

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 14th June, 2017

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 14th June, 2017
at 7.00 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

V. V. Messenger Tel: (01992) 564243
Email: 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 - 24)

To confirm the minutes of the last meeting of the Sub-Committee held on 10 May 2017.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

7. DEVELOPMENT CONTROL (Pages 25 - 106)

(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 - APPEAL DECISIONS, 1 OCTOBER 2016 TO 31 MARCH 2017 (Pages 107 - 132)

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

9. AREA PLANS SUB-COMMITTEES - PUBLIC SEATING ARRANGEMENTS (Pages 133 - 134)

(Director of Governance) To consider the attached report.

10. 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):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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Advice to Public and Speakers at 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 Area Plans Sub-Committee South and Area Plans Sub-Committee West are held at the Civic Offices in Epping.

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. 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:



Chairman Cllr Jones Theydon Bois	Vice-Chairman Cllr Keska Chipping Ongar, Greensted and Marden Ash	Cllr Avey Epping Hemnal	Cllr Bedford Shelley	Cllr Boyce Moreton and Fyfield
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Cllr Brady Passingford	Cllr Breare- Hall Epping Lindsey and Thornwood Common	Cllr Grigg North Weald Bassett	Cllr McEwen High Ongar, Willingale and the Rodings	Cllr Morgan Hastingwood, Matching and Sheering Village
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Cllr Philip Theydon Bois	Cllr Rolfe Lambourne	Cllr Stallan North Weald Bassett	Cllr Surtees Chipping Ongar, Greensted and Marden Ash	Cllr Waller Lower Sheering
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Cllr C Whitbread Epping Lindsey and Thornwood Common	Cllr H Whitbread Epping Lindsey and Thornwood Common	Cllr J M Whitehouse Epping Hemnal	Cllr J M Whitehouse Epping Hemnal
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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 10 May 2017
East

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.52 pm
High Street, Epping

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

Other Councillors:

Apologies: N Avey, A Boyce, H Brady, M McEwen and C Whitbread

Officers Present: J Shingler (Principal Planning Officer), J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer (Trainee)) and P Seager (Chairman's Secretary)

92. 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.

93. 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.

94. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 April 2017 be taken as read and signed by the Chairman as a correct record.

95. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the objector. The Councillor had determined that her interest was non pecuniary and she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/3034/16 – Norton Heath Riding Centre, Fringrith Hall Lane, High Ongar, Ongar.

(b) 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 objector and applicant being customers of his business. The Councillor had determined that his interest was non pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0082/17 – 5 Bluemans, North Weald Bassett.

(c) Pursuant to the Council's Code of Member Conduct, Councillor H Whitbread declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that her interest was non pecuniary but she would leave the meeting for the consideration of the application and voting thereon:

- EPF/0576/17 – 3 Kendal Avenue, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor W Breare-Hall declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being known to him. The Councillor had determined that his interest was non pecuniary and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0576/17 – 3 Kendal Avenue, Epping.

96. ANY OTHER BUSINESS

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

97. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 5 be determined as set out in the schedule attached to these minutes.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/3034/16
SITE ADDRESS:	Norton Heath Riding Centre Fingrith Hall Lane High Ongar Ongar Essex CM4 0JP
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Demolition of all existing buildings and apparatus and redevelopment of the site comprising the construction of 30 no. new dwellings together with associated car parking, garden space, access improvements onto Fingrith Hall Lane, soft landscaping and associated development
DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589433

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FLU.354.2.02 Rev A, FLU.354.2.04 Rev A, FLU.354.2.06 Rev A, FLU.354.2.07 Rev A, FLU.354.2.08 Rev A, FLU.354.2.09 Rev A, FLU.354.2.10 Rev A, FLU.354.2.11 Rev A, FLU.354.2.12, FLU.354.2.13 Rev L, FLU.354.3.14, FLU.354.3.15, FLU.354.3.16, FLU.354.3.17, FLU.354.3.18, FLU.354.3.19, FLU.354.3.20, FLU.354.3.21, FLU.354.3.22 Rev A, FLU.354.3.23, FLU.354.3.24, FLU.354.3.25, FLU.354.3.26, FLU.354.3.27 Rev A, FLU.354.3.28 Rev A, FLU.354.3.29 Rev A, FLU.354.3.30 Rev A, FLU.354.3.31 Rev A, FLU.354.3.32 Rev A, FLU.354.3.33 Rev A, FLU.354.3.34 Rev A, and FLU.354.3.35 Rev A
- 2 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 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.

- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 6 No development shall take place until details of 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.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for

planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 14 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 15 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 16 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.
- 17 No development shall take place until details of tree planting for the 'buffer' zone on the northern edge of the site have been submitted to and approved in writing by the Local Planning Authority. This shall, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 18 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for the following all clear of the highway:
 - Safe access into the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities.

- 19 Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres to the east and west, as measured to a 1m offset from the carriageway edge. Such visibility splays shall be maintained as such in perpetuity.
- 20 Prior to first occupation of the development the access arrangements, as shown in principle on drawing no.FLU.354.2.13 Rev E, shall be fully implemented and retained as such in perpetuity.
- 21 Compensation for the loss of bird nesting habitat shall be made following the recommendations at 8.1 in the Ecology Assessment by Ethos Environmental Planning in August 2016. This involves bird boxes for house sparrow, house martin, swallow and pied wagtail. A plan of where these boxes will be erected and their design shall be submitted to the Local Planning Authority for approval prior to commencement of works and implemented in accordance with such approved details.
- 22 No demolition of buildings or structures that are used by breeding birds shall take place between 1st March and 31st August inclusive, unless a qualified ecologist has undertaken a careful, detailed check for active birds' 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 bird interest on site. Any such written confirmation should be submitted to and approved by the Local Planning Authority.
- 23 An enhancement plan following 8.2 in the Ecology Assessment by Ethos Environmental Planning in August 2016 shall be submitted to the Local Planning Authority for approval and implemented in accordance with such approved details. This plan shall include bat boxes, bird boxes for great and blue tits, new planting, bee- friendly wildflower planting, habitat piles, permeable fencing and covered trenches at night.
- 24 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.
- 25 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.

- 26 Prior to commencement of development details of the proposed air source heat pumps and water butts including specification and location shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details.
- 27 Details of external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan and a schedule of equipment in the design (luminaire type and mounting height). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

And subject to the completion by the 14th July 2017 (unless otherwise agreed in writing for a further extension of time with the Local Planning Authority) of a legal agreement to secure the provision of 15 affordable homes and a financial contribution towards education places and education transportation.

In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.

Report Item No: 2

APPLICATION No:	EPF/3156/16
SITE ADDRESS:	Rothwell 28A Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Retrospective planning approval to extensions to dwelling (alternative to those approved under EPF/0375/12).
DECISION:	Withdrawn from Agenda

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=589759

This item was withdrawn from the agenda.

Report Item No: 3

APPLICATION No:	EPF/0082/17
SITE ADDRESS:	5 Bluemans North Weald Bassett Epping Essex CM16 6EU
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Two storey side extension and single storey rear extension. New front porch. Demolition of existing outbuilding, and creation of new double garage. Widening of drive. Internal alterations.
DECISION:	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=590873

This application was deferred for a members site visit and for additional information.

Report Item No: 4

APPLICATION No:	EPF/0512/17
SITE ADDRESS:	42 Forest Drive Theydon Bois Epping Essex CM16 7EZ
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Brick wall with railings (1.5m high) to front boundary of house, with 1.6m high railings to side boundary.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592106

REASONS FOR REFUSAL

- 1 The height of the wall, piers and railings is excessive and inappropriate within the streetscene, where there are few walls and none of this height, the development is therefore harmful to the character and visual amenity of the area contrary to policy DBE1 of the adopted Local Plan.

Way Forward

Members considered that a reduction in height to no higher than the wall at the adjoining property, number 40 Forest Drive would be more likely to be acceptable.

Report Item No: 5

APPLICATION No:	EPF/0576/17
SITE ADDRESS:	3 Kendal Avenue Epping Essex CM16 4PN
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Erection of a detached building comprising 4 No. self contained apartments with associated car parking
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592315

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: BRD/17/013/001-B, BRD/17/013/002, BRD/17/013/003
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application form, 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 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

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

- 8 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.

- 9 There shall be no discharge of surface water onto the Highway.

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

- 11 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.

The planning officer referred to three further representations that had been received from 4 and 10 Ambleside (raising additional objection) and from 26 Hartland Road (withdrawing their objection on the basis of negotiated restrictions agreed with the applicant).

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AREA PLANS SUB-COMMITTEE 'EAST'

14 June 2017

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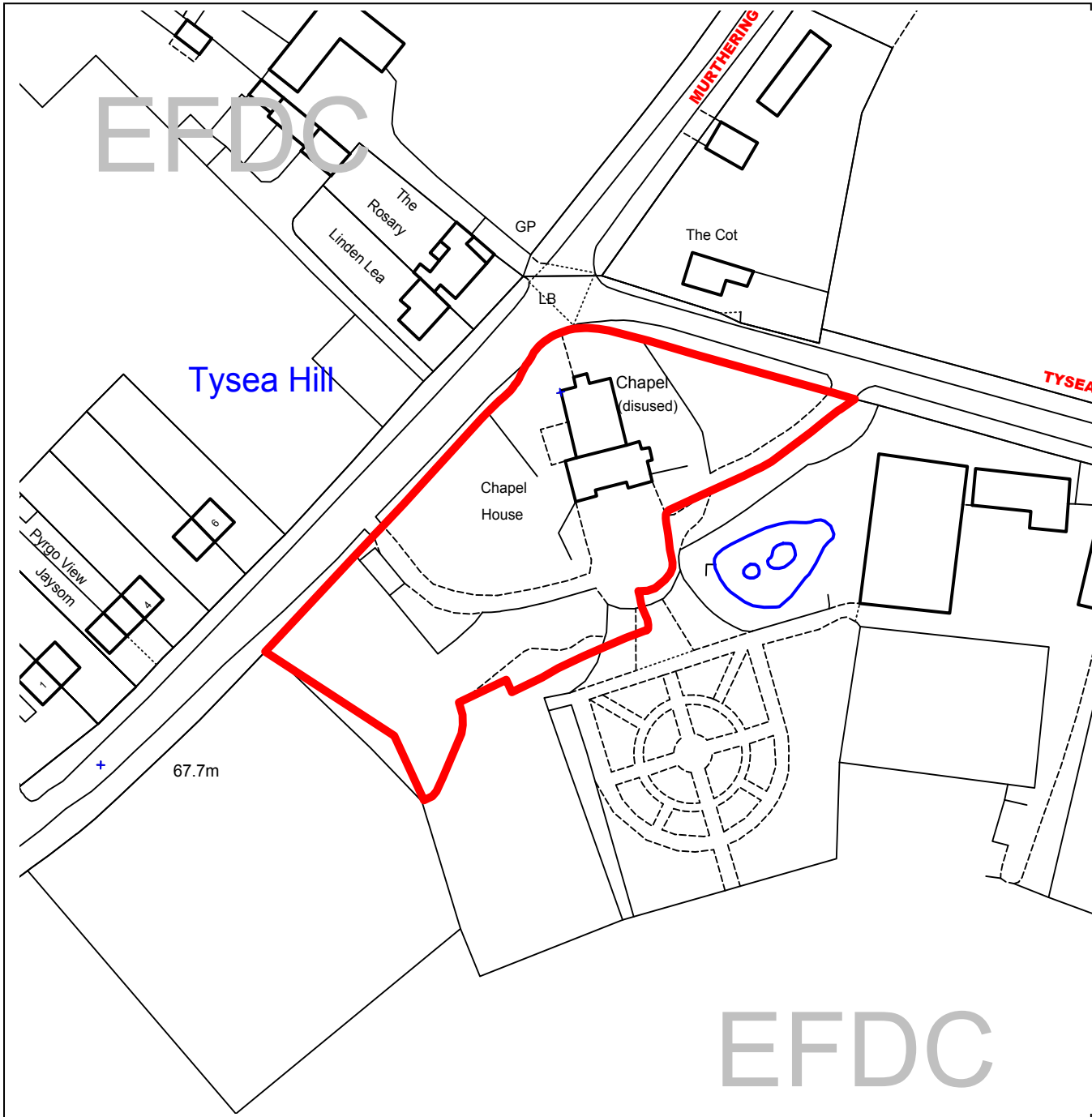
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0819/17
Site Name:	The Chapel House, Tysea Hill, Stapleford Abbots, RM4 1JU
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/0819/17
SITE ADDRESS:	The Chapel House Tysea Hill Stapleford Abbots ROMFORD RM4 1JU
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Stephen Begg
DESCRIPTION OF PROPOSAL:	T8 Oak (T7 of the TPO) Reduce crown to 4m pollard, T13 Oak (in G5 of the TPO) T14 Oak (in G5 of the TPO) - Fell and treat stumps.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592949

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 3 The crown reduction authorised by this consent shall be to a height not exceeding 4m above ground level.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998:2010 (Tree work - recommendations) (or with any replacement Standard).
- 5 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

This application is before this Committee since the Director of Governance considers it expedient or appropriate to present to committee for decision as it raises issues of claims for compensation - (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council Functions, Schedule 2 - Protection of Trees, (3)(iv))

Description of Site:

The property is a period vicarage and converted chapel, set in extensive grounds with pasture land beyond. The dwelling is located close to the junction of Tysea Hill and Murthing Lane. The roadside boundary has a strong tree screen, largely concealing the house and providing landscape presence within the locality. T8 Oak stands approximately 13 metres tall on the western roadside boundary. T13 & 14 Oak are at the eastern edge of an oak spinney of screening trees bordering the western boundary.

