule 2 of that Order shall be carried out.

### **Main Issues**

2. The main issues in the appeal are:

- Whether the proposal is inappropriate development in the Green Belt.
- Whether the proposed development would preserve or enhance the character or appearance of the Bell Common Conservation Area.

### **Reasons**

#### *Inappropriate Development*

3. The appeal property comprises an existing single storey building located within the rear garden of No 15 Bell Common that was previously used as a residential annexe to the property. It is located within the Green Belt and the Bell Common Conservation Area. Paragraph 90 of the National Planning Policy Framework (the Framework) states that certain forms of development are not inappropriate within the Green Belt provided they preserve openness and do not conflict with the purposes of including land within the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
4. In this case the building is already there and it was clear from my site inspection that it is both permanent and substantial in its construction. Consequently, the proposed use of the building as a separate three bedroom dwelling would not be inappropriate development in the Green Belt subject to consideration of the impact on openness and the purpose of including land within the Green Belt.
5. The proposal also includes the construction of a flat roof, open sided timber car port measuring approximately 5.4m in length and 3.5m in width that would be attached to the western side elevation of the building which would link to a small front canopy over the entrance door. In order to facilitate access to the car port an existing detached double garage would be removed and a new access created adjacent to the property boundary with No 19 Bell Common.
6. Paragraph 89 of the Framework indicates that the extension of a building within the Green Belt would not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Whilst the proposed car port and canopy would be open sided and therefore would be considered as 'habitable space', taken together they would nonetheless result in an increase of about 20% over and above the original footprint of the building. However, in my view these additions may be considered to be modest in scope and not disproportionate to the size of the original building.
7. Given that the building is already there and that the proposed extensions to it are modest appropriate additions, there would be no encroachment into the countryside nor would the proposal conflict with any of the other purposes of including land within the Green Belt.
8. Whilst the existing garden of the host property would be subdivided to create a separate curtilage, given the existing domestic nature of the garden to No 15,

the fact that the existing garage would be removed and that the additions to the property would be modest, I do not consider that the proposed development would have any material impact on the openness of the Green Belt.

9. For the above reasons the proposal satisfies the relevant qualifying criteria of paragraphs 89 and 90 of the Framework. Consequently, I do not find any conflict with Policy GB2A of the Epping Forest District Local Plan Alterations (2006) (DLPA). As such, the proposal would not be inappropriate development within the Green Belt.

#### *Character and appearance*

10. The area in the vicinity of the appeal site is characterised by relatively large dwellings set within substantial rear gardens, several of which appear to have been subdivided to accommodate backland development within the gardens. The appellant has provided evidence of examples in the vicinity of the appeal site where such sub-division has occurred. In particular I observed at my site visit the developments to the rear of Nos 19 and 5 -11 Bell Common. The alignment of the appeal property and position of the proposed residential curtilage to the rear of the host dwelling appears broadly commensurate with the relationship that exists with these examples of other backland development in the locality.
11. I have taken into account the views of the Council that the existing backland developments should be considered as historic anomalies as they pre-dated the adoption of the Epping Forest District Local Plan (1998) (DLP) and the DPLA. Nevertheless, these developments are there and are part of the established character of the area. As such they set part of the visual context for the consideration of the appeal scheme.
12. I agree with the appellant that, as the building is already there, the existing garden at No 15 is already sub-divided to some extent. Moreover, given the examples of the sub-division of gardens to create backland development in the immediate vicinity of the site I do not consider that the establishment of a separate curtilage would be out of character with the existing pattern of development in this part of the conservation area.
13. The appeal site forms part of an existing residential garden. The proposal would retain its use as a residential garden albeit with potential boundary treatment with the host property. Nevertheless, taking into account my findings on the pattern of development above, I do not consider that the continued use as a garden would cause any material visual change or demonstrable harm to the character or appearance of this part of the conservation area.
14. The site already has substantial boundary fencing and hedging which provides considerable screening to the existing garden and annexe building. Even if a further curtilage boundary was created with the host property this would not be readily visible nor would be inconsistent with curtilage boundaries that already exist in those developments that have occurred to the rear of existing properties.
15. I accept that the development may result in additional garden furniture being placed in the garden. However, I also agree with the appellant that as the

building could already be lawfully used as family accommodation in connection with the host property then such use could already result in more intensive use of the garden and the placement of garden furniture. Consequently I do not consider that the appeal proposal would result in any material increase in the use of garden furniture to the extent that the character or appearance of the conservation area would be unacceptably harmed.

16. For the reasons set out above, I consider that the proposed additions to the property would be modest and proportionate to the existing building. I have taken into account the varied design of properties in the locality and the extract from the conservation appraisal provided by the appellant which refers to the general low rise of the buildings and the range of traditional building materials. The existing building has timber weatherboard walls and the proposed timber additions would be in keeping with the constructional style of the building. Consequently, I conclude on this issue that the proposal would have a neutral effect, which would not materially harm this part of the conservation area.
17. Taking the above factors into account, the proposed development would preserve the character and appearance of the Conservation Area as a whole in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with paragraphs 131 and 132 of the Framework. As a result there would be no conflict with Saved Policies HC6 and HC7 of the DLP or Policy CP2 of the DPLA. These policies, amongst other things, require new development to protect the quality of the rural and built environment and not be detrimental to the character or appearance of conservation areas.

#### *Other matters*

18. I have taken into account the concerns regarding the height of the proposed decking and its proximity to the property boundary with No 21 Bell Common. Given its relatively narrow width it is unlikely that this area of decking would be used as a sitting out area.
19. Moreover, the Council indicate that the existing boundary fence must be maintained at a height of 2.44m as it is subject to a planning condition pursuant to the recent planning permission granted for the rear decking to the property (EPF/0691/13). Consequently, I agree with the Council that the fence would still extend approximately 1.8m above the height of the decking and as such would not cause any significant harm to the living conditions of the occupants of the adjacent property with particular regard to privacy and overlooking.
20. I have also taken into account the concerns regarding the potential disturbance associated with vehicular manoeuvring. However, in my view the proposal would provide adequate manoeuvrability space and the opportunity for parking outside of the proposed carport. Consequently I have attached limited weight to this matter.

#### *Conditions*

21. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the



government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated one for the reasons set out below.

22. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of proper planning. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used in the construction of the canopy. I agree that a condition relating to the provision of off-street parking prior to occupation of the dwelling is required in the interests of highway safety, particularly given the relatively narrow nature of Bell Common.
23. The Framework advises that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. I am not satisfied that the Council's suggested condition No 5 that would remove many householder rights is necessary in this case taking into account the advice provided in the Framework and the existing extent of boundary treatment on the site which effectively screens most of the garden area. However, I have restricted extensions to the proposed dwelling, which appears to me could otherwise be enlarged excessively in relation to the plot size and adversely affect the character and appearance of this part of the Green Belt and Conservation Area.

### **Conclusions**

24. For the above reasons and taking all other matters raised into account, I conclude that the appeal should be allowed.

*Stephen Normington*

INSPECTOR

**This page is intentionally left blank**

---

## Appeal Decision

Site visit made on 16 August 2016

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 16 September 2016**

---

**Appeal Ref: APP/J1535/W/16/3151651**

**Allotments, Rear of 8 to 22 Institute Road, Coopersale, Epping CM16 7QY**

- 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 Philip Wright (CALA Homes NHC) against the decision of Epping Forest District Council.
  - The application Ref EPF/2163/15, dated 28 August 2015, was refused by notice dated 10 February 2016.
  - The development proposed is the erection of 18 dwellings, including access, parking, amenity and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 18 dwellings, including access, parking, amenity and landscaping on Allotments, rear of 8 to 22 Institute Road, Coopersale, Epping CM16 7QY in accordance with the terms of the application, Ref EPF/2163/15, dated 28 August 2015, subject to the following conditions on the attached schedule.

### Procedural Matters

2. Due to an unforeseen circumstance, the appellant has had to renege on his intention on submitting a unilateral undertaking to secure affordable housing. Instead, the appellant proposes a planning condition to secure affordable housing on the site which the Council was notified of.
3. The appellant's original viability assessment of the scheme was carried out and updated during consideration of the application. This has been further updated in a report dated June 2016. The detail and conclusions of the report have not markedly changed and the Council has had an opportunity to comment upon it. For these reasons, the interests of the Council would not have been prejudiced.

### Main Issue

4. The main issue is the mix, number and appearance of the affordable housing units to be provided on the site, having regard to local and national planning policy.