Description of Proposal:

The application was submitted to carry out the following:- T8. Oak – Fell, T13 &14. Oak - Fell.

During the course of assessing the proposal, the application has been amended to:- T8. Oak – Reduce Crown to 4m Pollard, T13 &14. Oak - Fell.

Relevant History:

EPF2298/10. Crown reduce Yew by 30%. Granted permission.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.

‘the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree.’

LL08 Works to preserved trees

‘the Council will give consent for works to a tree or woodland protected by a tree preservation order provided it is satisfied that the health and appearance of the tree will not be impaired and the works will not unjustifiably inhibit or prevent the full and natural development of the tree, or the works are necessary to its on its continued retention and consistent with good arboricultural practice..’

Summary of Representations

STAPLEFORD ABBOTTS PARISH COUNCIL – members object to the proposed felling of these trees without DNA based root evidence gathered by EFDC tree officers.

Issues and Considerations:

Introduction

The proposal seeks to remedy a cyclical pattern of structural damage to the property.

Information provided with the application is listed, as follows:

- i) Engineering report.
- ii) Arboricultural report

- iii) Crack monitoring information
- iv) Brick course level monitoring data.

Background

The proposal sought initially to fell the 3 largest oaks closest to areas of damage. Technical data in the form of brick course level survey results show that considerable movement is occurring seasonally in certain areas of the building. The conclusion drawn by the applicant's tree expert is that, of the 8 or more mature trees near to the chapel, the three oaks are the most likely cause of this movement, which results in annual variations in crack widths and building level changes.

Considerations

The main planning considerations in respect of the proposal are:

Evidence

While the results of level monitoring produce relatively large movements in a seasonal pattern, typical of vegetation induced subsidence, there is a lack of root and soil analysis to back it up. The applicant has refused to submit further technical data. However, it should be noted that, of all the tests used to establish tree related damage, long term level monitoring is accepted as the best indicator of tree induced seasonal subsidence (Council Tree Officers DNA is not deemed necessary in this case) and the results shown in this case are compelling for all three oaks. It is also generally acknowledged that, of the various tree species near the building, mature oak has the greatest capacity to generate far reaching root systems to produce this type of soil shrinkage based building movement.

Variation of proposal from T8 Oak Fell to; T8 Oak. Pollard.

A suggestion to vary the proposal to fell T8. Oak to a heavy crown reduction or pollarding was accepted by the owner, who has expressed his reluctance to lose trees.

By removing the crown, water demand will be considerably reduced and remain minimal providing any regrowth is removed on a regular repollarding cycle.

It was noted on inspection that the tree's broad crown has resulted in branch and stem damage from passing vehicles scraping or ripping off limbs overhanging the road. Telephone also wires pass through the crown and rub on branches.

Compensation

In the event of a member decision to retain the trees, a threat exists from a claim for compensation for costly remedial engineering solutions to overcome ongoing damage to the property. A sum in excess of £50,000 has been estimated within the Engineer's report.

Visual amenity

T13 &14 Oak are both tall, vigorous but one sided trees, reliant on each other to form a full crown canopy. Standing on the inner most edge of a tall group of oaks, these largely obscured trees have low public amenity.

T8 Oak has a broad form of visual significance, which will be largely lost following pollarding but it will remain an historic feature at a prominent point and provide green screening continuity along this roadside boundary, albeit at a diminished size.

Replacement options

There is scope to replace both trees with suitable saplings at appropriate locations within the property. This will substantially mitigate for the loss of T13 and 14 without compromising the building's footings.

Precedent

To avoid setting a precedent whereby future applications to remove large trees suspected of causing subsidence can be justified without sufficient evidence, it is stated that the recommendation to sacrifice trees T13 and T14 is based on their low public landscape value.

Conclusion:

There is justification to remove T13 and T14 Oak on the grounds that their removal will have minimal detrimental impact on public amenity. T8 Oak will be retained as a prominent pollard and still perform a landscape role. Therefore, it is recommended to grant permission to fell T13 and T14 in accordance with Local Plan Landscape Policy LL9 and prune T8 in accordance with Planning Policy LL8.

In the event of members agreeing to allow the felling of T13 and 14 Oak, it is recommended that a condition requiring suitable replacements and prior notice of the works to remove the two trees be attached to the decision notice.

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: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0082/17
Site Name:	5 Bluemans, North Weald Bassett, CM16 6EU
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0082/17
SITE ADDRESS:	5 Bluemans North Weald Bassett Epping Essex CM16 6EU
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr & Mrs Kelly
DESCRIPTION OF PROPOSAL:	Two storey side extension and single storey rear extension. New front porch. Demolition of existing outbuilding, and creation of new double garage. Widening of drive. Internal alterations.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590873

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No construction works above ground level shall take place on the new boundary wall 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.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

Introduction:

This application was previously considered at Area Plans Sub-Committee East on the 10th May 2017 however was deferred in order to undertake a site visit and in order for additional information to be provided.

Additional information:

The information requested by Members at the previous committee was:

1. The distance that the previous refused bungalow was from the side boundary:

The previously refused bungalow proposed under ref: EPF/2889/15 (and subsequently dismissed on appeal) would have been located 1m from the side boundary running adjacent to St. Andrews Close. This proposed two storey side extension would be located 3.645m from this boundary.

2. The percentage increase to the volume of the existing dwelling:

The volume of the proposed extension would result in a 74% increase over and above the existing dwelling.

The percentage increase of a dwelling outside of the designated Green Belt is often not considered relevant. Instead the key consideration are whether any proposed extension could be incorporated without causing undue harm to the appearance of an area and amenities of neighbours, provided adequate separation can be maintained from the site boundaries, and as long as adequate amenity space is retained for future occupants. It is considered that the proposed extension can be incorporated without undue harm to any of the above factors.

Original report

Description of Site:

The application site is located on the corner of Bluemans and St. Andrews Close, on the western side of the road. To the rear of the site sits No. 6 St. Andrews Close at a right angle to the application site. The existing property sits within a large corner plot and consists of a two storey semi-detached house. The application site is not located within the Green Belt or a conservation area.

Description of Proposal:

Consent is being sought for the erection of a two storey side extension, single storey rear extension, new porch and replacement garage. The proposal has been amended from the original submission.

The proposed two storey side extension would be 3.8m in width and 6.4m in depth at ground floor level and stepped back 1m from the existing front elevation at first floor level with a stepped down pitched roof and a small pitched roof over the projecting ground floor. The proposed single storey rear extension would measure 4m in depth and would stretch across the entire width of the dwelling (inclusive of the additional side extension). It would be flat roofed to a height of 2.9m with a roof lantern above the new dining room addition. The proposed front porch would measure 1.25m deep and 2.4m wide with a pitched roof to a ridge height of 3.3m and would be open sided. The proposed new double garage would replace the existing detached garage to the rear of the

site and would measure 6.2m x 6.2m. It would have a pitched roof to an eaves height of 2.2m and a ridge height of 4.3m. The application also proposes an increase in the width of the existing crossover on St Andrews Close in order to serve the new double garage and a 1.8m high brick wall along the side boundary of the rear garden.

Relevant History:

EPF/2339/11 - New dwelling – refused 03/01/12
EPF/0225/12 - New dwelling (revised application) – refused 11/05/12
EPF/1197/12 - Two bedroom dwelling – refused 16/08/12
EPF/2076/13 - Two bedroom dwelling (resubmission of EPF/1197/12) – refused 12/11/13 (appeal dismissed 26/02/14)
EPF/2889/15 - Construction of a 2 bed bungalow on the land adjacent to 5 Bluemans – refused 11/01/16 (appeal dismissed 28/06/14)

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
DBE10 – Residential extensions
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.

Epping Forest Draft Local Plan consultation document (2016)

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

DM9 – High quality design

Consultation Carried Out and Summary of Representations Received:

10 neighbours were consulted on this application. No Site Notice was required.

PARISH COUNCIL – Objects to this application due to its massing and it being out of keeping it goes against the openness of the whole of the Bluemans estate, that it would have a detrimental effect on the street scene and is visually intrusive.

2 ST. ANDREWS CLOSE – Object as the proposed extension does not fit into the housing scheme of the area and is large, out of place, overbearing and dominant and would overlook the front of their house.

3 ST ANDREWS CLOSE – Object as the development would result in the loss of openness to this junction, would restrict views and overlook their property, as the extension would be detrimental to the character and appearance of the street scene and as it would bring extra cars into St Andrews Close.

4 ST ANDREWS CLOSE – Object as the extension is large and not in symmetry with other houses, it intrudes into St Andrews Close and will result in overlooking of neighbours. The green nature of the site would be lost.

5 ST ANDREWS CLOSE – Object as the extension would be overbearing and dominant, would be unsympathetic and detrimental to the appearance of the local environment, would be out of line with the building line in St Andrews Close, and the new brick wall would be visually intrusive.

7 BLUEMANS – Object as it would be detrimental to the character and appearance of the street scene, the revised roof line would be inconsistent with surrounding properties, it would affect the green nature of the junction, the proposed garage is twice the size of the existing garage and would overshadow the neighbouring site, and since the porch and relocated path would conflict with the style of the road.

8 BLUEMANS – Object as the extension is large and out of proportion to surrounding houses and the openness of the junction would be lost. The relocated porch and path is out of keeping with the houses opposite.

10 BLUEMANS – Object as the extension is large and out of character with the street scene and the proposed wall would impact on the green and open nature of the junction.

Issues and Considerations:

The key issues in this consideration are the design and impact on the street scene and with regards to amenity considerations.

There is a long planning history to this site with several previous attempts to obtain consent for a new attached dwelling adjacent to the existing house. These have all been refused consent primarily due to the overbearing and dominant form of the development or because they are out of keeping with the character and appearance of the street scene. Some of the previous decisions have been appealed and dismissed by the Planning Inspectorate.

Whilst the history of the site and the material considerations that were assessed within the previous applications are relevant to this current application it should be noted that this proposal is not for the erection of a new dwelling but simply for a residential extension to the dwelling. The previous attempts to obtain a new dwelling on the site are not in themselves material to this assessment, although many of the issues considered continue to be relevant.

Design:

As highlighted above this proposed application is for a householder extension and not for a new dwelling and as such the assessment differs greatly, however the physical impact of the development still needs to be assessed in a similar way to the previous applications.

Within the appeal decision regarding EPF/2076/13 it was noted by the Planning Inspector that:

4. *The [Bluemans and St Andrews Close] junction has a relatively open and exposed character, with the adjacent houses set well back from the edge of the highway, and is visible for some distance in views from Bluemans. The entrance into St Andrews Close is flanked by the appeal site and by No 3, with each providing splayed boundaries from Bluemans opening into the cul-de-sac. The properties in the cul-de-sac are arranged in neatly spaced pairs and the side flanks to both No 3 and No 5 generally follow the main St Andrews Close building line. These factors all combine to give a fairly uniform and well-balanced pattern of development at the junction affording significant views into the cul-de-sac, and this appearance is generally consistent with the wider pattern of development in the adjoining Bluemans.*

The Inspectors decision on the later appeal regarding EPF/2889/15, which was for a single storey dwelling, continues to highlight that *“although I acknowledge it would be single storey in height the proposal would extend development beyond the building line with No 6 [St Andrews Close] and be of a significant depth, very close to its side boundary. This would result in the introduction of an overly prominent building that would appear cramped on the site and unduly dominant at this junction”*.

The originally submitted proposal was for a very deep two storey side/rear extension that would have followed the existing roof of the dwelling and been a prominent addition to this junction. However following the concerns being raised with the applicant’s agent, revised plans were submitted and a reconsultation was undertaken. These revisions significantly reduced the depth of the proposed two storey extension such that it would be stepped in 1m from the existing front elevation and would not extend beyond the existing rear elevation. This also allowed for a stepped down ridge roof similar to the two storey side extension that can be seen at No. 19 Bluemans.

Although the proposed two storey side extension would continue to extend beyond the front building line of the properties in St Andrews Close this would now be just 2.5m beyond the front elevation of No. 6 St Andrews Close and would retain a 3.65m gap between the flank wall of the extension and the side boundary of the application site. It is considered that such an encroachment for a residential extension such as this would not cause a significant detrimental impact on the character and appearance of the street scene.

It is noted that the introduction of a 1.8m high brick wall along the side boundary of the rear garden would further enforce this sense of enclosure on the junction however such boundary treatments are commonplace at road junctions and necessary to protect the privacy of site occupants. As such it is not considered that this element would be unduly harmful to the character of the area.