### Reasons

*Mix, Number and Appearance of Affordable Housing Units*

5. The Strategic Housing Market Assessment for the West Essex and East Hertfordshire 2015 details an annual average affordable housing need of 143

- between 2011 and 2033. For all types of accommodation (1 & 2 bed flats, 2 & 3 & 4+ bed houses), there is an identified need.
6. Housing Policy H4A of the Epping Forest District Local Plan 1998 and Alterations 2006 (LP) 2008 requires the provision of an appropriate range of dwellings, including an appropriate proportion of smaller dwellings, to meet identified housing needs on a site-by-site basis. LP Policy H4A further requires this mix to be reflected in both market housing and affordable housing. All the affordable housing units would be of the same type and therefore the proposal would conflict with this development plan policy.
  7. LP Housing Policy H5A states that the Council will seek an appropriate number and type of affordable dwellings on all suitable development sites, subject to a number of criteria. These criteria include the overall level, nature and distribution of housing need in the district; the size and characteristics of the site; the type of affordable housing required and the type of dwellings proposed on the site; and the dispersal of any affordable housing throughout the site. On a greenfield site as agreed here, LP Policy H6A states that the site threshold for affordable housing provision would be three or more dwellings and LP Policy H7A states a 50% level of affordable housing will be sought on applications of 4 or more dwellings. LP Policy H7A states that the level will apply unless it can be shown that it is inappropriate or that the scheme would be unfeasible.
  8. This appellant's viability appraisal<sup>1</sup> establishes the Gross Development Value (GDV) for the scheme (i.e. the total sales value) and measures it against the scheme's costs, including profit, to establish a Residential Land Value (RLV). This is then compared to the Benchmark Land Value (BLV) to establish viability. On this basis, the appellant proposes 33.3% (six 2 bed units) of the total housing to be affordable housing.
  9. However, the Council maintains that a higher 50% level of affordable housing (9 units) can be achieved based on advice from its consultants. The main reason for this is that the Council's evidence indicates that the BLV should reflect its existing use value as an allotment. In contrast, the appellant's evidence indicates that the BLV should reflect a residential use value which in this case equates to the purchase price of the site.
  10. Nevertheless Framework Policy<sup>2</sup> and PPG advice<sup>3</sup> states that land or site value should provide a competitive return to willing developers and land owners, as well as reflecting policy requirements and planning obligations, and be informed by comparable market-based evidence wherever possible. The RICS<sup>4</sup> also advises that the site value will be based on market value, which will be risk adjusted, and that the sales of comparable development sites may provide an indication of the land value that a landowner may expect.
  11. Whilst the Council has indicated its approach is correct based on advice from its consultants and a chartered valuer, the policy, advice and professional guidance before me does not support this. In the absence of policy documentation to support the Council's approach, I find the appellant's arguments to be more persuasive on this issue.

---

<sup>1</sup> U.L.L. Property Economic Viability Appraisal Report June 2016.

<sup>2</sup> Paragraph 173 of the National Planning Policy Framework

<sup>3</sup> Paragraph 023 of section 10—023-21040306 of Planning Practice Guidance.

<sup>4</sup> Royal Institute of Chartered Surveyors (RICS) 2012 Guidance Note 'Financial Viability in Planning' (GN 94/2012),

12. Furthermore, the appellant has provided an analysis of comparator transactions, including two unconditional site purchases. For these two sites in Chigwell and Theydon Bois, the purchase price and subsequent planning permission were used to derive a price per sq ft and comparable land values to support the purchase price of the site and its BLV. No comparator site is the same and the appellant has acknowledged that the Chigwell site would have a higher value due to its superior location. However, there is no evidence to dispute that the appellant's comparator sites and its use of them in establishing BLV here and the purchase price paid for the site. It is therefore the best evidence available to establish the BLV.
13. During the determination of the planning application, the Council's consultants raised several concerns about assumptions underpinning the costs and income elements of the RLV of the Scheme. In respect of finance/interest costs and build costs, the appellant has adjusted RLV. For other assumptions on private residential sales pricing, affordable residential sales pricing, contingency and profit, the appellant has produced explanation and detail, including market evidence, to validate assumptions<sup>5</sup>. Such explanation and detail are persuasive in the absence of any evidence to the contrary.
14. The Council has argued that irrespective of how the BLV is considered, there are policy requirements requiring 50% affordable housing. There is a significant need for affordable housing and provision is affected by the coverage of Green Belt across the District. Additionally there is no requirement for affordable housing on sites below 10 dwellings and the % requirement for affordable housing on greenfield sites is higher than on previously developed sites due to differences in purchase and preparation costs.
15. However, the wording of LP Policy H7A is that the provision of 50% affordable housing will be sought which indicates the level is not fixed in all situations. Furthermore, the supporting text of paragraph 9.49a indicates a lower proportion of affordable housing may be acceptable based on the availability of Housing Corporation Agency (HCA) funding and the economics of site development. The appellant has indicated that as a rule grant funding from the HCA is no longer available for development such as this and that the majority of the District's recent affordable housing completions were provided with nil grant funding.
16. In summary, I am persuaded that six affordable housing units would be acceptable here on the basis of the appellant's evidence on funding and the economics of the site development. I have considered the Council's arguments that favouring the proposal on these grounds would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, taking into account the balance of evidence. For this reason, this consideration would not justify withholding planning permission.
17. In respect of the detail of the scheme, the number of bedrooms for the affordable housing would represent only 21% of those of the overall scheme but the wording of the LP Policy H7A refers only to numbers of dwellings as a percentage being sought. The supporting text to LP Policy H5A indicates that

---

<sup>5</sup> U.L.L. Property letter dated 21 December 2015 and U.L.L. Property Economic Viability Appraisal Report June 2016.

affordable housing should not be easily distinguishable from open market housing. The affordable housing would be designed in a similar style to other dwellings and some allowance has to be made for the flatted type of accommodation which inevitably would look different even if it was open market housing. Consequently, the appearance of the affordable housing would not be significantly at odds with the open market dwellings on the site.

18. In conclusion, the mix of affordable housing would conflict with LP Policy H4A. In terms of number of affordable units, the viability evidence establishes that more than six affordable units would not be viable and for the reasons indicated, the appearance of the affordable housing units would be acceptable. Therefore, the proposal would comply with LP Policies H5A, H6A and H7A.

*Other matters*

19. The loss of the allotments would conflict with Policy RST13 of LP because this policy only permits the development or the change of use of existing allotment sites if adequate replacement facilities are provided in close proximity.
20. The development would be adjacent to properties in 5 and 6 Chevely Close which have shallow rear gardens adjacent to the appeal site. However there would be no significant loss of light, privacy or outlook to these neighbouring residents by reason of the set back of the new dwellings from these properties. The overshadowing of these neighbour's gardens from landscaping would not be significant given that they enjoy sunlight and daylight from directions other than the development site. In respect of existing dwellings along Institute Road, the proposed dwellings would be sited significantly back from these properties to similarly avoid any harm to the living conditions of these residents.
21. The proposal provides car parking in accordance with the Essex County Council Vehicle Parking Standards and there have been no objections from the highway authority to the proposal including the access and its visibility. It has been acknowledged that the junction of Institute Road with Coopersale Common is heavily used. Nevertheless, there is no technical evidence to indicate that the traffic generation from this proposal would be significant and dangerous to all road users. From what I saw on my site visit and having assessed the proposals, I concur with the Council that the proposal would be acceptable in highway safety terms. In terms of the scale of the development, it would not be of sufficient size to dominate or affect the character of the village. Whilst there would be a greater demand for school places and doctors' appointments, there is no detailed evidence of capacity issues.
22. The development would not be within designated Flood Zone 2 or 3 which are vulnerable to flooding and a planning condition could implement measures to control surface water-run-off and flooding from the development once built. Whilst I note concerns about water pressure and electricity supply, these are matters for the relevant utility companies. The development would not cause significant additional noise disturbance and light pollution given the layout of the development and the lawful use of the site as allotments. There is no evidence that the occupiers of this development would exhibit anti-social behaviour.

### *Planning Balance*

23. There would be a loss of allotments without replacement but they are largely disused with only one active allotment in use whose occupier is indicated to be willing to move elsewhere. There are local allotments nearby according to the Council. Third parties have expressed interest in the use of the allotments but it is unclear how definite their interest is and the appellant has produced a marketing report detailing only limited interest in the use of the allotments. On this basis, I concur with the Council that the loss of the allotment land would not be harmful. There would also be lack of range of affordable housing units but for a development of this number, this would not be significant. The proposal would also still provide affordable accommodation of much needed type.
24. Indeed, the development would also provide homes for existing and future generations and would boost housing supply. There is a deficient 5 year housing land supply. The residential development would be in a reasonably sustainable location close to local village shops and facilities. Such benefits would be significant given the scheme proposes 18 dwellings. Additionally, the development would provide support to the local economy by reason of its construction and financial spend of future occupiers which would provide some small economic benefit.
25. The site would be set back from Institute Road and so as an urban green space it does not significantly contribute to the character and appearance of the surrounding area. The design and layout of the development, with landscaping would not be unattractive. On the basis of the appellant's ecological appraisal, there would be no significant loss of important habitat or species. On this basis, the environmental impact of the scheme would be limited. For these reasons, the proposal would represent sustainable development for which there is a presumption in favour.
26. In the balance, the shortcomings of the scheme and conflicts with the development plan policies would be significantly and demonstrably outweighed by the benefits for the reasons indicated and the proposal would represent sustainable development. Accordingly, the appeal site would be suitable for the proposed residential development.

### **Conditions**

27. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council's suggested wording.
28. A condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of certainty. In the interests of safeguarding the character and appearance of the area, conditions controlling external materials, hard and soft landscaping and protective measures for retained trees is necessary. Given the findings of a Preliminary Ecological Survey submitted by Ethos Environmental Planning, conditions are necessary for further surveys on bats and reptiles to ascertain any mitigation measures, if necessary, in accordance with recommendations. In order to mitigate the impact of the development on wildlife and to enhance biodiversity, the implementation of the recommendations regarding enhancement measures is

also necessary in accordance with this survey. In the interests of preciseness and relevance, the conditions have been revised.

29. To secure affordable housing on site, a condition is necessary as supported by LP Policy H8A. To ensure safe and neighbourly construction activity on the site, conditions on the approval and implementation of a Construction Method Statement and restriction of construction hours are necessary. Although the site has been used as an allotment, there is reasonable justification for land contamination and remediation conditions, including monitoring, given the possible use of chemicals associated with such a use. In the interests of highway safety, conditions are necessary to ensure adequate access arrangements and visibility splays. A condition requiring a payment of money towards implementing a Traffic Regulation Order is not necessary as the development would provide its own parking within the appeal site. Where conditions require details to be approved before development commences, it is because of the need to consider the relevant issues early in the development process.

### **Conclusion**

30. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Jonathon Parsons*

INSPECTOR



### **Schedule of attached conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 200.05; 201.04; 202.01; 203.02; 204.03; 205.02; 206.02; 207.03; 208.02; 209.01 and 215.00 (in so far as it relates to the application site).
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the local planning authority. Development thereafter shall be carried out in accordance with the approved details.
4. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, and in addition to details of existing features to be retained; proposed finished levels or contours; means of enclosure; car parking layouts, minor artefacts and structures, including signs and lighting; functional services above and below ground and an implementation programme. The details of soft landscape works shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants noting species, plant supply sizes and proposed numbers/densities.
5. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first brought into use in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. No development 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 )(or in an equivalent British Standard if replaced) 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.
7. No development shall take place until the findings of a bat survey, the extent and nature of which shall have been agreed beforehand, have been submitted and approved in writing by the local planning authority. Should the survey reveal the presence of bats or their breeding sites or resting places then mitigation and compensation measures must be submitted to and approved in writing by the local planning authority before development commences. The development shall be carried out in accordance with these approved measures.
8. No development shall take place until findings of a reptile survey, the extent and nature of which shall have been agreed beforehand, have been submitted and approved in writing by the local planning authority. Should the survey reveal the presence of reptiles, or their breeding sites or resting

places then mitigation and compensation measures must be submitted to and approved in writing by the local planning authority before development commences. The development shall be carried out in accordance with these approved measures.

9. The development shall be accrued out in strict accordance with the mitigation and enhancement recommendations at section 7.2 of the Ecological Survey, submitted by Ethos Environmental Planning.
10. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i) the provision of six shared ownership units comprising six 2 bedroom flats.
  - ii) the location of the affordable housing;
  - iii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iv) the arrangements for the transfer of the affordable housing to an affordable housing provider in the register kept by the Regulator of Social Housing as a provider in Chapter 3 of the Housing and regeneration Act 2008 (or any statutory re-enactment or modification thereof);
  - v) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - vi) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing, by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles for site operatives and visitors;
  - ii. the loading and unloading of plant and materials;
  - iii. storage of plant and materials used in the construction of the development;
  - iv. the erection and maintenance of security hoarding;
  - v. measures to control the emission of dust and dirt during construction, including wheel washing;
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

12. Demolition or construction works shall not take place outside 0730 hours to 1830 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
13. A flood risk assessment, management and maintenance plan shall be submitted to and approved in writing by the local planning authority prior to the 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 development and shall be adequately maintained in accordance with the plan. There shall be no discharge of surface water from the development onto the public highway.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. Prior to the first occupation of the development hereby permitted, the access arrangements and visibility splays, as shown on drawing no.201 Rev 04, shall be fully implemented and maintained as such in perpetuity.
20. The vehicular access for 22 Institute Road shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be not less than 3 metres and shall be provided with a dropped kerb vehicular crossing of the footway.

---

## Appeal Decision

Hearing held on 20 July 2016

Site visit made on 20 July 2016

**by Elizabeth Pleasant DipTP MRTPI**

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

**Decision date: 14 September 2016**

---

**Appeal Ref: APP/J1535/W/15/3005425**

**Great Downs Farm, London Road, Abridge, Romford RM4 1XU**

- 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/Miss S.S, B.K, P.S and S.K Gill against the decision of Epping Forest District Council.
  - The application Ref EPF/0300/14, dated 4 February 2014, was refused by notice dated 20 August 2014.
  - The development proposed is described as 'planning application to regularise and permit the completion of the replacement dwelling at Great Downs Farm previously approved under permission EPF/2414/09 as subsequently amended under permission EPF/1737/11.'
- 

### Decision

1. The appeal is allowed and planning permission is granted for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11) at Great Downs Farm, London Road, Abridge, Romford RM4 1XU in accordance with the terms of the application, Ref EPF/0300/14, dated 4 February 2014, subject to the conditions set out in the attached schedule.

### Background and Procedural Matters

2. The Council granted planning permission for a replacement dwelling at the appeal site in 2010. In 2011 the Council granted a further planning permission for a replacement dwelling (2011 permission) at the appeal site. It was clear from my site visit that a replacement dwelling has been constructed at Great Downs Farm which is substantially complete and occupied. This replacement dwelling, as constructed, does not comply with either of the 2010, or the 2011 planning permission granted and differs principally with regard to the roof structure, including the dormer windows, but there are also differences to the fenestration arrangements.
3. The description of the development in the heading above is taken from the application form. However, it differs from the description of the proposed development used in the Council's Decision, which is also the description on the appeal form. I consider that the amended description provides a more accurate description of the appeal proposal. The Council dealt with the application on this basis and so shall I.

4. The completed Statement of Common Ground (SoCG) clarifies the Plans and Drawings to be considered with the appeal proposal. Drawing No: 13/0099/PL-160B is confirmed as the correct drawing for the site plan and landscaping arrangement, as opposed to Drawing No: 13/0099/PL-160C which has been incorrectly referred to in the Council's Decision.
5. Since the close of the Hearing a signed and completed Unilateral Undertaking (UU) has been submitted. An unsigned draft had previously been circulated and time was allowed for parties to consider final adjustments to the signed document. I am satisfied that nobody would be prejudiced by taking this document into consideration, and this is what I have done. The UU requires the appellant to apply for all necessary additional consents to include (but not by way of limitation) Building Regulation Approval and discharge of predevelopment planning conditions to facilitate the Development and to use all reasonable endeavours to obtain the same such applications following receipt of Planning Permission, but in any event within 4 months of the Decision Letter. It further requires the appellant to commence to carry out the Development within 3 months of receiving the last of all additional consents and complete the Development as expeditiously as is reasonable and practicable, and in any event within 2 years of such commencement.

### **Main Issues**

6. The main issues in this case are:
  - Whether the proposal would be inappropriate development in the Green Belt;
  - The effect of the development on the openness of the Green Belt;
  - The effect on the setting of adjacent listed buildings; and
  - If the proposal 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 it.

### **Reasons**

#### *Inappropriate Development*

7. The appeal proposal is for a replacement dwelling. The original farmhouse which the proposal seeks to replace was destroyed by fire in 2009 and formed part of a group of historic farm buildings, including two neighbouring grade II listed barns which are presently being renovated. The appeal site is situated close to the village of Abridge but is surrounded by open countryside and located in the Green Belt.
8. Paragraph 89 of the National Planning Policy Framework (the Framework) states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. The replacement of a building is included in these exceptions, provided the new building is in the same use and not materially larger than the one it replaces. Policies GB2A and GB15A of the Epping Forest Local Plan and Alterations, 2006 (Local Plan), similarly identify which types of development are not inappropriate in the Green Belt, and include the replacement of existing permanent dwellings where

the new dwelling would not, amongst other things, be materially greater in volume than that which it would replace.

9. The proposed replacement dwelling would be some 2.15m higher than the original farmhouse. Its floor space would be 408 square metres larger and its above ground volume would also be 800 cubic metres larger. It was agreed at the Hearing by both main parties that, based on this comparison, the appeal proposal would be materially larger than the one it would replace, and would therefore be inappropriate development.
10. I have had regard to the appellant's submission at the Hearing that the appeal proposal could be considered to be an extension or alteration to an existing building or the redevelopment of previously developed land. However, the existing building on the site does not have planning permission and moreover, the description of the proposed development is for a replacement dwelling.
11. I therefore conclude that the proposed replacement dwelling, which would be materially larger than the one it would replace, would be inappropriate development which the Framework advises is, by definition, harmful to the Green Belt; substantial weight must be given to this harm.

#### *Green Belt Openness*

12. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. Policy GB7A of the Local Plan seeks to resist development conspicuous from, within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual qualities of the Green Belt.
13. The original dwelling was a simple three-storey vernacular farmhouse which had a number of single storey additions to its rear elevation. The proposed replacement dwelling would be sited in roughly the same location as the original dwelling; however it would extend 2.15m higher to its ridge. Furthermore, its overall scale and form, which would incorporate a substantial crown roof, dormer windows and gabled wing elements, would be significantly more bulky and imposing on this elevated site. Whilst the appeal proposal would no longer provide for a single storey outbuilding that was located immediately to the rear of the original farmhouse, its overall built form would have a more harmful impact on the openness of the Green Belt than the original dwelling.
14. I conclude that the development would lead to a moderate loss of openness to the Green Belt.