The proposed single storey rear extension would not extend beyond the rear wall of the neighbours extension and would be flat roofed to a height of 2.9m. This would not appear prominent within the street scene or harmful to the appearance of the surrounding area.

The proposed double garage would replace an existing, albeit smaller, outbuilding to the rear of the site and is set back a significant distance from the highway boundary. This, combined with the modest height and appropriate design of the garage, would ensure that this would not be detrimental to the appearance of the streetscene.

Concern has been raised with regards to the relocation of the front door more centrally to the (extended) dwelling and the provision of a canopy porch. Whilst the dwellings on the western side of Bluemans all benefit from uniform entrance locations the dwellings on the eastern side of Bluemans all have centrally located entrance doors. Other properties in the locality have had porch extensions in a variety of styles and as such it is not considered that this alteration would be unduly detrimental to the character of the area.

Neighbouring amenities:

The proposed two storey side extension would be located a significant distance from the shared boundaries of any neighbouring properties. Concerns have been raised about possible overlooking and loss of privacy to properties in St Andrews Close however the only areas overlooked would be to the front of these houses at quite some distance. As such it is not considered that this would cause any undue loss of amenity to the nearby residents.

The proposed single storey rear extension would not extend beyond the rear wall of the attached neighbours rear extension and as such would not have any detrimental impact on the amenities of any surrounding residents.

The proposed new double garage would be located within the north western corner of the site immediately adjacent to the shared boundaries with No. 6 St Andrews Close and No. 7 Bluemans. Nonetheless the proposed garage would largely replace an existing outbuilding and would be a moderately sized building with a pitched roof reaching an eaves height of 2.2m and a ridge height of 4.3m. Given the size of the outbuilding and location in relation to neighbouring dwellings it is not considered that the new garage would cause any excessive loss of amenity to neighbouring residents. Concerns have been raised with regards to the possible presence of asbestos in the existing garage however this is not a material planning consideration since the safe removal and disposal of asbestos is dealt with by other legislation.

Other considerations:

The provision of a double garage and the access serving this would enable the retention of more than sufficient off-street parking to serve the dwelling. The enlargement of the existing access onto St Andrews Close does not require planning consent in and of itself since this road is unclassified, however consent from Essex County Council Highways is needed.

Whilst concerns have been raised that the proposed extension would enable a new dwelling to be erected on the site, despite the previous refusals, any such works would require planning consent and would be assessed at that time and any possible or suspected future proposals for the site are immaterial to the current planning application being assessed.

Conclusion:

The previous history and considerations on this site have been taken into account however it is considered that the significantly reduced scheme for a residential extension as proposed (and

amended) would not have an undue detrimental impact on the character and appearance of the street scene or the amenities of neighbouring residents. As such it is considered that the proposed would comply with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval.

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

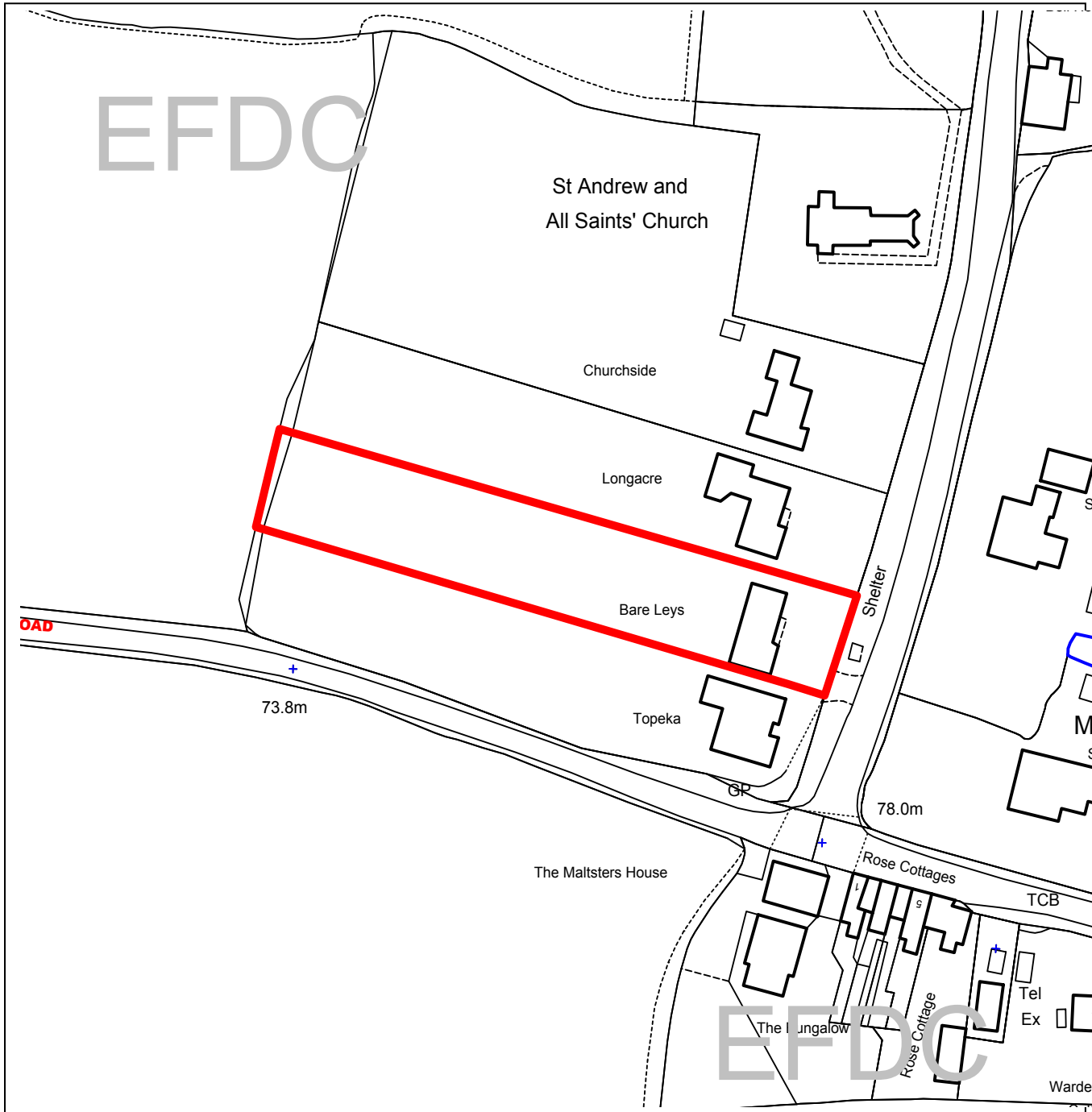
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/2616/16
Site Name:	Bare Leys, The Street, Willingale, CM5 0SJ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2616/16
SITE ADDRESS:	Bare Leys The Street Willingale Essex CM5 0SJ
PARISH:	Willingale
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Miss Jacqueline Wye
DESCRIPTION OF PROPOSAL:	Single storey rear extension incorporating element of two storey where linked with extension over existing garage to create a roof terrace.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588216

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: PR01 Rev P1, PR02 Rev P.1, PR03, SP-01, EX01, EX02 and EX03
- 3 A privacy screen of 1.7m in height above the height of the balcony area shall be erected on the boundary shared between the application site and Longacre. The privacy screen should project along the entire length of the balcony adjacent to Longacre and it, or a similar replacement shall be permanently retained in that position.
- 4 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.
- 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 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

Introduction:

This application was previously considered at Area Plans Sub-Committee East on the 10th May 2017, however it was deferred in order to undertake a site visit, which will have taken place before the meeting. The original report is set out below.

Description of site

The application site is located on The Street which is located within the settlement of Willingale. The existing building is a large two storey detached dwelling situated within a large plot. The immediate neighbours are similar in terms of their size but all three have a varied appearance in the street scene. Longacre is the neighbour to the north whose first floor projects beyond the rear elevation of Bare Leys and whose single storey element is used as a balcony. Topeka is the other adjacent neighbour whose rear elevation also projects beyond Bare Leys. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Description of proposal

The proposed development is for a part single, part two storey rear extension which will form a balcony area and a first floor side/front extension.

Relevant History

None

Policies Applied

CP2 – Protecting the quality of the rural and built environment
CP7- Quality of development
DBE10 – Design
DBE9 – Residential amenity
DBE2 – Effect on neighbouring properties
GB2A – Development in the Green Belt
GB7A – Conspicuous Development

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

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

Epping Forest Draft Local Plan consultation document (2016)

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

DM9 – High Quality Design

SP1 – Presumption in favour of sustainable development

SP5 – Green Belt and district open land

DM21 – Local environment impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

5 Neighbours consulted –

WILLINGALE PARISH COUNCIL – OBJECTION - The Council noted the revised plans presented by the applicant and her architect, and the arguments presented in favour of the proposal, and also heard from the two neighbouring owners, who summarised their objections.

The Council was of the opinion that the drawings of the proposed side elevation (viewed from the North) were inaccurate and considerably understated the visual impact of the two storey addition with hipped roof. It also noted that the proposed roofline appears to be above the ridge height of the existing building, and that the rear projection was significant. When drawn correctly, the “mass” of the extension would appear to be disproportionate to the existing building – the Council thought that the increase in floor-space overall, was in the order of 80% (or 100% including the garage conversion).

Although the Council considered the removal of the proposed balcony adjacent to “Topeka” to be a welcome revision, the large balcony now proposed on the opposite side presented new privacy issues for “Longacre” albeit the Council noted the proposed privacy screen, that Longacre itself had a large balcony, and that “Bare Leys” already had a more modest balcony.

The Council concluded that whilst “Bare Leys” was probably in need of modernisation, and suitable for enlargement, given the Green Belt location the proposed extension was simply far too big, disproportionate to the existing accommodation, and created an excessive visual intrusion for both neighbours. Accordingly and by unanimous decision, the Council’s strong objection remained, although the Council said it would be receptive to a smaller and more sensitive proposal. It would like to see “street scene” drawings to accompany any future application to get a better sense of how any development would appear alongside the neighbouring properties.

LONGACRE – OBJECTION – The extensions are out of scale and are inappropriately large in the Green Belt. They will also allow a direct line of sight into the private areas of our property. The balcony will allow significant overlooking into our private areas, particularly as there is not such screening on the boundary. The new extensions are not in keeping with the existing street scene.

TOPEKA – OBJECTION – The proposal is inappropriate in the Green Belt, will cause an excessive loss of privacy due to the extensions and balcony, will appear overbearing and a loss of light.

CHURCHSIDE – OBJECTION – The proposal is too large in the Green Belt, the proposed fundamental changes to the external appearance are not in keeping with the village and are not sympathetic with the neighbouring properties and the size of the extension over the garage would appear to be excessive in height and also overlooking and intrusive to the neighbouring properties

Comments on representations

The Parish Council states that the revised drawings which were submitted were inaccurate and at the time of their Council meeting the first set of revised drawings was indeed an inaccurate depiction of the proposal. However revised plans were subsequently received which accurately showed the proposed extension and the Parish Council were again reconsulted to give any further comments they may have. No further comments have been received but the Parish Council have however made it clear that despite rectification of any previous inaccuracies in the drawings they maintain their strong objection to the proposal.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours and the design of the proposal in relation to the existing building and its setting.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

However paragraphs 89 and 90 of the NPPF allow certain exceptions to inappropriate development one of which is the:

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

The first part of this exception is to consider whether or not the application site can reasonably be considered to be within an existing 'village' for the purposes of planning policy. The main part of Willingale is located on The Street and whilst it covers a relatively small area, there are a substantial number of dwellings within its boundaries, there are also two Churches, a cricket club and a village hall. The result of these features is that Willingale can reasonably be considered as a village for the purposes of planning policy.

The next stage of the assessment is to consider whether the site can be considered as a suitable location for infilling. Bare Leys is located betwixt Topeka to the south and Longacre to the North and has Spain End opposite. Being surrounded by development on three sides, the site is considered suitable for limited infilling development. The final part of the assessment is to consider whether the extension can be considered to be 'limited'.

Whilst the proposed extensions are substantial additions to the dwelling, given that the Council has previously accepted new dwellings as constituting 'limited infill' on particular application sites within existing villages in the Green Belt, it is considered that an extension to an existing dwelling can reasonably be considered to be 'limited'.

The proposal is therefore not inappropriate in the Green Belt and as a result very special circumstances are not required to justify it.

Living conditions of neighbours

The single storey element will be set 3m from the shared boundary with Longacre and will be almost entirely against its side elevation. Such a distance from the shared boundary and being set against the existing side elevation of Longacre will not appear overbearing or cause any significant loss of light.