#### *Setting of adjacent listed buildings*

15. The original farmhouse formed part of a group of historic buildings and was considered by the Council to be an undesignated heritage asset by reason of its age and both its functional and physical relationship to the neighbouring barns, two of which are grade II listed.
16. The proposed replacement dwelling would be located in roughly the same location as the original farmhouse. Although substantially larger than the dwelling it would replace, its proposed function, siting and orientation in relation to the adjacent listed barns would be very similar to that of the original dwelling. The Council does not consider the appeal proposal to have a harmful

impact on the setting of the adjacent listed buildings and I have no reason to disagree.

17. I conclude that the appeal proposal would accord with the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990 and preserve the setting of the adjacent listed barns.

#### *Other Considerations*

18. The SoCG states that the main parties agree that the 2011 permission remains capable of lawful completion in accordance with the approved plans and represents an available fallback position. It is further agreed that the Table attached to the SoCG provides an accurate summary of the differences in the external dimensions, floor space and volume between the 2011 permission and the appeal proposal. In relation to the fallback, Drawing Nos. 13/0099/PL-300 and 13/0099/PL-310 provide a useful comparison between the suggested fallback scheme and the proposed development. I accept that the fallback position is available, and a material consideration in the assessment of the proposal.
19. For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out in the event that planning permission were refused, but it would also need to be equally or more harmful than the scheme for which permission is sought. In this regard the appellant has provided as part of the SoCG, a surveyor's and structural engineer's report which set out approximate estimates for the proposed alterations to the 'as built' construction to both revert to the fallback position or to carry out the proposed development. Despite the costs involved in reverting to the fallback, the Council did not suggest at the Hearing that this would make it an unrealistic proposition and there was no evidence put forward to indicate that the appellant would not be able to afford it. I am therefore satisfied that there is a reasonable prospect of the fallback position being carried out in the event that planning permission were to be refused.
20. The comparison Table and Plans clearly illustrate that there would be no difference between the appeal proposal and the fallback scheme in respect of the overall footprint of the proposal or its total floor space. Furthermore, the general form and mass of two schemes would be almost identical. The principal difference would be in relation to the roof structure, and in particular to its gabled winged elements and the dormer windows. The wing elements of the appeal proposal would have a ridge height one metre higher than their permitted height in the 2011 fallback permission, and their eaves height would also be a metre higher. There would also be a marginal increase (300mm) to the ridge height of the main roof and its eaves.
21. However, given the overall substantial height and mass of the replacement dwelling the subject of the fallback scheme, I do not consider that a further increase in height of 1m to the wing ridges would be material. When viewed from the public footpaths which run both in front and to the rear of the proposal, this height difference would not be perceptible. Although the proposed increase in height would marginally reduce the openness of the Green Belt, the impact would be limited. Furthermore, openness would be improved by the removal of the single storey barn which would be rebuilt and attached to the replacement dwelling by a glazed link as part of the fallback scheme.



Consequently, the fallback position would be likely to have an equally harmful effect on the openness of the Green Belt as that of the appeal proposal.

22. Moreover, it was agreed by both main parties at the Hearing that the overall roof form, including the dormer details of the appeal proposal would be a more appropriate and aesthetically acceptable design solution, to that of the fallback scheme. The proposed introduction of natural slates as opposed to the artificial slates of the 2011 permission would also be an enhancement. I agree that the fallback position would be likely to give rise to marginally greater harm to the visual qualities and character of the Green Belt than the appeal proposal. For these reason the fallback position is, therefore, a material consideration of significant weight in this case, and in the overall Green Belt balance.
23. A signed and completed UU has been provided. I have found that the appeal proposal would be less harmful to the visual qualities and character of the Green Belt than the fallback scheme and therefore securing the completion of the appeal scheme would be an additional benefit of the proposed development. I am satisfied that the UU would be reasonable and necessary to secure the completion of the proposal and that it would comply with the provisions of paragraph 204 of the Framework. I therefore attach moderate weight to the UU.
24. The appellant maintains that, when balanced against the impact the proposal would have on the Green Belt, it would not be sustainable to implement the fallback scheme in view of the substantial construction works that would be required. Concerns include noise, disturbance and increased heavy vehicular traffic movements to the locality. It is further submitted that these works would incur considerable cost. Both the fallback scheme and the appeal proposal would involve construction works, and given that the development is only for a single dwelling in a relatively isolated location, I give this consideration limited weight. Furthermore, Planning Practice Guidance makes its clear that planning is concerned with land use in the public interest and private financial interests are therefore not a matter for my consideration.

### **Overall Planning Balance and Conclusion**

25. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the appeal proposal would be inappropriate development and would result in additional harm through a moderate loss of openness. I therefore find conflict with Policies GB2A, GB15A and GB7A of the Local Plan. I consider that the proposal would preserve the setting of adjacent listed buildings; however this finding does not carry any weight in the Green Belt balance. I have also given limited weight to considerations in relation to the impact of the construction works on the locality. Nonetheless, for the reasons I have set out above, I attach significant weight to the fallback position, which when taken together with the moderate weight attributed to the UU, the benefits of the proposal would clearly outweigh the substantial Green Belt harm and amount to a very special circumstance necessary to justify this development. I therefore conclude that the appeal should be allowed.

## **Conditions**

26. The conditions suggested by the Council were discussed in detail at the Hearing. It was agreed between the main parties that suggested Conditions 1, 2, 4, 5, 7, 9, 10, 11 and 12 would not be necessary and I have no reason to disagree.
27. I have considered the remaining suggested conditions against the advice in the Framework and Planning Practice Guide. As a result I have amended some of them for clarity and consistency and deleted others.
28. I have imposed a condition specifying the approved plans as this provide certainty.
29. Because the fallback position is a significant consideration, I consider that exceptional circumstances exist to remove permitted development rights for the enlargement, improvement or any other alteration (including the erection of any other building within the curtilage, and extensions and alterations to the roof) of the dwelling, in the interests of the continued preservation of the openness of the Green Belt. I have imposed a condition similar to that suggested by the Council.
30. I have imposed conditions to secure the retention of the existing hedge and to provide and maintain the proposed soft landscaping as set out in the approved planting specification document and shown on the approved plans. These conditions are necessary to safeguard the character and appearance of the area.
31. A condition restricting the position of any gates at the vehicular access is required in the interests of highway safety.
32. I have not been provided with any compelling evidence to suggest why the appeal site would be contaminated and furthermore the proposal is for a replacement dwelling. I do not therefore consider it would be reasonable or necessary to require land contamination investigation works to be carried out as suggested by the Council.
33. The Council suggested a condition that would require a tree protection barrier to be erected. The tree of concern is a horse chestnut which lies to the north west of the proposal and which is protected by a Tree Preservation Order. It was agreed at the Hearing that the Council's primary concern had been during the construction phase of dwelling when a concrete base had been constructed within its root protection area and soil levels also raised. An Arboricultural Report and Tree Condition Survey have been subsequently carried out and its recommendations implemented. The excavation and below ground works for the replacement dwelling have been completed and I am satisfied that the appeal proposals would not require further tree protection works to be secured by condition. Furthermore, the tree remains protected from damage by reason of its protected status.

*Elizabeth Pleasant*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 13/0099/PL-100 – Existing Floor Plans;
  - 13/0099/PL-102 - Proposed Roof Plan;
  - 13/0099/PL-104 – Proposed Floor Plans;
  - 13/0099/PL- 110 Rev A – Approved and As Built Elevations;
  - 13/0099/PL-130 Rev A – Proposed Elevations;
  - 13/0099/PL – 140 – Cross Sections;
  - 13/0099/PL-141 - Window Details;
  - 13/0099/P-142 – Soffit, eaves and bargeboard details;
  - 13/0099/PL-143 – Entrance door detail;
  - 13/0099/PL-144 – Chimney details;
  - 13/0099/PL-145 Rev A – Dormer window detail;
  - 13/0099/PL-151 Rev A – Proposed Block Plan and landscaping;
  - 13/0099/PL-160 Rev B – Site plan and landscaping;
  - 13/0099/PL – 161 Rev C – Courtyard wall elevations;
  - 13/0099/PL-500 Rev A – Construction Signage;
  - 13/0099/PL-510 – Traffic access safety arrangements;
  - 13/0099/PL-520 Rev A – Fire engine turning circle; and
  - 21-403-L1-A - Landscaping arrangements 13/0099/PL-540 – Proposed drainage plan (notwithstanding the outline of the barn which is no longer part of the application)
- 2) Notwithstanding the provisions of Classes A, B or E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no enlargement, improvement or any other alteration (including the erection of any ancillary building within the cartilage, and extensions or alterations to the roof) shall be carried out without planning permission having first being obtained from the local planning authority.
- 3) The existing hedge is to be retained along the site boundary with London Road. If the hedging is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives written consent to any variation.
- 4) All soft landscape works shall be carried out and maintained in accordance with the details shown on Approved Drawing Nos: 13/0099/PL-160 Rev B; 13/0099/PL-151 Rev A and 21-403-L1 A and included in the planting specification prepared by J M Moore, dated 20 January 2014. The works shall be carried out within 6 months of the date of this decision and maintained in accordance with the approved details.
- 5) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.

**APPEARANCES**

FOR THE APPELLANT:

Mr P.S Gill	Appellant
Mr Howard Parkinson	Foskett, Marr, Gadsby & Head LLP
Mr Georgi Georgiev	Bright Building Solutions
Mr Andrew Tabachnik QC	39 Essex Street Chambers

FOR THE LOCAL PLANNING AUTHORITY

Mr Stephan Solon	Epping Forest District Council
------------------	--------------------------------

**DOCUMENTS AT THE HEARING**

1. Completed Statement of Common Ground.
2. Draft Section 106 Agreement.
3. Schedule and Full Set of Drawings for both the fallback scheme and appeal proposal prepared by Bright Building Solutions.
4. Copy of Council's Decision: PL/EPF/1692/10 for discharge of conditions in respect of Planning Permission Ref. EPF/2414/09.

---

## Appeal Decision

Hearing held on 1 December 2015

Site visit made on 1 December 2015

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

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

**Decision date: 13 April 2016**

---

**Appeal Ref: APP/J1535/W/15/3134332**

**North Weald Golf Club, Rayley Lane, North Weald Bassett, Epping  
CM16 6AR**

- 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 North Weald Grove Limited against the decision of Epping Forest District Council.
  - The application Ref EPF/0183/15, dated 27 January 2015, was refused by notice dated 15 April 2015.
  - The development proposed is the replacement of existing buildings with a three storey building to accommodate 20 no. apartments.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing buildings with a three storey building to accommodate 20 no. apartments at North Weald Golf Club, Rayley Lane, North Weald Bassett, Epping CM16 6AR in accordance with the terms of the application, Ref EPF/0183/15, dated 27 January 2015, subject to the conditions in the attached schedule.

### Procedural Matters

2. The proposed development would have a lesser volume than the existing Golf Club building, taking into account a two storey extension permitted by the Council<sup>1</sup> that has been implemented. Consequently, it has been agreed by the main parties that the proposal would not be inappropriate development within the Green Belt. I see no reason to disagree.
3. Unilateral undertakings have been submitted by the appellant which I have taken into account and refer to in more detail later. Since the Hearing further information has been provided relating to accessibility to the site by bus. The main parties have been given an opportunity to comment and I deal with this below.

### Application for costs

4. At the Hearing an application for costs was made by North Weald Grove Limited against Epping Forest District Council. This application is the subject of a separate Decision.

---

<sup>1</sup> Ref. EPF/2112/05

## **Main Issue**

5. The main issue is whether the proposal would represent sustainable development, in the context of national and local planning policy.

## **Reasons**

6. The appeal site is located within the built up part of North Weald Golf Course. To the north of the appeal site is a building comprising a children's nursery, hairdressers and store serving the Golf Club, and a Five-a-side Football Clubhouse and pitches. North Weald Golf Course is bisected by the A414, and is bordered by Rayley Lane to the west. Beyond Rayley Lane is North Weald Airfield.
7. Policy CP6 of the Epping Forest Local Plan 1998 (LP) (with 2006 Alterations) aims to concentrate new development within urban areas and to counter trends towards more dispersed patterns of living, employment and travel, promoting mixed use and maximising spare capacity in terms of land, buildings and infrastructure. LP Policy CP3 requires that development can be accommodated within, and is accessible by the existing, committed or planned infrastructure capacity of the area, or that sufficient new infrastructure is provided by the new development/developer. It also requires consideration of sequential approaches to the location of development, and to achieve a more sustainable balance of local jobs and workers.
8. LP Policy CP1 sets out the broad objectives for sustainable development in the District. These include the need to secure the provision of different types and amounts of housing accommodation and facilities to meet the needs of the local population, to avoid further commuting, provide local jobs and reduce reliance on use of the private car. In so far as these policies seek to manage patterns of development and guide new housing to more sustainable locations they are relevant to the supply of housing.
9. A Strategic Housing Market Assessment (SHMA) was published in October 2015, covering the local authority areas of Epping Forest, East Hertfordshire, Harlow and Uttlesford. This provides a figure for the Objectively Assessment Housing Need for the District and for the rest of the SHMA area, but the Council has stated that further work is required to apportion need across the SHMA area, and thus the Council does not yet have an adopted housing requirement. Consequently it concedes that it is unable to demonstrate a five year supply of deliverable housing sites.
10. In accordance with paragraphs 49 and 14 of the Framework, relevant policies for the supply of housing referred to above should not be considered up to date. Furthermore permission should be granted unless any adverse impacts of significant and demonstrable harm would outweigh the benefits of the scheme, when assessed against the Framework as a whole.
11. Paragraph 7 of the Framework sets out the three dimensions to sustainable development by which proposals should be assessed. The social dimension requires planning to support strong, vibrant and healthy communities by providing a supply of housing to meet the needs of present and future generations, with a high quality built environment and accessible local services.
12. The Framework affirms the need to significantly boost the supply of land for housing. The 20 flats proposed would contribute meaningfully to that

- objective. Shops and local services are available in nearby North Weald Bassett, including shops, post office, a pub and primary school, about 2km away. I shall give greater consideration to transport issues in due course but given their range and proximity they can be regarded as accessible local services. Consequently I consider that the social dimension of the scheme would be met.
13. 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.
  14. Turning to the environmental strand, the Council has confirmed the site is previously developed land. Planning permission has been granted for a two storey extension to the existing clubhouse for bedroom accommodation for visitors and members of the golf club, and there is no dispute that the permission has been implemented. Compared with this fallback position there would be an 8% reduction in built form.
  15. The appellant asserts that great importance should be attached to the increase in openness of the Green Belt compared with the permitted scheme if the appeal were allowed. There is no explicit provision within the Framework to attach great weight in these circumstances and the difference between the two scenarios is not that great. Nevertheless, openness is one of the essential characteristics of the Green Belt and I give some weight to the greater impact that the permitted scheme would have on openness if built.
  16. The Council contends that due to the location of the site relative to shops and services and existing public transport networks, trips are likely to be predominantly car based, and thus the proposal would not meet the environmental role. Further to the above, the Council referred to LP Policies ST1 and ST2 in the Decision Notice. LP Policy ST1 states that new development will be located in places that encourage walking, cycling and the use of public transport. It further states that in rural areas, preference will be given to locations with access to regular public transport services and containing basic shops and other facilities. LP Policy ST2 requires that new development is designed to provide safe, pleasant, and convenient access for pedestrians and cyclists. There is no evidence that the proposal would fail in this respect.
  17. Rayley Lane does not have dedicated footways but a footpath runs east - west across the golf course to Vicarage Lane, and a public bridleway, known as the Bassett Millennium Walk runs north - south across and through the golf course and links Vicarage Lane with the Stort Valley Way. Given the distance to the nearest shops and local services, walking would not be an option for some residents, particularly during inclement weather or during the hours of darkness. Part of the footpath is inaccessible for wheelchair users. Cycling would be an option for some along Rayley Lane, which is a relatively quiet road. I note there are no recorded serious accidents in the last five years for that part of Rayley Lane from which the site is accessed.
  18. Turning to public transport, the No 19 bus service from Epping Forest to Harlow operated by Townlink commenced in June 2015. This stopped at Epping Station with connections to the underground, overground and mainline rail networks. I acknowledge that the operation of a bus service is not within the

control of the appellant, and could be withdrawn at any time. Indeed, after the Hearing, I was advised by the Parish Council that the No 19 service had ceased. Whilst bus services change from time to time and the cancellation of the license is apparently being contested there is no clear indication that a service on this route is likely to resume in the near future.

19. The appellant proposes to fund the repair and maintenance of the bus stop and shelter within the appeal site to support a short diversion of a bus service into the site and a financial contribution would be made for a Travel Plan for the development as an alternative. Paragraph 29 of the Framework recognises that sustainable transport solutions will vary from urban to rural locations. However, future occupiers would tend to rely on the private car. Some travel choices would exist but these would be quite limited. Even if the bus service into the site was provided in transport terms the site would not be particularly accessible.
20. The Council has confirmed that the North Weald Bassett Masterplanning Study (September 2014) has a vision for the redevelopment of the area that includes some additional development at nearby North Weald Airfield, and that there are likely to be additional public transport improvements associated with this. The Council has stated that little if any weight can be given to the Masterplanning Study at this time as it has not been adopted, however it would be reasonable to expect that any intensification of development at the airfield or residential development around the existing settlement may in the longer term support public transport services in the locality.
21. Notwithstanding this, due to its travel implications the proposal does not perform particularly well in environmental terms having regard to using natural resources prudently, minimising pollution and moving to a low carbon economy. There is no detailed objection on these grounds but the limited accessibility of the site on foot and potentially from public transport counts against the scheme. The measures put forward to improve opportunities for non-car modes are therefore important. Some benefit would arise from the development of a building with a smaller volume than that already permitted on the site, which would be on previously developed land. The development would be located within a cluster of buildings and there would be no harm to the character and appearance of the area. Nevertheless, the overall environmental dimension of sustainable development would not be fully achieved.
22. 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.