It is proposed to use the area of flat roof created by the single storey extension as a balcony area. Balconies give rise to a significant potential for overlooking of neighbouring properties and in this case the neighbour of Longacre is particularly concerned about this element of the proposal. Bare Leys has an existing, albeit small balcony area which currently has a fence to obscure direct views into Longacre. The new single storey rear extension will have a projection very similar to the existing rear building line of Longacre and therefore the balcony will certainly offer greater potential for overlooking into the garden of this neighbour. However it is considered that with adequate screening, which can be secured through condition, the balcony will not allow significant overlooking into any area that is not already overlooked by first floor windows. Views towards the rear of neighbouring gardens are generally accepted, it is the area immediately adjacent to the back of neighbours properties that is normally protected from overlooking. Furthermore Longacre itself has a rather large balcony area which projects significantly beyond the rear elevation of its adjacent neighbours and which currently offers unrestricted views into the rear garden of both Bare Leys and the other adjacent neighbour. Whilst this would not justify any significant harm to the living conditions of Longacre, it is not considered that such harm would be caused if the proposed screening is required by condition.

The first floor extension will be 2.1m away from the shared boundary with Topeka and it will not significantly exceed the existing rear elevation of this neighbour. As a result it will not be excessively overbearing or cause any other harm to the living conditions of this neighbour.

Design

The first floor side/rear extension will be located adjacent to Topeka, approximately 2.1m from the shared boundary and will project slightly forward of the existing front elevation. The ridge of the first floor extension will exceed the ridge height of the existing dwelling; however will not exceed the ridge heights of the two adjacent neighbours and it is therefore considered that its bulk, scale and massing is respectful to the existing building and the street scene. Whilst it does result in a wide property, given that the frontage is broken into two elements and that at least two metres is retained to each side boundary, it will not look out of place or overly prominent within the street scene.

The single storey element also has a reasonably conventional design which will not be visible from public viewpoints and therefore will not harm the character or appearance of the street scene.

Conclusion

The proposal is not inappropriate development in the Green Belt, as it amounts to only limited infilling within a village. Due to the positions of the adjacent properties it will not result in excessive

harm to the living conditions of the neighbours and a screen will prevent unacceptable overlooking from the proposed balcony. The design whilst resulting in a larger building relates well to the scale of other properties in the locality and will not be harmful to the character and appearance of the street scene. The development therefore accords with adopted policies and the NPPF and it is recommended that planning permission is granted.

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

Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371

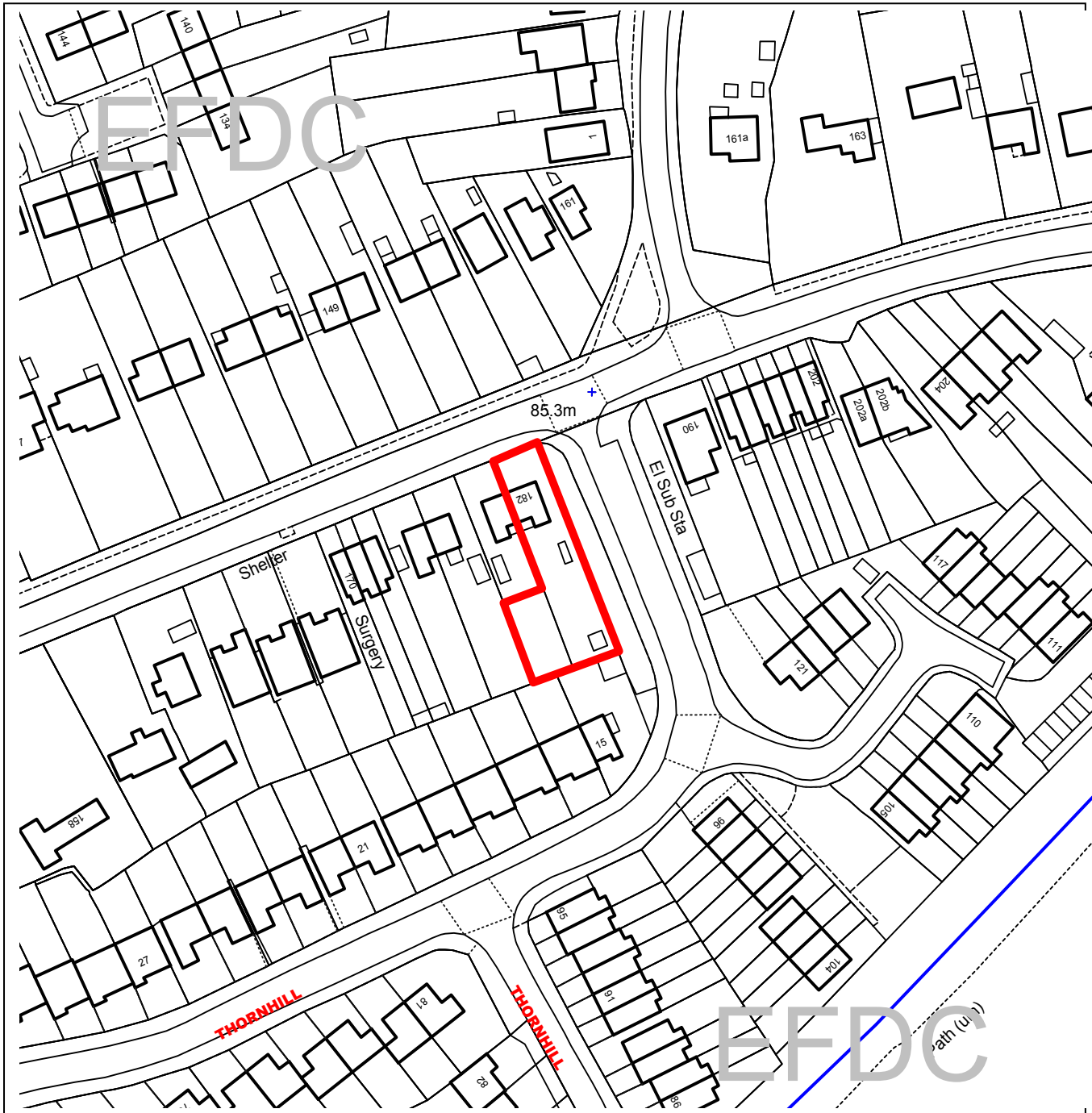
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/0590/17
Site Name:	182 High Road North Weald, CM16 6BZ
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0590/17
SITE ADDRESS:	182 High Road North Weald Bassett Essex CM16 6BZ
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr & Mrs Madden
DESCRIPTION OF PROPOSAL:	Proposed 4 bedroom house. (Revised application to EPF/2287/16)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592358

REASON FOR REFUSAL

- 1 The proposal will be facilitated by the loss of a prominent and attractive area of grass verge on Thornhill and as a result this will cause significant harm to the character and appearance of the street scene and is therefore contrary to policies CP2(iv) and DBE1 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.
- 2 By reason of its size, scale and proximity to the shared boundary of no.180 High Road, the proposed development will have a significant overbearing impact and will also cause a substantial loss of natural light to this neighbouring property, harmful to its living conditions. The proposal is therefore contrary to policy DBE9 of the Adopted Local Plan and Alterations.
- 3 The detailed design of the new dwelling and the size of the proposed curtilage are in stark contrast to other properties in the street scene and the prevailing pattern of development in the wider context of the locality. The proposal will therefore appears incongruous and is therefore contrary to policies DBE1 and CP2(iv) of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

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

Description of site

The application site is located on the High Road within the built up area of North Weald. The main dwelling is a two storey semi detached dwelling which fronts onto the High Road. The rear garden is approximately 30m long, projects southwards and Thornhill is located directly adjacent to the east. The neighbour to the south fronts onto Thornhill and has a rear garden area approximately 11m long. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposed development is for a new four bedroom detached house. The house will be set over two storeys, will have a maximum ridge height of 8m, a width of 13.5m and a depth of 12.5m. The house will be in an 'H' shape and will create a small courtyard area to the rear. Access will be from Thornhill and will be across a grass verge.

Relevant history

EPF/0383/86 – outline application for pair of semi-detached houses with garages. – Refused and dismissed on appeal

EPF/0767/86 - Outline application for pair of semi detached dwellings complete with garage. – Refused and dismissed on appeal

EPF/1483/86 - Erection of single storey dwelling. – Refused and dismissed on appeal

EPF/2287/16 - Proposed 3 bedroom chalet bungalow - Refused

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
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight
Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local

Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development

T1 – Sustainable transport choices

DM21 – Local environment impacts, pollution and land contamination

Consultation carried out and summary of representations received

NORTH WEALD PARISH COUNCIL – OBJECTION – Overdevelopment, parking concerns, lack of amenity space, massing, it would set an unacceptable precedent in that area.

8 Neighbours consulted and 2 objections received –

16 THORNHILL – OBJECTION - The site would mean removing the public verge and the Cherry trees that have been part of the attractive local area. Which in essence, would diminish the local landscape and character. The property is not in keeping with the surrounding properties and would be intrusive with increased noise and reduced privacy as the rear of the development is only a few metres from the rear of my garden fence. My rear doors from my property would be approximately 12 metres from the rear of the proposed property. The outlook from my garden would be severely affected, plus noise levels would increase. The proposed build would also decrease the light levels by blocking early morning to mid day sunshine as I am North facing and the property development is to the North East of my property. This would all severely affect my light levels in the garden and to the rear of my property. The development is a clear case of over development. The Garden space proposed for the build is of a limited depth and the property will take up most of the current garden space.

180 HIGH ROAD – OBJECTION - The development will adversely affect the enjoyment of our property, due to the loss of our privacy, overshadowing noise and disturbance. The development would overlook the whole of the rear of our property and would also cut out all light to our property including sunlight to our garden. it would add over development in the area and loss of grass verges and generally adversely effect the character of the neighbourhood the development would in our opinion affect highway safety.

Issues and considerations

The main issues to consider are the potential impacts on the living conditions of the neighbours, the character and appearance of the area, highway issues and any other material planning considerations.

Procedural matters

This is a revised application to a previous refusal (EPF/2287/16) which proposed the erection of a new chalet bungalow to the rear of 182 High Road and was refused for the following reasons:

- *The new dwelling will be significantly overlooked by the neighbouring properties on the High Road and on Thornhill and therefore will create a substandard level of accommodation contrary to policy DBE8 of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.*
- *The proposal will be facilitated by the loss of a prominent and attractive area of grass verge on Thornhill and as a result this will cause significant harm to the character and appearance of the street scene and is therefore contrary to policies CP2(iv) and DBE1 of*

the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.

- *The detailed design of the new dwelling and the size of the proposed curtilage are in stark contrast to other properties in the street scene and the prevailing pattern of development in the wider context of the locality. The proposal will therefore appear incongruous and is therefore contrary to policies DBE1 and CP2(iv) of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.*

This assessment will consider whether these reasons for refusal have been overcome by the revisions in this proposal.

Living conditions of neighbours and standard of proposed accommodation

The proposal has sought to overcome the issue of being overlooked by creating an enclosed courtyard area at the rear, which would allow the amenity space to not be directly overlooked by the neighbouring properties. This has successfully overcome this first reason for refusal but as a result has created a small and dark space for amenity use which is completely unacceptable for a dwelling of this size. The garden area will therefore create a substandard level of accommodation contrary to policy DBE8 of the Adopted Local Plan and Alterations.

The creation of the new courtyard area is facilitated by a first floor element which will have a 4m eaves height located 1.4m away from the shared boundary with no.180 High Road and across over 90% of this neighbour's rear garden. The roof then slopes away from the boundary and reaches a ridge height of 7m, 4.4m from the shared boundary with no.180. Such a relationship will appear overbearing and create a significant sense of enclosure to this neighbour and will cause a substantial loss of natural light which is exacerbated by the small size of the neighbour's garden of only 12m in length. The proposal will therefore cause significant and unacceptable harm to the living conditions of no.180 High Road and is therefore contrary to policy DBE9 of the Adopted Local Plan and Alterations.

Given that only a small portion of the proposed flank wall will be adjacent to the rear garden of no.182, it is not considered that the development will cause such substantial harm to their living conditions.

Design

There have been various appeal decisions for similar developments on this site and these decisions also deal with the issue of the potential impact on the character and appearance of the area. Having regard to the latest of the 1986 applications which proposed one, single storey bungalow, similar to this proposal, the inspector considered that:

The appeal site comprises the greater part of the gardens of the existing gardens...it seems to me that the bungalow would occupy about half of the available site and this would involve the loss of an attractive hedge and wide grass verge in Thornhill, which is not shown as being in the ownership of the applicant. It seems to me that the verge with its trees and hedge make an important contribution to the character of the area. Thornhill leads to an attractive but high density residential area and it would be a matter of considerable regret if the spacious character of the approach road were lost.

The hedge remains in position to this day, as does the grass verge located on Thornhill. The applicant proposes a new access and crossover through this grass verge which would certainly involve the loss of the hedge as well. It is agreed that both these elements contribute greatly to the character and appearance of the street scene and their removal would cause it significant harm. The applicant could remove the hedge without the need for planning permission; however the new

access would require express consent as it will serve a new dwelling. It is therefore considered that the erosion of this prominent and attractive area of grass verge will cause significant harm to the character and appearance of the street scene. It is also questionable whether the applicant could ever implement the new access through the grass verge as it is outside control of the applicant and this would require the land owners permission.

Furthermore the proposed garden area and positioning of the new dwelling is in stark contrast to that of other neighbours within the locality, the majority of which have relatively long rear garden areas used incidental to their enjoyment. In this case the majority of the site is engulfed by the proposed dwelling, leaving very little space for use as a garden area. Such a small garden is contrary to the prevailing pattern of development within the locality and as a result the development amounts to overdevelopment of the plot.