23. Having regard to LP Policies CP1, CP3, CP6 and ST1 the proposal would conflict with the development plan. Nevertheless, these policies pre-date the Framework and its definition of sustainable development and they are out of date for the purposes of paragraph 49. As such the weight to be attributed to them is reduced. Whilst there is conflict with the development plan, other material considerations outweigh this as I have found the proposal would be sustainable development in accordance with the Framework.
24. In reaching my decision I have had regard to the Appeal Decision at Waltham Abbey<sup>2</sup> referred to by the Council. In that case the Inspector found the distance from shops and services and relative infrequency of public transport services available near the site would be likely to discourage sustainable patterns of development. Significant weight was attached to this matter.
25. However, accessibility was not the only matter in that appeal, as the Inspector found the proposal would constitute inappropriate development in the Green Belt, and that there would be harm to the character and appearance of the area. It was concluded that the various benefits did not constitute the very special circumstances necessary to justify the development. Furthermore, there appears to be different site circumstances here including the availability of well-used footpaths to access nearby services and the scope to improve public transport as well as the significantly fewer number of proposed units. Consequently the findings in that appeal are not decisive in this one.

### **Other Matters**

26. Three unilateral undertakings (UU) have been submitted by the appellant. UU1 provides for contributions towards additional primary school places and towards transport for secondary school pupils (the Education Contribution). UU2 has effectively been replaced by UU3 and therefore not necessary to make the development acceptable in planning terms.
27. In response to further information about the No 19 bus service the appellant submitted UU3, which in addition to the Education Contribution offers a one off payment towards the purchase of a bicycle for the occupier of each flat, and an annual payment to fund the repair and maintenance of the bus stop and shelter. The bus operator is not named to allow for flexibility. It also provides a default obligation towards the installation, operation, maintenance of electric charging points within the site and for encouragement of their use through a Travel Plan. This is to be triggered in the event that the bus service no longer visits the site.
28. The appellant's stance is that the provision of the bus service is not required in order for the development to be sustainable in the terms expressed in the Framework. However, this refers to maximising sustainable transport solutions and implies that future residents should be given the greatest possible choice although this should be realistic. In the light of this and as it was part of the overall balance of considerations, securing the transport contribution is necessary to make the scheme acceptable in planning terms. So having regard to the relevant tests the obligation is required under the terms of paragraph 5.1 of UU3.

---

<sup>2</sup> APP/J1535/W/15/3033482

29. Fifteen of the 20 flats would have two or three bedrooms and able to accommodate a family, and thus future occupiers could generate a demand for education infrastructure. The primary school place contribution has been based on an agreed methodology used by the Council and Essex County Council<sup>3</sup> for calculating additional school places, and there is nothing to indicate that this contribution would result in the pooling of five or more contributions towards school places at the local school, St Andrew's Church of England Voluntary Aided Primary School, North Weald (or any successor).
30. However, secondary school transport has a much larger catchment and therefore likely to be funded by a larger number of developments. As there is no confirmation from Essex County Council to this effect I consider on the basis of the evidence before me, the secondary school transport obligation would not meet the test in Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), and thus it cannot lawfully constitute a reason for granting planning permission.
31. I therefore consider that the obligations, with the exception of the secondary school transport obligation, would meet the tests in the Framework and the CIL Regulations and, as such, have been taken into account.

### **Conditions and Conclusion**

32. The development is acceptable subject to the imposition of certain conditions, framed with regard to advice in the Planning Practice Guidance (the Guidance), with some minor alterations for clarity and to reduce repetition. I have attached a condition limiting the life of the permission and have imposed a condition specifying the approved plans as this provides certainty.
33. Details of external materials, hard and soft landscape works and refuse storage are required to be submitted and implemented to safeguard the character and appearance of the area.
34. Details of foul and surface water provision and disposal and flood risk assessment, management and maintenance are required in the interests of public health and to minimise surface water run-off.
35. Car parking and bicycle storage is to be provided as shown on the approved plan prior to first occupation of the development in the interests of highway safety. Wheel washing or other cleaning facilities are required during the construction works for the same reason. In addition a Residential Travel Information Pack is required to be provided to each dwelling prior to first occupation to promote sustainable travel.
36. Due to the former use of the site as a farmyard and a nearby infilled pond there is potential for contamination to be present. Consequently conditions requiring investigation of any potential contamination and remediation where appropriate are necessary given the proposed residential use.
37. Finally I shall impose a condition requiring details of ecological mitigation measures, as recommended in paragraphs 7.2.2 and 7.3 of the Ecology Statement to be submitted to and approved in writing by the local planning authority. This is required to mitigate the impact of the development and to enhance biodiversity.

---

<sup>3</sup> Essex County Council Developer's Guide to Infrastructure Contributions 2010 Edition

38. For the above reasons I conclude that the appeal should be allowed.

*Claire Victory*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Mr David Brown	G L Hearn
Mr Christiaan Zwart	39 Essex Chambers
Mr Stuart Choak	Curtins Consulting
Mr Bradley Smith	Appellant, North Weald Golf Club

### FOR THE COUNCIL:

Mr James Rogers	Planning Officer, Epping Forest District Council
-----------------	--

### INTERESTED PERSONS:

Mrs Susan De Luca	Clerk, North Weald Bassett Parish Council
-------------------	---

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Statement of Common Ground
- 2 Appellant's Opening Note
- 3 Information on bus service, submitted by North Weald Parish Council
- 4 South Northamptonshire Judgement [2013] EWHC 4377 (Admin), submitted by the Appellant
- 5 Appeal Decision APP/J1535/W/15/3033482, submitted by the Council
- 6 Critique of LP Policies ST1 and ST2, submitted by the Appellant
- 7 Committee Report – Threshers site, submitted by the Appellant
- 8 Education CIL Compliance Statement, submitted by the Appellant

### **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: FID-101, FID-100, FID-105, FID-110, FID-1005, FID-2100, FID-220, FID-2300, FID-2400, FID-3000, FID-3100, FID-3200, FID-4000.
- 3) The materials to be used for the external finishes of the development hereby permitted shall match those within the submitted application.
- 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 the 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) 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 works shall include proposed finished levels or contours, means of enclosure, car parking layout, other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscaping 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 or any replacement, it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another of the same species and size as that originally planted shall be planted at the same place.
- 7) The parking and bicycle storage 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 and bicycles.
- 8) 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 development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 9) No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the local planning authority before commencement of the Phase 1 investigation. The completed report shall be submitted to and approved by the local planning authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess all potential risk to present and proposed humans, property including buildings, crops, livestock, pets, woodland and adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments, and service lines and pipes 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.
- 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 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 all potential risk to present and proposed humans, property including buildings, crops, livestock, pets, woodland and adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments, and service lines and pipes 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.
- 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 by removing unacceptable risks to human health, buildings and other property and the natural and historic environment has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved remediation scheme. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 12) Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with the 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 the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval of the local planning authority.
- 14) All construction and demolition works and ancillary operations, including vehicle movements on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 0730 and 1830 Monday to Friday and 0800 to 1300 on Saturday, and at no time during Sundays and Public/Bank Holidays.
- 15) Prior to the first occupation of the development the refuse storage facility shown on the approved plans shall be completed and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose.
- 16) Prior to the first occupation of the proposed development, the developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, that shall be submitted to and approved by Essex County Council.
- 17) Prior to the commencement of construction, the following should be submitted to and approved in writing by the local planning authority: details of timings of works to minimise the impact on commuting bats; details of an artificial lighting plan (if unavoidable) to be used during and post development to eliminate the potential impact on commuting bats; and details of bat boxes, bricks or tubes to be installed post construction; a methodology for checking for, and avoiding harm to hedgehogs; details of a hedgehog box to be installed post construction; and details of bird nesting boxes and their positions on the new building or nearby trees.