In terms of detailed design, the new dwelling would have a relatively conventional appearance when viewed from public areas of the street scene. However it includes an entirely blank western elevation, save for three skylights in the roof slope. The applicant has proposed this design to ensure that neighbours are not overlooked by first floor windows. However this would create an unusual and poor form of development which fails to respect the character and appearance of the street scene.

As a consequence it is considered that the proposal will cause significant harm to the character and appearance of the locality and is therefore contrary to policies DBE1 and CP2(iv) of the Adopted Local Plan and Alterations.

The second and third previous reasons for refusal therefore, have not been overcome.

Highway and parking considerations

The Essex County Council Highway Engineer has no objection to the proposal as the new access will offer good visibility onto the public carriageway and therefore it will not cause any harm to the safety or efficiency of the public carriageway.

The proposal offers two car parking spaces which is considered adequate for the new dwelling and in line with current parking standards.

Land Drainage

The Land Drainage Team has no objection to the application subject to a planning condition ensuring that a Flood Risk Assessment is submitted to demonstrate there will not be excessive surface water run-off.

Conclusion

The new dwelling will not provide a suitable level of habitable accommodation, will cause undue and unacceptable harm to the living conditions of no.180 High Road and will cause significant harm to the character and appearance of the locality. It is therefore recommended that planning permission is refused.

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

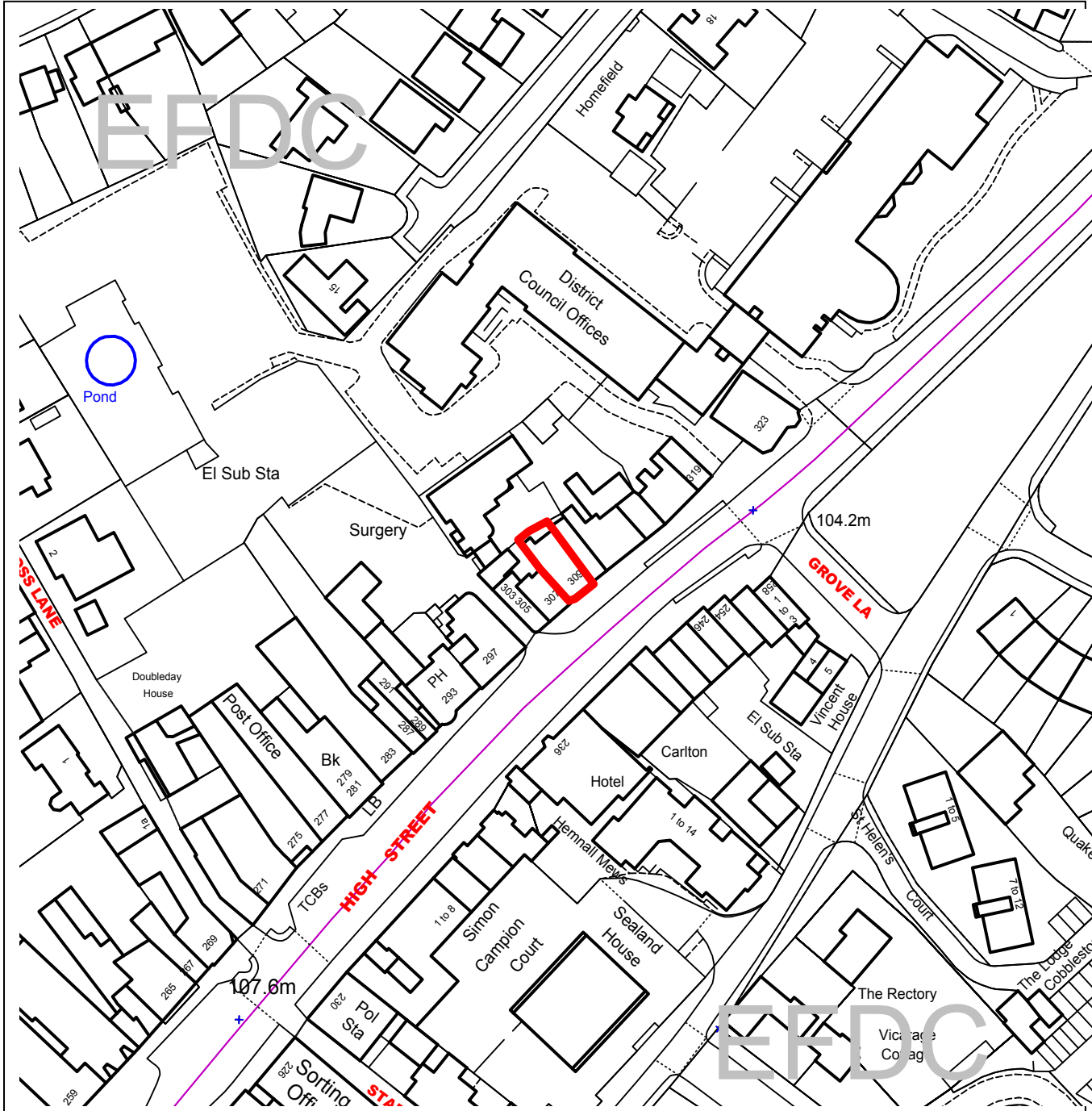
**Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371**

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



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/1135/17
Site Name:	Poppy's Café, 309-311 High Street, Epping, CM16 4DA
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1135/17
SITE ADDRESS:	Poppy's Cafe 309-311 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr M Dogan
DESCRIPTION OF PROPOSAL:	Replacement shop front.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593848

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 decorative panel above the shopfront door shall be retained and reinstated within the new shopfront unless otherwise agreed in writing with the LPA.
- 3 Additional horizontal and vertical section drawings of the shopfront, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to its installation.
- 4 The colour of the shopfront shall match the existing unless otherwise agreed in writing with the LPA.
- 5 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 862/1B received 26th May 2017, 862/SF received 22nd March 2017

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

Description of site:

The application site consists of a grade II listed building along with the neighbouring shop at no.311 (currently occupied by Millers estate agents) located on the northwestern side of the High Street. Likely dating from the 18th century, the building forms a group of listed properties running from nos.309 to 319 High Street, and also stands within the Epping Conservation Area.

The site currently contains a café at ground floor level with ancillary storage on the first floor.

Description of proposal:

Consent is being sought for a replacement shop front.

Relevant History:

EPF/0623/16 - First floor rear extension to create 2 flats – Approved
EPF/0144/64 – Alterations to shopfront - Approved

Policies Applied:

National Planning Policy Framework 2012

Adopted Local Plan 1998 and Alterations 2006

HC6 – Character, Appearance and setting of Conservation Areas
HC7 – Development within Conservation Areas
HC10 –Works to Listed Buildings
DBE12 – Shopfronts

Epping Forest Draft Local Plan consultation document (2016)

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

DM7 – Heritage Assets
DM14 – Shopfronts and on street dining

Consultation Carried Out and Summary of Representations Received:

13 surrounding properties were consulted and a Site Notice was displayed.

TOWN COUNCIL - Object. The proposal will remove the intricate historic detail and bay character of the existing shopfront, which will be harmful to the listed building and conservation area. This building sits in a row with historic features and character and the removal of these historic details

will affect the group. This property has already been granted permission for major works to the rear. If further internal walls are removed, there will be nothing of the historic building left. Some of this structure is 16th century and the already additional load on the building will irreversibly harm its character. Committee request that the conservation officer's comments are made available with the other plans at this stage, so some expert guidance can inform their views. Committee further note that these plans are quite unclear and request plans must be accessible and clear for residents as well as experts.

EPPING SOCIETY – Object. Unfortunately the new application does not supply enough information to confirm that all of the historic elements are protected. We ask for a professional report that has the proposed future of each element of the building explained. An executive summary would be helpful.

Main Issues and Considerations:

The main issues here relate to the impact of the new shopfront on the character and appearance of the existing listed building, parade and conservation area.

The Council's Senior Conservation Officer has been consulted on the planning application and her response is as follows:

The existing shopfront is in poor condition (both due to rot and damage by vandals) and in need of renewal. The shopfront is unlikely to be historic as permission was granted in the early 1960s for alterations and the listing description from 1972 states the building has 'modern shop windows'. There is an attractive decorative timber panel above the door, which has possibly been imported from elsewhere, but it is proposed to keep this feature within the new shopfront. The loss of historic fabric is therefore limited and will not cause harm to the significance of the listed building.

The proposed replacement shopfront is sympathetic to the building and the streetscene, utilising traditional shopfront details (including timber stallriser, pilasters, and decorative fanlights) and maintaining the existing layout of a central door and large windows either side.

The proposals will not result in the detrimental loss of historic fabric, and the replacement traditionally detailed shopfront is considered to preserve the character of the building and the wider conservation area so subject to the imposition of suitable conditions the proposal is therefore considered to comply with Local Plan and Alterations policies HC6, HC7, HC10 and DBE12 and policies DM7 and DM14 of the

Response to representations made

The concerns raised by the Town Council have been considered in the main body of the report above. Comments regarding internal works are not considered as part of this application as these do not require planning permission. The Town Council requested that the Conservation Officer's comments are made available at the time with the other plans at this stage but the Conservation Officer is consulted at the same time as the Town Council so it is difficult sometimes for consultees to have their comments back to Planning Officer's prior to Town Council meetings.

In relation to the plans being unclear, additional drawings have been requested. These will show the internal works in a clearer manner. However the internal works relate to the Listed Building application solely. With regards to the plans submitted for the shopfront, the Senior Conservation Officer considers that a condition requesting additional horizontal and vertical section drawings be submitted and approved by the Local Planning Authority prior to installation.

In terms of a report being submitted, a Heritage Statement was submitted with the Listed Building application and the Council's Senior Conservation Officer considers that sufficient information has been submitted in order for her to put forward a recommendation on this planning application.

Conclusion:

The proposed development would not be detrimental to the character, appearance or historic significance of the listed building or wider conservation area.

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

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

***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

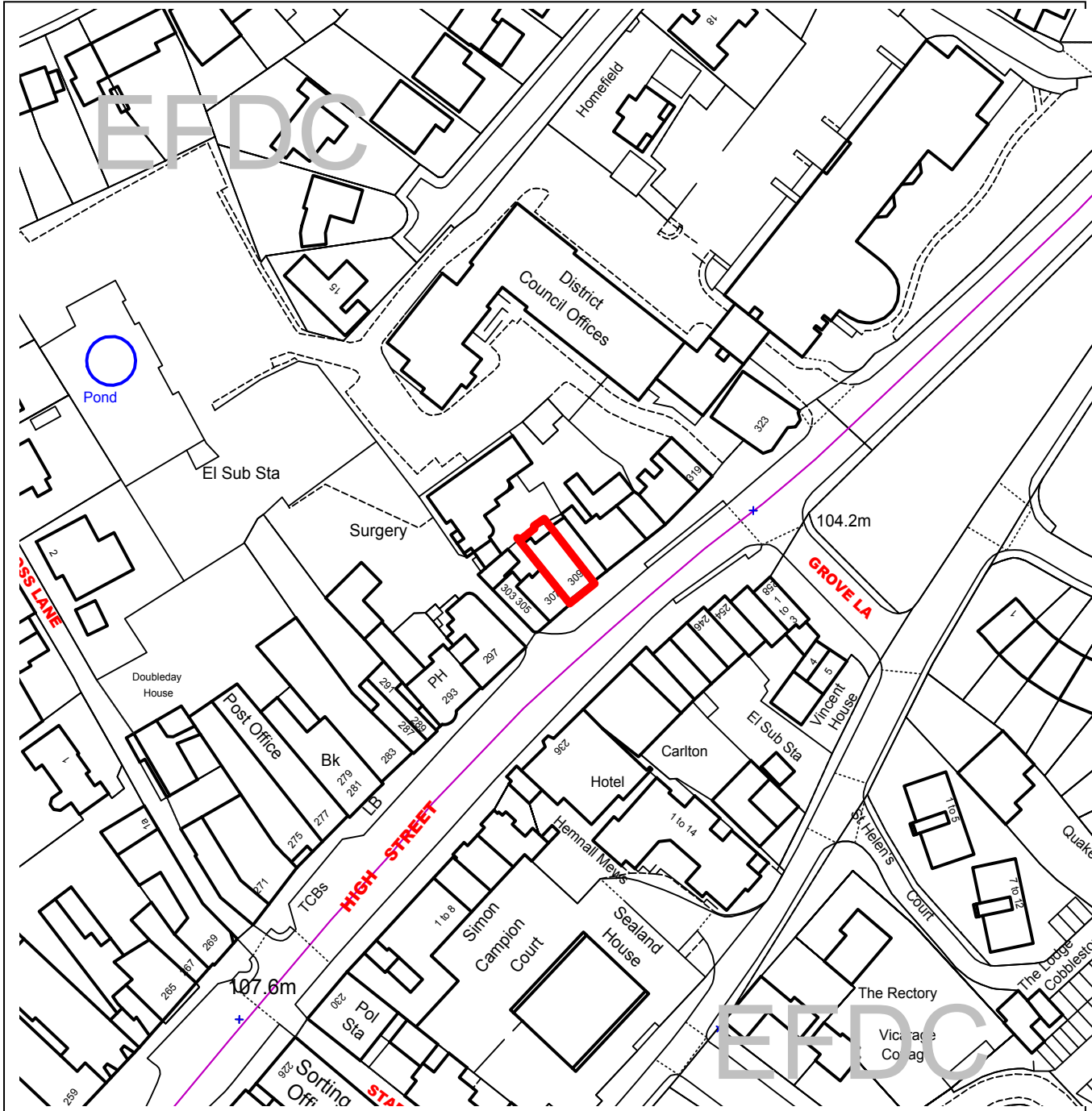
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Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/0683/17
Site Name:	Poppy's Café, 309-311 High Street, Epping, CM16 4DA
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0683/17
SITE ADDRESS:	Poppy's Cafe 309-311 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr M Dogan
DESCRIPTION OF PROPOSAL:	Grade II listed building application for proposed removal of ground floor internal wall sections and replacement shop front.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592582

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The decorative panel above the shopfront door shall be retained and reinstated within the new shopfront unless otherwise agreed in writing with the LPA.
- 3 Additional horizontal and vertical section drawings of the shopfront, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to its installation.
- 4 The colour of the shopfront shall match the existing unless otherwise agreed in writing with the LPA.

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

Description of site:

The application site consists of a grade II listed building along with the neighbouring shop at no.311 (currently occupied by Millers estate agents) located on the northwestern side of the High Street. Likely dating from the 18th century, the building forms a group of listed properties running from nos.309 to 319 High Street, and also stands within the Epping Conservation Area.

The site currently contains a café at ground floor level with ancillary storage on the first floor.

Description of proposal:

Listed Building Consent is being sought for Grade II listed building application for proposed removal of ground floor internal wall sections and replacement shop front.

Relevant History:

EPF/0623/16 - First floor rear extension to create 2 flats – Approved

EPF/0144/64 – Alterations to shopfront - Approved

Policies Applied:

National Planning Policy Framework 2012

Adopted Local Plan 1998 and Alterations 2006

HC6 – Character, Appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

HC10 –Works to Listed Buildings

DBE12 – Shopfronts

Epping Forest Draft Local Plan consultation document (2016)

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

DM7 – Heritage Assets

DM14 – Shopfronts and on street dining

Consultation Carried Out and Summary of Representations Received:

13 surrounding properties were consulted and a Site Notice was displayed.

TOWN COUNCIL - Object. The proposal will remove the intricate historic detail and bay character of the existing shopfront, which will be harmful to the listed building and conservation area. This building sits in a row with historic features and character and the removal of these historic details will affect the group. This property has already been granted permission for major works to the rear. If further internal walls are removed, there will be nothing of the historic building left. Some of this structure is 16th century and the already additional load on the building will irreversibly harm its character. Committee request that the conservation officer's comments are made available with the other plans at this stage, so some expert guidance can inform their views. Committee further

note that these plans are quite unclear and request plans must be accessible and clear for residents as well as experts.

EPPING SOCIETY – Object. We feel the application does not detail which parts of this listing building are included in the application phrase “removal of ground floor internal wall sections” We object to the application as it does not contain enough information. We do not object to the replacement shop front.

Main Issues and Considerations:

The main issues here relate to the impact of the new shopfront and the removal of the wall sections on the historic character and appearance of the existing listed building.

The Council’s Senior Conservation Officer has been consulted on the application and her response is as follows:

Removal of internal walls

Consent was granted in 2016 (EPF/0624/16) for a first floor rear extension above an unsympathetic 20th century flat-roofed extension, and for alterations to the internal layout at both ground and first floor. The internal alterations included the removal of modern partitions in within the rear flat-roofed extension, the removal of a 20th century staircase within the original building, and its relocation to the rear extension.

The current application seeks consent for the removal of further sections of internal wall. The works are limited to modern walls of no historic value including:

- The section of wall behind the existing staircase which has been dissected by the 20th century staircase and, following an on site inspection, appears to be constructed from modern materials (including concrete). The structural column of wall will be retained.
- A section of wall alongside the existing counter which is also of modern construction and was likely constructed to box in pipes and services. This section of wall, although modern, stands in alignment with the original rear wall of the building and a structural column (possibly historic) will be retained.
- The modern studwork wall between the counter and kitchen. This is a modern wall located within the 20th century rear extension and is of no historic value.
- The modern studwork walls creating the existing WCs. Again, these are modern walls located within the 20th century rear extension and are of no historic value.

An on site inspection has revealed that none of the walls proposed for removal are of intrinsic historic value and there are no objections to their removal as the significance of the listed building will not be impacted.

Shopfront

The existing shopfront is in poor condition (both due to rot and damage by vandals) and in need of renewal. The shopfront is unlikely to be historic as permission was granted in the early 1960s for alterations and the listing description from 1972 states the building has ‘modern shop windows’. There is an attractive decorative timber panel above the door, which has possibly been imported from elsewhere, but it is proposed to keep this feature within the new shopfront. The loss of historic fabric is therefore limited and will not cause harm to the significance of the listed building.

The proposed replacement shopfront is sympathetic to the building and the streetscene, utilising traditional shopfront details (including timber stallriser, pilasters, and decorative fanlights) and maintaining the existing layout of a central door and large windows either side.

The proposals will not result in the detrimental loss of historic fabric, and the replacement traditionally detailed shopfront is considered to preserve the character of the building and the wider conservation area so subject to the imposition of suitable conditions the proposal is therefore considered to comply with Local Plan and Alterations policy HC10 and policy DM7 and of the Draft Local Plan.

Response to representations made

The concerns raised by the Town Council have been considered in the main body of the report above. The Town Council requested that the Conservation Officer's comments are made available at the time with the other plans at this stage but the Conservation Officer is consulted at the same time as the Town Council so it is difficult sometimes for consultees to have their comments back to Planning Officer's prior to Town Council meetings.

In relation to the plans being unclear, additional drawings have been requested and these will show the internal works in a clearer manner. However the Senior Conservation Officer has detailed the alterations above and is satisfied with the works. With regards to the plans submitted, the Senior Conservation Officer considers that a condition requesting additional horizontal and vertical section drawings of the shopfront be submitted and approved by the Local Planning Authority prior to installation.

In terms of a report being submitted, a Heritage Statement was submitted and the Council's Senior Conservation Officer considers that sufficient information has been submitted in order for her to put forward a recommendation on this Listed Building application.

Conclusion:

The proposed development would not be detrimental to the character, appearance or historic significance of the listed building or wider conservation area.

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

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

***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

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

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Epping Forest District Council

Agenda Item Number 7



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Application Number:	EPF/0406/17
Site Name:	Delmont, 88 London Road, Lambourne, RM4 1XP
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0406/17
SITE ADDRESS:	Delmont 88 London Road Lambourne Essex RM4 1XP
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Michael Caine
DESCRIPTION OF PROPOSAL:	Two storey front, side and rear extension and loft conversion with rear dormer
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591818

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Site:

A two storey semi detached house located in the urban settlement of Abridge with Green Belt land lying to the rear. The property is not listed nor does it lie in a conservation area.

Description of Proposal:

Two storey front, side and rear extension, and loft conversion with rear dormer.

Relevant History:

None.

Policies Applied:

Adopted Local Plan:

DBE9 – Loss of amenity.
DBE10 – Residential extensions.
GB7A Conspicuous development.

NPPF:

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

Draft Local Plan

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

- DM9 - High Quality Design
- SP5 – Green Belt and District Open land

Summary of Representations:

LAMBOURNE PARISH COUNCIL – object – because the building will extend to the side boundary of the property. It is felt that the proposed side extension should be drawn back (set in from the side boundary) to be in line with the first floor and hence giving at least 1m access to the rear.

NEIGHBOURS - 5 consulted and no replies received.

Issues and Considerations:

Although the proposed extensions are substantial several other houses in this row have been significantly extended, and it is to be noted that these houses are located on sizeable plots.

A part one and part two storey side extension is proposed – the ground floor section will extend to the side boundary with no. 90 but the first floor will be set in from this side boundary by 1m. This 1m gap at first floor will retain a visual break between the houses in accordance with Local Plan policy DBE10. This policy does allow for ground floor extensions to be built up to the side boundary. Although this will remove outside access to the rear garden, as pointed out by the Parish Council, this is a matter of personal choice and is not a material planning consideration. It is the case, however, that the proposed side extension will block off vehicular access to a garage located to the rear of the house. However, the current front drive area can accommodate 3 cars to be parked off street, and the loss of the garage to accommodate a car is acceptable in this context. In design terms the existing profile of a semi hipped roof on the house will be extended sideways over the first floor side extension and its appearance will be acceptable.

At the rear a 3m deep part one and two storey addition is proposed. The first floor element will be positioned 2m away from the side boundary with no.88 and a 45 degree line, which whilst not being a policy requirement is an industry good rule of thumb, drawn from the neighbours nearest bedroom window will not be breached by this first floor extension. The ground floor section of this extension will be built up to the side boundary with no.86. No.86 has a longer 3.5m deep conservatory close to this boundary, and therefore there will be a very limited impact on the amenity of this neighbour. On the other side with no.90 the two storey rear addition will extend

rearwards to just beyond the line of a similar two storey rear addition recently built at no. 90, and the proposed extension will have a small impact on the amenity of this neighbour.

Originally the proposed two storey rear extension had an unsatisfactory flat roof and revised plans have been submitted which show a gabled roof over and in appearance, this extension in terms of appearance is now considered acceptable. It will form part of the proposed rear dormer window, which is also considered to be satisfactory in scale and appearance, causing no undue overlooking concerns.

Conclusions:

For the reasons outlined above this householder proposal, as revised, now complies with relevant policies. It is therefore recommended that planning permission be granted subject to conditions.

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

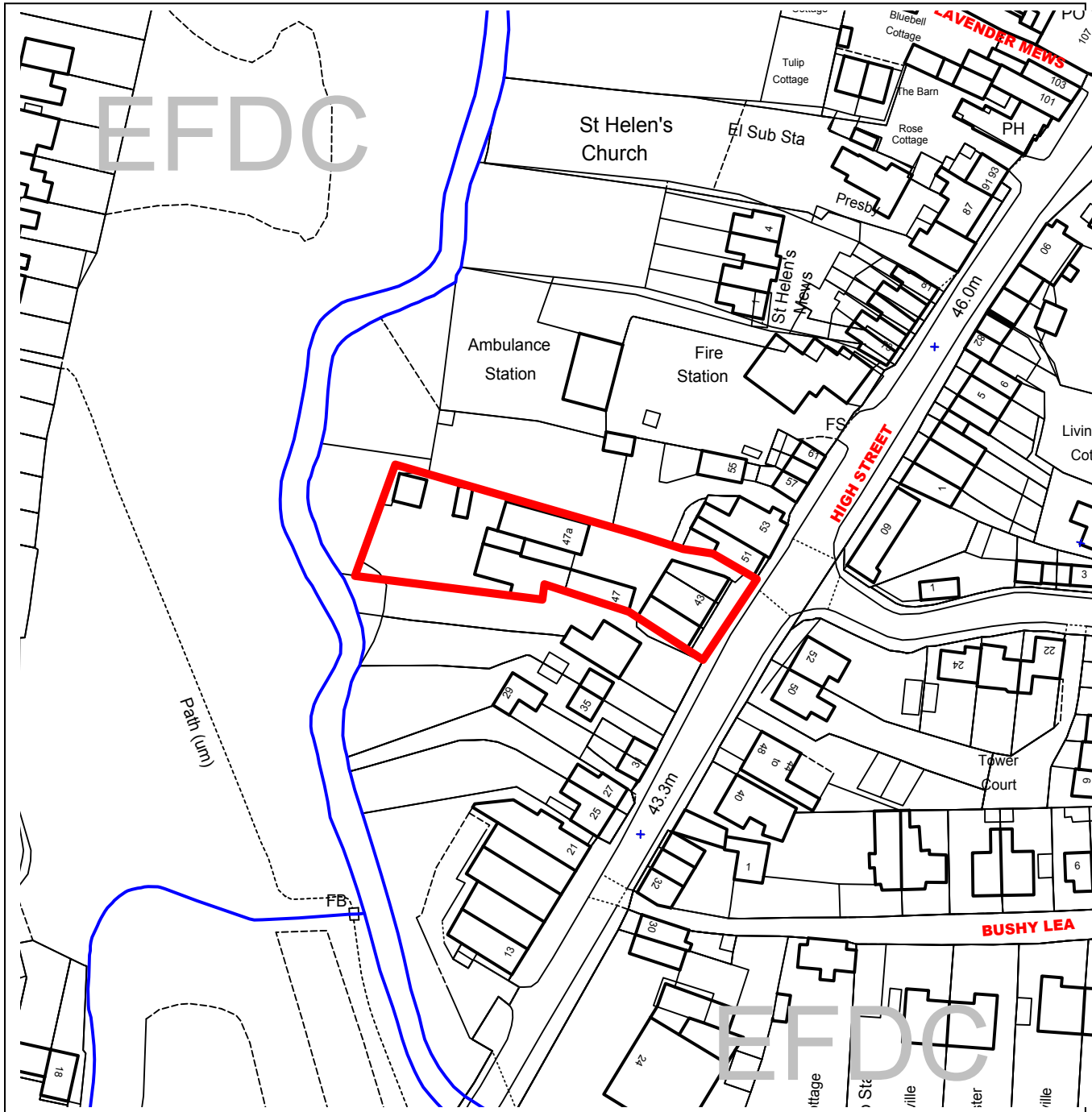
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Agenda Item Number 8



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Application Number:	EPF/0072/17
Site Name:	47 High Street, Ongar, Essex, CM5 9DT
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0072/17
SITE ADDRESS:	47 High Street Ongar Essex CM5 9DT
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Andrew Taylor
DESCRIPTION OF PROPOSAL:	Proposed demolition of existing offices and workshops at the rear of the site and replacement with a terrace of five houses.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590833

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: 7212 - 02, 03A, 04A, 05A, 06A, 07A, 08, 09, 10, 11 and 12A
- 3 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the local planning authority. The works as approved shall thereafter be fully undertaken prior to commencement of any construction works, including the construction of foundations..
- 4 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]

- 5 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]

- 6 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]

- 7 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.