**This page is intentionally left blank**



---

## Appeal Decision

Site visit made on 26 April 2016

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

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

**Decision date: 25 May 2016**

---

**Appeal Ref: APP/J1535/W/16/3142789**  
**16 Kendal Avenue, Epping, Essex CM16 4PW**

- 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 C/O Modern Mix Ltd against the decision of Epping Forest District Council.
  - The application Ref EPF/1783/15, dated 21 July 2015, was refused by notice dated 26 October 2015.
  - The development proposed is the demolition of existing dwelling, erection of two storey structure with rooms in the roof space providing 4 no. self contained flats. Removal of Cypress Tree.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site comprises a large detached two storey residential dwelling with a detached single garage. The area is predominantly residential and is characterised in the main by large detached two storey dwellings set in spacious plots with mature front and rear gardens. There is a variety of architectural style and a range of materials including brick, render, timber boarding and uPVC cladding.
4. The appeal proposes the demolition of the existing dwelling on the site and its replacement with a large two storey building providing 4 flats. The building would have a width of around 19 metres and would extend across the majority of the plot leaving a gap of approximately 1.6 metres from the side boundaries with neighbouring residential properties. The scale and width of the proposed dwelling would be out of character with the majority of existing properties on this part of Kendal Avenue, which whilst being large detached dwellings retain gaps between them providing a visual break in built form.
5. The appellant has made reference to and I noted on my site visit, a number of properties in close proximity to the appeal site which have a footprint extending across most of their plot width. Nos. 14 and 14a Kendal Avenue are more modest size dwellings and are more closely sited than other properties in

the vicinity and extend about a metre from their common boundaries. However they have single storey garage extensions to the side which whilst these extend built development across much of the plot, the subordinate nature of these extensions results in the retention of a visual gap and feeling of space between dwellings. No.18 Kendal Avenue is a large detached dwelling which again covers much of the plot but there is a lower height double garage extension with dormers above positioned close to the common boundary with No.16. This again reduces the bulk and mass of the dwelling and maintains a visual break. In contrast the appeal proposal would be two storey for its entire width and with the limited gap to the side boundaries of neighbouring dwellings would have a scale, mass and plot coverage at odds with the established pattern of development in the locality and the character and appearance of the area.

6. The appeal proposal has been designed to give the appearance of one large dwelling. This would in principle be appropriate for the area, however the development would result in a two storey building for a width of approximately 19 metres. In the context of dwellings many of which are part two storey and part single storey with varying ridge heights, it would in my view have a prominent appearance which would be out of character in the street scene.
7. I acknowledge that Policy H3a of the Epping Forest District Local Plan and Alterations 2006 looks to maximise the use of land and seeks to achieve densities of development between 30 and 50 dwellings per hectare. This policy is general consistent with the National Planning Policy Framework (the Framework) which in paragraph 17 seeks to make the effective use of land. The current density of development on the site is around 10 dwellings per hectare whilst the proposal would result in a density of about 40 dwellings per hectare in line with the objectives of this policy. Notwithstanding this compliance, regard must be had to the character of an area. In the context of a low density area as in this case, a higher density of development, would not be appropriate having regard to the character of the area. The Framework recognises in paragraph 47 advises that housing density should reflect local circumstances.
8. The Council has made reference to the design of the proposal in particular the off centre pediment which in their view would be out of keeping with surrounding dwellings. However there is a variety of design and architectural style in the locality and whilst the proposed design would be different to others in the area, I consider it would not in this regard be materially out of keeping with the locality.
9. Notwithstanding the above, the proposed development would result in a large detached dwelling which as a result of its scale, mass and plot width would not be in keeping with the established pattern of development in the area and would cause harm to the character and appearance of the area. The proposal would conflict with Policies CP7 and DBE1 of the Epping Forest District Local Plan and Alterations 2006 which aim to achieve high quality design and protect and enhance local character. These policies I consider to be generally consistent with the Framework in particular paragraph 17 which seeks to secure high quality design.

### **Other Matters**

10. I acknowledge that the appeal proposal would form a sustainable development

and would contribute to the supply of housing in the area, particularly for those seeking smaller properties. I also note that the Council has found the proposal to be acceptable in terms of highway matters, impact on the amenity of the occupiers of surrounding dwellings and in terms of arboricultural matters with particular regard to the trees on the site. Whilst these positive aspects of the scheme weigh in favour of the development they do not substantially or demonstrably outweigh the harm I have found to the character and appearance of the area.

**Conclusion**

11. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR

**This page is intentionally left blank**

---

## Appeal Decision

Site visit made on 15 June 2016

by **John Morrison BA (Hons) MSc MRTPI**

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

Decision date: 27<sup>th</sup> July 2016

---

**Appeal Ref: APP/J1535/W/16/3146347**  
**33 Chapel Road, Epping, Essex CM16 5DS**

- 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 Chris King against the decision of Epping Forest District Council.
  - The application Ref EPF/2484/15, dated 3 October 2015, was refused by notice dated 10 February 2016.
  - The development proposed is the demolition of existing two storey dwelling house and garage, the construction of a new two storey residential building with loft and basement accommodation containing 3x1b and 4x2b apartments, with associated car, bicycle parking and refuse facilities.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In the interests of clarity, the proposed development would be a detached building which would comprise of seven separate self-contained units of accommodation arranged over four floors which would include one in the basement and one in the roof space. I have determined the appeal on this basis.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. The street scene is made up of a number of different dwelling designs but they are for the most part conventional two storey types. Typically they have shallow front gardens which abut the back edge of the pavement and as such parking is generally on the street. Whilst buildings are arranged closely together they are mostly detached with a narrow width and a vertical emphasis to their general appearance.
5. The proposed development would share similar period design features to other buildings in the street scene such as, for example, forward projecting bay windows and a hipped roof. These details would however be presented on a building which would be of a substantially larger scale than the existing

- dwelling, the immediate neighbour (Number 31 Chapel Road) and other dwellings in the street scene.
6. The scale and mass of the proposed development would therefore have a dominating visual effect over the immediate neighbour and other buildings in the street scene, an effect which is exacerbated by the increased width, spacing between fenestration and single height roof span. Whilst I accept that the proposed development would not be significantly taller than surrounding buildings, the contrasting horizontal emphasis and disproportionate scale of the proposed development in relation to other buildings in the street scene would cause harm to the character and appearance of the area.
  7. I therefore consider that the proposed development would be contrary to saved Policies DBE1, CP2 and CP3 of the adopted Epping Forest District Local Plan 1998 and Alterations 2006. These Policies seek to ensure that, inter alia, new development respects its setting in terms of scale, proportion and massing, safeguards and enhances the setting, character and townscape of the urban environment and respects the character and environment of the locality.
  8. The proposed development would also be contrary to section 7 of the National Planning Policy Framework which, inter alia, encourages the use of good quality and contextually appropriate design which is visually attractive and responds to local character.

#### **Other Matters**

9. I note the appellant's comments in respect of the changes that have been made to the design and overall size of the proposed development following a previous refusal of planning permission. Whilst I do not have the previously refused design before me for consideration, I have considered the proposed development on its own merits and concluded that it would, by virtue of its scale and massing, cause harm to the character and appearance of the area.
10. I further acknowledge that the sloping nature of the street as it runs downhill to the north west of the appeal site does give a stepped appearance to the street scene. However, this would not mitigate the effect of the large scale and mass of the proposed development when it would be read in the context of the more modest scale of buildings around it. This would not therefore justify allowing the appeal.

#### **Conclusion**

11. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

*John Morrison*

INSPECTOR

## Appeal Decision

Site visit made on 16 August 2016

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

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

Decision date: 5<sup>th</sup> September, 2016

---

**Appeal Ref: APP/J1535/W/16/3150162**

**9 Church Hill, Epping, Essex, CM16 4RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Alan Dickinson against the decision of Epping Forest District Council.
  - The application Ref EPF/3024/15, dated 27 November 2015, was refused by notice dated 9 March 2016.
  - The development proposed is demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site parking and a bin store.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Council's planning decision notice includes a list of plan numbers which is not up-to-date. I have taken into account the most up-to-date plans in reaching a decision.

### Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the Epping Conservation Area.

### Reasons

4. Dane House, no. 9 Church Hill is an early nineteenth century villa with simple detailing still evident to the rear and shallow pitched roof, visible now over its ornate, late nineteenth century frontage and other extensions. It sits just outside the commercial part of the town centre, facing The Green, and as historic mapping information indicates, originally stood out as a building of some size and status, with a generous garden and equipped with a coach house and stable, set alone in what was then farmland. This character can still be read; the garden setting remains, as do the outbuildings, a composition given greater interest through the addition of the side extension featuring a large arched entrance. These add up to a quirky but attractive and conspicuous element in this part of the Epping Conservation Area which makes a positive contribution to its character and appearance.

5. The Council offices to the south, which stand out as a large building in this setting, mark emphatically the transition between the densely developed commercial heart of the conservation area that is the High Street, and the more open character to the north, where houses and gardens including trees and mature vegetation predominate.
6. The conversion of the main building and carriage-arched extension into three flats is not a matter of contention between the parties in terms of design. The front door, as one key element of the frontage, would be retained in use, while another, the carriage archway, would continue to be expressed as a void, although glazed for use as windows/doors.
7. The coach house and stable outbuildings with a possible hay loft and small open-sided workshop are of plain, workmanlike construction and of interest as a picturesque group and unusual survival of early service buildings associated with the house. However, their condition is extremely poor, and any attempt to retain them would be likely to require extensive rebuilding.
8. The replacement of these outbuildings with structures of very similar dimensions and picking up some of the characteristic details of the originals would signpost their former presence, and retain some of the historical texture of the sites as having previously contained working structures as well as the more polite main dwelling. The presence of some fenestration on the side facing Homefield Close would create a marginal improvement on the currently blank brick faces. The replacement of the outbuildings would not, therefore, have a harmful effect in design terms on the character or appearance of the conservation area.
9. The proposed two storey block, containing two mews houses, to the north of the host building would sit in part of the original open garden area to the house. Its frontage to Church Green is currently poorly bounded with close boarded timber fencing which sits uncomfortably next to the good, possibly early nineteenth century, iron railings to the front of the host dwelling itself. This element of the appeal scheme would have the effect of introducing what would appear from the front to be an additional house into the site. It would reduce the open setting of the host building to the side, making it part of the continuous run of houses running up Church Hill. To the rear, it would project back to nearly the end of the remaining garden area, creating what would in effect would be a courtyard between the original house, recreated outbuildings and parking area to the rear.
10. This element of the appeal proposal would therefore introduce a significant built element into the setting of Dane House, and cause a significant reduction to the original garden setting of the building which had marked out its high status as a large villa in an originally open rural setting. The proposed two storey block would, because of this, have a harmful visual impact on the setting of Dane House, a locally listed building, and thereby also reduce its historic significance. This element of the appeal proposal would therefore have a harmful effect on the character and appearance of this part of the conservation area. While some improvement to the boundary treatment to the front of the site could accrue from the proposed development, this benefit would not outweigh the demonstrable harm otherwise created.