- 8 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.

- 9 A bat survey will be carried out on the buildings prior to the commencement of any works on the site, in accordance with Natural England guidelines for such surveys. Should this survey reveal the potential for bats to be present in the buildings, a further dawn/dusk emergence/re-entry survey shall be undertaken. Should this reveal the presence of bats roosting in the buildings, details of measures for protection of the native population, including a copy of an appropriate licence obtained from Natural England, shall be submitted to and approved by the Local Planning Authority. All works recommended in the report approved shall be fully implemented and appropriate certification from a recognised body of said compliance shall be submitted prior to first occupation of the dwellings hereby permitted.
- 10 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, and details of proposed finished floor levels within the buildings.. The development shall be carried out in accordance with those approved details.
- 11 No development shall have taken place until samples and details of the types and colours of all external finishes to the buildings hereby approved 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.
- 12 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 (including works to the retained boundary wall including strengthening and coping details),; car parking finishes; 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.

- 13 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.
- 14 Prior to the commencement of development other than groundworks, details of external lighting within the site boundaries shall be submitted to and approved by the Local Planning Authority. All works as agreed shall thereafter be fully implemented prior to first occupation of the dwellings hereby permitted.
- 15 Prior to the commencement of development other than groundworks, details of the design of cycle stores, including security measures, shall be submitted to and approved by the Local Planning Authority. All works as agreed shall thereafter be fully implemented prior to first occupation of the dwellings hereby permitted.
- 16 Prior to the commencement of development other than groundworks, details of the layout of refuse stores shown on the approved plan shall be submitted to and approved by the Local Planning Authority. All works as agreed shall thereafter be fully implemented prior to first occupation of the dwellings hereby permitted.
- 17 A minimum of 1 bat brick per house will be incorporated into the buildings. Plans of locations and types of bat bricks to be used shall be submitted to and approved by the Local Planning Authority prior to the commencement of works other than groundworks, and thereafter completed in accordance with the agreed details prior to first occupation of the buildings hereby permitted.
- 18 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 19 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.
- 20 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 21 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Flood Risk advice accompanying the application, produced by EAS. In particular, the scheme shall be carried out in accordance with the compensatory flood storage measures detailed

within the FRA. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 22 All first floor windows in the southern elevation of units 1 -4 inclusive hereby approved shall be finished in obscure glazing and non-opening below 1.7m above finished floor levels at first floor, and shall be permanently retained in that form.
- 23 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, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal. In addition, the application is before this Committee since it has been 'called in' by Councillor Keska (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is known locally as Taylors Yard and lies to the west of the High Street covering around 0.14 hectares. The main building lies along the southern site boundary for most of its length and comprises garages, stores and offices. To the northern side lie single storey workshops. There is an undercroft access to the rear part of the site which includes a further store and parking areas; it is noted that all open areas on the site are hard surfaced. The site is used by a building company.

Vehicle access is provided from High Street by a single width access on the northern site boundary adjacent to the frontage building of 41-45 High Street, a 3 storey building comprising shops on the ground floor and flats above accessed by an external staircase to the rear.

The site is adjoined to the north and south by residential properties, those to the south are conventional street fronting houses. To the north behind the frontage properties lies a communal parking area with a dwelling fronting on to this, beyond the parking area is a communal landscaped area.

The site falls from front to rear and the lower western boundary abuts Cripsey Brook which lies within the Green Belt. The site is also within the Ongar Conservation Area and adjacent buildings at 39, 51 and 53 High Street are all individually listed.

Description of Proposal:

The application proposes residential redevelopment of the site comprising of five, two storey dwellings. Four x two bedroom dwellings are proposed extending east west along the site length, stepping down to reflect changes in levels, and one x three bedroom unit is proposed to the

northern part of the site, this unit has the third bedroom over the undercroft serving the rear parking area.

All units have private gardens and four units are accessed from the central courtyard, unit 4 having access from the rear parking court. A car port for two vehicles is proposed adjacent to unit 1 and 8 parking spaces are located at the rear. Provision is indicated for bin store adjacent to the car port and cycles stores in front of unit 5

Relevant History:

None relevant

Policies Applied:

Adopted Local Plan:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
HC1	Scheduled monuments and other archaeological sites
HC6	Character, appearance and setting on Conservation Areas
HC7	Development within Conservation Areas
HC12	Development affecting the setting of listed buildings.
NC4	Protection of established habitat
RP4	Contaminated land
H2A	Previously developed land
H3A	Housing Density
U2A	Development in Flood Risk Areas
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of Amenity
LL11	Landscaping schemes
ST4	Road safety
ST6	Vehicle parking

NPPF:

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

Draft Local Plan:

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

SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP4	Place Shaping

SP6	Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM5	Green infrastructure – design of development
DM7	Heritage assets
DM9	High quality design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

32 neighbouring properties were consulted on both the original application and amended scheme.

Responses received: In response to the original scheme, 6 OBJECTIONS were received from residents at 35, 37, 39, 51, 53A and 55 HIGH STREET. Common themes raised by these objections included:

- Concern that the proposals constitute overdevelopment of the site.
- Traffic and parking issues – concerns at the level of parking provided and the safety of the access, residents refer to previous applications for frontage parking at 35 High Street (early 2000's) residential development at the rear of 51-57 (early 1990's), both of which were refused at appeal, inter alia, on highway grounds.
- Issues around flooding and sewage systems – objectors comment that rear gardens are in the flood plain for the Brook and this has flooded in the past. Concerns are raised that this may be exacerbated by the development. Further concerns about the capacity of the local sewage system are not material to the planning application.
- Impact on local wildlife, particularly creatures living in the Cripsey Brook corridor.
- Impact on the conservation area in general terms arising from the character of the development and its scale and intensity.
- Concerns at loss of amenity from external lighting in terms of the impact on neighbours and on local wildlife.
- Overlooking and loss of light. Residents to the north of the site initially raised issues around overshadowing and direct overlooking. Residents to the south (35, 37 and 39) made particular reference to their desire to see the flank wall of the existing two storey building on the boundary retained to maintain privacy and screening which they argued would not wholly prevent overlooking of gardens and their properties but would lessen the impact.

Subsequently, officers are aware the agent approached local residents to explain the scheme and objections from neighbours to the north have not been forthcoming on the revised plans.

On re-consultation on the revised plans, residents at 35 and 39 HIGH STREET responded. Both had OBJECTED that alterations to the boundary wall, which sees part of this being removed, failed to address their earlier objections and increased the degree of overlooking that would result.

ONGAR TOWN COUNCIL OBJECTED to the application on the following grounds:

- a) Lack of privacy to neighbouring property.
- b) Possibility of flood risk.
- c) Safety concerns of the access from site to the High Street.
- d) Preservation of wildlife that exists in the area.
- e) Capacity of existing sewers for the new development.

Main Issues and Considerations:

In terms of the Council's sustainable development objectives, the proposals meet many of the objectives. The site lies within the existing built up area and is sustainable in terms of access to local services and facilities. In the context of the immediate surroundings, it removes what is now a non-conforming commercial yard with potential for intensive and intrusive use and replaces this with a more compatible residential use. The scheme provides a relatively low density development (36 dwellings per hectare) which is entirely appropriate to this location. Officers are therefore satisfied that both the principle and level of development are acceptable.

The scheme has developed with particular regard to the location of the site within the conservation area. The scheme demonstrates a good understanding of its location and an adequate adaptation to its site. Situated at the rear of High Street, where once were the ancillary buildings, the development remains subordinate to No.43 respecting the building hierarchy, and at the same time, the historic layout of the medieval town. The scheme also follows the course of the terrain that slopes towards Cripsey Brook, gradually stepping down. The terrace of houses with red clay tiled pitch roofs will blend with the Chipping Ongar traditional roofscape providing attractive views from the brook's banks. Both the landscaping scheme and material palette, featuring high quality traditional materials, such as timber, render, brick and tiles would complete its integration. Thus the proposal is considered appropriate to the wider conservation area context.

The scheme proposes 10 parking spaces and thereby meets adopted standards; provision for cycle storage is also indicated and can be dealt with by condition. Much comment has been made about the suitability of the site access for the level of vehicular activity proposed. The access is single vehicle width and around 2.6metres wide at its narrowest. The Highway Authority has commented:

Whilst it is recognised that the accessway is constrained it is existing and does serve an existing commercial use which is not controlled by planning conditions. The proposed scheme will reduce the amount of vehicle movements below the existing use and will greatly reduce commercial vehicle movements through this narrow access to the benefit of all highway users. The development is proposing appropriate parking provision and also has a large turning area. Consequently there will be no detriment to highway safety or efficiency as a result of the development.

Officers support this view that the access is suitable for a development of this scale.

In terms of the amenity of existing residents, the issues arising relate predominantly to the neighbouring properties to the south. The gardens at these properties are set at a lower level than the site (where levels have been built up by previous resurfacing) such that close to the dwellings there is around 1 metre difference, gradually reducing towards to the rear. The existing office building at two storeys high is built along this boundary and does form a significant and substantial barrier having no windows or openings in this elevation. In some circumstances, such a wall (around 25m long and up to 6m high) may be considered intrusive, but it lies to the north of neighbours and its function in screening activity on site and as a result its amenity value to the neighbouring occupiers is acknowledged.

The application proposes partial removal of the wall. The section closest to the frontage buildings where it forms part of the staircase to the existing flats is retained at full height, 1 metre is removed over a length of around 8 metres, 2 metres over the next 8 metres and 3 metres from the remainder. Officers have supported this approach having regard to a number of factors. Firstly, it must be recognised that the wall is part of a building and not a freestanding structure and therefore this will require some additional structural work to ensure its safety when the rest of the building is

removed. The car port indicated at the eastern end contributes to this and further support piers are proposed along the length. Officers have also had regard to future residents of the new development; the wall lies on the southern boundary of these properties and the wall lies within at some points 3metres of the rear of the new dwellings.

All ground floor windows in the new dwellings will be sufficiently screened by the boundary wall to ensure that, taking account of levels changes, there is no direct overlooking. At first floor, all windows in this side of the building are to bathrooms and stairways only, all bedroom windows being on the north or west elevations, as a result the rear first floor windows can be conditioned to be obscure glazed and largely fixed. Taking account of all relevant considerations above, officers consider that the proposals represent a reasonable compromise and would not result in overlooking or substantial loss of amenity to the neighbours to the south.

The neighbours to the north, 51, 53A and 55 have not objected on the revised plans and the amenity grounds for this are evident. The proposed buildings are a minimum of 20metres from the closest dwelling to the north and lie at an angle of not less than 45 degrees, thereby ensuring no direct impact in terms of overshadowing or overlooking.

Concerns are also raised in representations in regards flood risk and impact on local wildlife. On the former, part of the site does lie in the flood plain and a flood risk assessment has accompanied the application which includes recommendations for compensatory flood storage and on finished floor levels within the buildings. The Environment Agency have been consulted thereon and have accepted the findings, subject to conditions relating to the remediation measures above being completed.

On the latter, the site is wholly hard surfaced and fenced and would not be expected to provide habitat in its existing form, other than the possibility of bats within the existing buildings (a condition requiring a survey is recommended, together with the use of bat bricks in the development. New landscaping is being proposed around the boundaries to the parking areas, including areas for tree planting and this would be consistent with the open land behind.

Conclusion:

The application proposes a low density residential development in a highly sustainable location within the existing built up area. While the loss of an employment site from the area is noted, that use has potential to affect amenity and is generally incompatible with the prevailing residential character of the immediate neighbours.

The built form has due regard to the location of the site in the conservation area being subordinate to the frontage building, following the natural ground level and using traditional materials. The scheme includes an appropriate level of car parking which is considered to have less impact on the road network than the existing use, notwithstanding the limited width of the access.