11. The introduction of six new dwellings onto the site of what was formerly a single family dwellinghouse would inevitably lead to greater levels of activity than previously. The considerations of the Inspector in the appeal case provided by the Council (Ref. APP/J1535/W/15/3127840) are relevant to my considerations. However, 9 Church Hill is in a busy area on the periphery of the town centre and adjoining the Council offices, and which notwithstanding its residential character, differs from an area of purely suburban housing. The circumstances of the appeal case brought to my attention are not therefore directly comparable to the circumstances of this appeal. Movements by the occupiers of the site through the site to the parking area would tend to be to the rear of the main frontage to The Green, and the numbers of car journeys generated would not appear great in the context of activity levels in the surrounding area. I consider therefore that the appeal proposal would not generate levels of activity which would have a harmful effect on the character of Epping Conservation Area.
12. The removal of vegetation to the front and side boundaries of the appeal site would entail the loss of shrubs and some small trees of limited visual or arboricultural interest. Replanting which maintained or improved the greening of the site could be secured by the use of conditions. I do not, therefore, consider that the appeal proposal would have a harmful impact on the appearance of the conservation area in this respect, and would not conflict with policy HC6 of the Epping Forest District Adopted Local Plan 1998 (LP) where it states that the Council will not consent works to trees which would be detrimental to the character appearance or setting of a conservation area.
13. In conclusion, therefore, the loss of the garden setting of Dane House would cause harm to the character and appearance of the Epping Conservation area, meaning that the proposed development would be in conflict with Policy CP2 of the Epping Forest District Local Plan Alterations, 2006 (LPA) which seeks to protect the quality of the rural and built environment, Policy CP3 of the LPA which requires that the scale and nature of new development is consistent with the principles of sustainability and respects the character and environment of the locality, and Policy CP7 of the LPA which seeks to maintain the environmental quality of urban areas and to protect the character of areas of architectural and historic importance. It would also conflict with the Framework, which requires that great weight be given to the conservation of the character and appearance of conservation areas as designated heritage assets

### **Other Matters**

14. The Framework states that if a five year supply of housing cannot be demonstrated, the Council's policies for the supply of housing are out of date. However, even were I to accept that the Council does not have a five year supply, this would not inevitably lead to the appeal being allowed. As the Framework requires that great weight should be given to the conservation of designated heritage assets, although elements of the scheme, such as its location in proximity to local economic activities, shops, services and transport opportunities are sustainable, they are significantly and demonstrably outweighed by the harm that the proposed development would have to the character and appearance of the Epping Conservation Area.

15. The location of the proposed development in an area of good access to other forms of transport and the provision of six parking spaces mean that it would not be likely to generate parking or traffic problems in the area which would compromise highways safety. The covered parking area and storage building to the rear of the site are modest in height, and their shallow hipped roofs are not likely to project much higher than the existing high timber boundary fence. They are not therefore likely to deprive the garden of no. 1 Homefield Close of light. There is no firm evidence to suggest that the development would cause any additional drainage problems.

**Conclusion**

16. In conclusion therefore, and taking into account all matters raised, the appeal is dismissed.

*S J Buckingham*

INSPECTOR



---

## Appeal Decision

Site visit made on 27 April 2016

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

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

Decision date: 07 June 2016

---

### **Appeal Ref: APP/J1535/W/16/3142875 94-96 High Road, North Weald Bassett, Essex CM16 6BY**

- 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 Michael Osborne against the decision of Epping Forest District Council.
  - The application Ref EPF/1737/15, dated 14 July 2015, was refused by notice dated 14 October 2015.
  - The development proposed is 1no. 2 bed flat and 1no. 1 bed flat in existing roof of property and front, rear and side dormer and raised ridge height level to rear roof.
- 

### **Decision**

1. The appeal is dismissed

### **Main Issues**

2. The main issues are:
  - the effect of the proposed development on the living conditions of existing residents with particular regard to outlook and daylight.
  - the effect of the development on the character and appearance of the building and the surrounding area;

### **Reasons**

#### *Living conditions*

3. The appeal proposes the addition of two flats in the roof of the building with a part single storey and part two storey front extension providing access. This would result in the flank wall to the proposed extension being positioned in close proximity to a ground floor kitchen window and first floor bedroom window of existing flats in the building. Having regard to outlook, I acknowledge that both these windows are already affected by the flank wall of the existing building, which is approximately 2 metres to the side. The proposed front extension would bring this flank wall to around half a metre away from these windows. I consider that as a result of this proximity, together with the height and length of the extension, it would have a significantly greater enclosing effect than the existing building on the outlook from these windows. In terms of daylight, I consider for the same reasons, that there would also be a loss of light to these windows. Whilst this would be minimised to an extent by the orientation of the building, I consider it would be
-

significant enough to cause an adverse effect on the level of daylight to these rooms.

4. I therefore consider that the proposed front extension would have an overbearing effect and result in a loss of outlook and daylight causing material harm to the living conditions of the occupiers of the existing ground floor and first floor flats. The proposal would conflict with saved policies DBE9 and CP7 which aim to achieve high quality design and ensure that new development does not result in an excessive loss of amenity for neighbouring properties. I consider these policies to be generally consistent with the National Planning Policy Framework (the Framework) in particular paragraph 17 which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

#### *Character and appearance*

5. The appeal property forms a large detached two storey brick and rendered building providing six flats. The property is staggered giving it the appearance of three adjoined buildings. The area is residential in character with two storey dwellings and bungalows of different designs and ages constructed in brick, some with render and predominantly pitched tiled roofs.
6. The appeal proposes the addition of 2 flats in the roof of the building. Dormers to the front, side and rear are proposed as well as the raising of the ridge height of a section of the rear roof and the provision of a front extension to provide access to the two proposed flats.
7. In relation to the alterations to the front elevation, I noted on my site visit that whilst there are few dormers in the area, the development at Lysander Court close to the appeal site on High Road does have these features. This aspect of the scheme would not be out of character with the area. I acknowledge that the proposed front dormers are of different widths and proportion however this appears to me to reflect the proportions of the existing first floor windows below. Having regard to the scale of the dormers, I do not consider that they would appear overly dominant in the roof plane.
8. The proposed two storey front extension would add to the mass of the building but would not be so dominant as to unacceptably accentuate the width of the central part of the building unbalancing its design. The proposed single storey front porch element would project further forward than the central part of the existing front elevation but due to the staggered nature of the front elevation as a whole, it would not project further forward than the most forward sitting part of the building. Furthermore having regard to the canopy over the entrance to two of the existing ground floor flats, which project forward of the front elevation of the building and to the mixed character and design of properties in the vicinity of the appeal site, I consider that the works proposed to the front elevation would not adversely affect the character or appearance of the building or be out of keeping with the street scene.
9. The proposed rear and side dormers would be appropriate in scale, would not dominate the roof slope of the building and would not appear incongruous or out of keeping with the design and character of the host building. The section of rear roof proposed to be raised would not be any higher than the ridge line of the main roof and would predominantly be screened by the main roof so that it would have little if any impact on the street scene.

10. Currently the appeal property has eight parking spaces, four to the front and four to the rear of the building. It is proposed to increase the parking to the rear with the provision of 3 additional spaces. This would have no visual impact on the street scene and could be adequately accommodated within the site.
  11. Bringing the above points together, I consider that the appeal proposal would not result in unacceptable alterations to the building or overdevelopment of the site that would adversely affect the character or appearance of the property or that of the wider surrounding area. The proposal would therefore comply with saved Policy CP7 of the Epping Forest District Local Plan Alterations 2006 which aims to maintain the environmental quality of existing urban areas and provide high quality design. I consider this policy to be generally consistent with the Framework; in particular paragraphs 17 and 56 which seek to achieve high quality design and have regard to the character of different areas.
- Conclusion**
12. Whilst I have found that the appeal proposal would not cause material harm to the character and appearance of the building or surrounding area, this would not significantly or demonstrably outweigh the harm I have found to the living conditions of the occupants of the existing flats.
  13. For the reasons given above and having regard to all other matters raised I dismiss this appeal.

*Helen Hockenfull*

INSPECTOR

**This page is intentionally left blank**