Primary amenity considerations concern the potential impact on neighbours to the south. Officers would contend that the siting and scale of the buildings do not directly impact on adjoining properties and the siting of only bathroom and stairwell windows above ground floor fully addresses concerns about overlooking. Alterations to the boundary wall provide a balance between the desire of neighbours to retain the additional screening, the structural integrity of the wall as a freestanding structure (not as part of a building) and ensuring adequate daylight to the rear gardens of the new dwellings.

As a result, and subject to appropriate conditions, including matters relating to site drainage, contamination and withdrawal of permitted development allowances. The proposals are therefore considered to be consistent with adopted and emerging policy and are 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: Ian Ansell
Direct Line Telephone Number: 01992 564481**

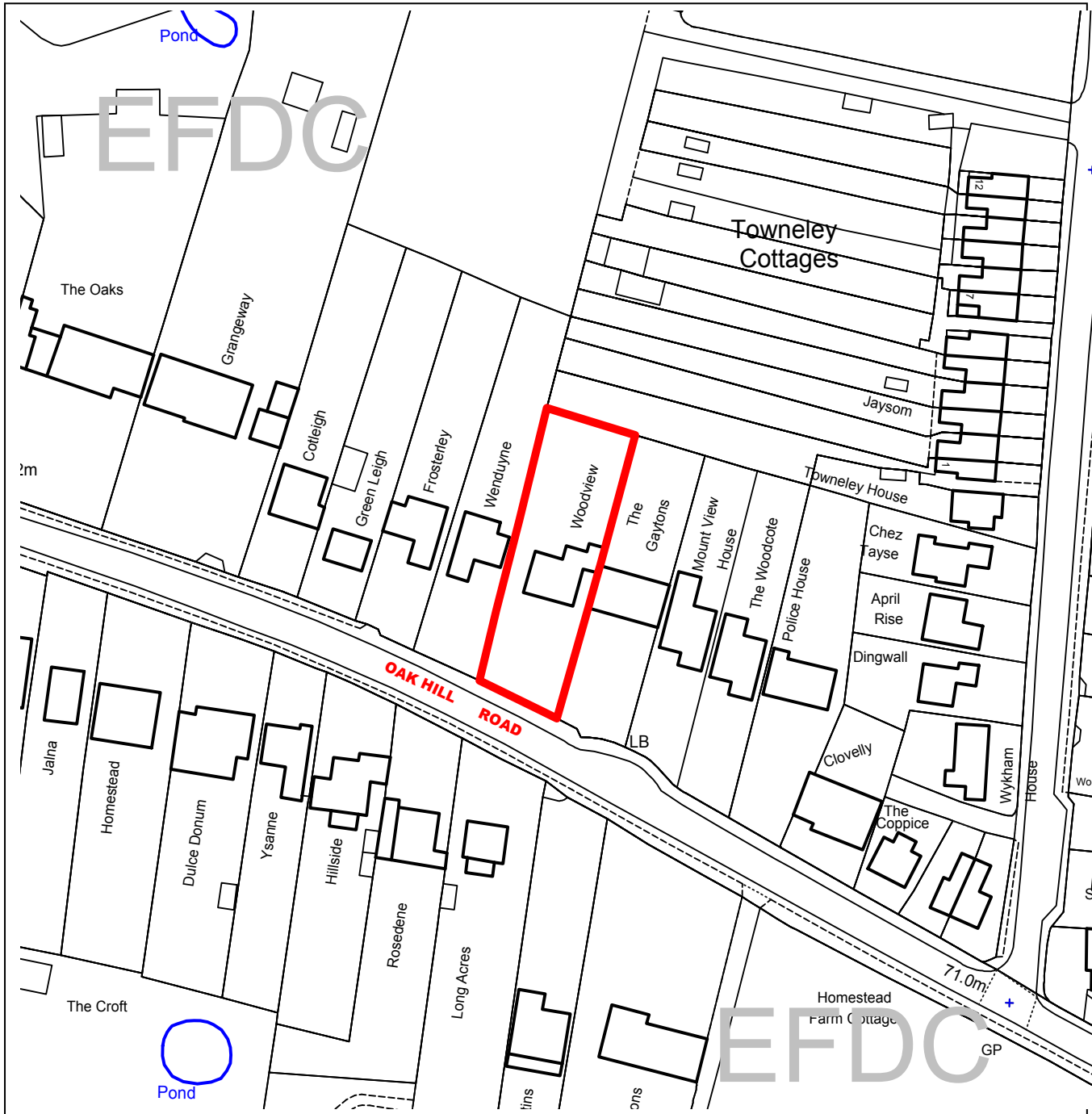
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Epping Forest District Council

Agenda Item Number 9



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Application Number:	EPF/0600/17
Site Name:	Woodview, Oak Hill Road, Stapleford Abbots, RM4 1JL
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/0600/17
SITE ADDRESS:	Woodview Oak Hill Road Stapleford Abbots Romford Essex RM4 1JL
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mrs Marielle Dunn
DESCRIPTION OF PROPOSAL:	Conversion of integral garage into a study room, redesign of the porch, erection of car port and store in front garden, and new timber electric gate at the front.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592368

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 facing brick and roof tile to be used on the proposed development shall match that used on the existing house on the site, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The existing hedge on the front boundary of the site shall be maintained (or replaced if it dies) on a permanent basis.

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

Description of Site:

A relatively new two storey detached house located in the urban settlement of Stapleford Abbots. The property is not listed nor does it lie in a conservation area.

Description of Proposal:

Conversion of integral garage into a study room, redesign of the porch, erection of car port in front garden, with provision of new timber electric gate at the front and railings to be installed on the existing front boundary wall.

Relevant History:

EPF/2503/07 was an approval for the erection of a replacement dwelling which was then erected. A condition attached withdrew permitted development rights for extensions and alterations.

Policies Applied:

Adopted Local Plan:

DBE9 – Loss of amenity.

DBE10 – Residential extensions.

ST6

NPPF:

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

Draft Local Plan

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

- DM9 - High Quality Design
- T1 - Sustainable Transport Choices
-

Summary of Representations:

STAPLEFORD ABBOTTS PARISH COUNCIL – object – (garage/store) is not in keeping with the street scene and might set a precedent.

NEIGHBOURS - 7 consulted and no replies received.

ESSEC CC HIGHWAYS AUTHORITY – no comments to make since the proposal is not contrary to the Highway Authority's Development Management Policies.

Issues and Considerations:

It is proposed to enclose the existing open sided front porch, principally with glazing, and this change is acceptable in appearance. It is also proposed to convert the existing garage, which is just 2.5m wide, to habitable accommodation. Given that the deep front area to this house can accommodate several cars to be parked off the road the loss of this garage is acceptable.

The main issue raised by this application is the proposal to erect a double car port plus storage unit in the front hard surfaced garden area – to which the Parish Council have objected because it would not be in keeping with the street scene and may set a precedent. Detached buildings to the front of houses need to be assessed on their own merits. This is a large front garden area and the front boundary contains a long established hedge behind the front wall that would hide most of the

view of the proposed building. The original plans have been amended to move the proposed building a minimum of 2m from this front boundary to ensure the health of the hedge is not adversely affected. The permanent retention of this hedge will be required by a condition.

The proposed building is quite low in height being 2.2m to eaves and 2.7m to ridge. It would have a shallow angled roof with hipped ends, and the roof and brick to be used will match that used on the main house. As mentioned above it would be largely hidden from view from the road by the existing hedge, and there are examples of garage buildings positioned to the front of houses in rural and semi rural areas. Bearing all these points in mind the proposed building would not have a significant impact on the appearance of the street scene, and would not set an undesirable precedent.

On the front boundary, railings will be installed on the top of the existing wall in between the existing brick piers, and a new timber electrical sliding gate is to be erected. This gate will be recessed 5.5m from the front boundary of the site which, combined with the width of the pavement, will give ample access for a car to pull completely off the road whilst the gates are opening. The Highways Authority have no objections to this proposal, and the railings and recessed gate will have an acceptable appearance in the street scene.

Conclusion:

For the reasons outlined above this householder proposal, as revised, now complies with relevant policies. The forward garage will be screened and therefore not dominate the street scene. The other alterations are in keeping with the new house and the surroundings. It is therefore recommended that planning permission be granted subject to conditions.

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

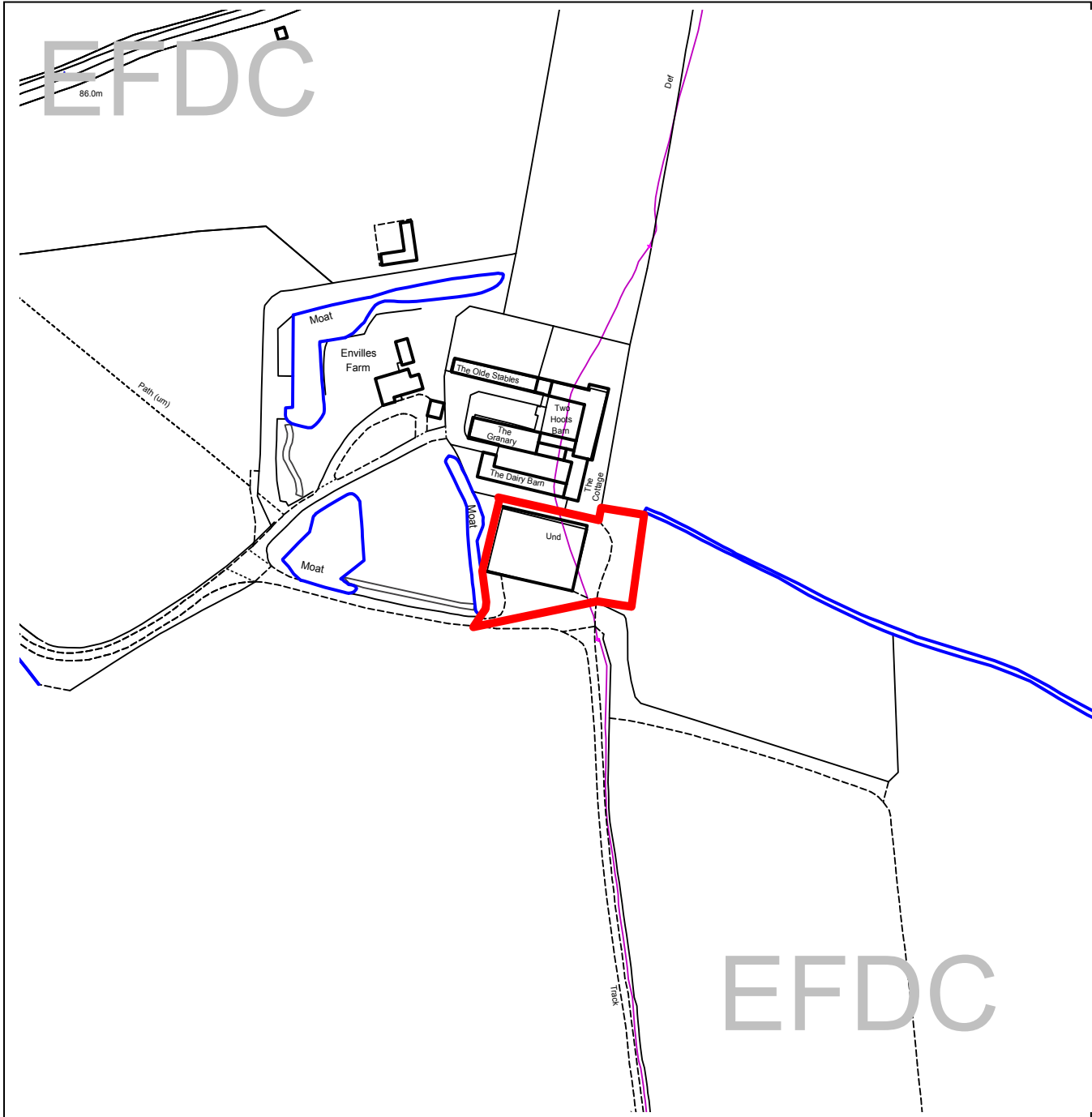
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Agenda Item Number 10



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Application Number:	EPF/0561/17
Site Name:	Envilles Farm, Abbess Road, Little Laver, Ongar, CM5 0JH
Scale of Plot:	1/2500

Report Item No: 10

APPLICATION No:	EPF/0561/17
SITE ADDRESS:	Envilles Farm Abbess Road Little Laver Ongar Essex CM5 0JH
PARISH:	Fyfield Moreton, Bobbingworth and the Lavers
WARD:	
APPLICANT:	Mr J Donovan
DESCRIPTION OF PROPOSAL:	Demolition of the existing B8 store building and the erection of 3 no. four-bed dwellings with associated hard and soft landscaping.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=592262

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: 16009_001, 17005_001, 17005_002 and the site location plan
- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 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 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.
- 6 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.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall

be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 No preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 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.

- 14 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.
- 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.
- 17 Retention of trees and shrubs amended to read - If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

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

Description of site

The application site is located within a very sparse area of development in the settlement of Little Laver. Currently on the site is a large utilitarian style building used as a B8 storage situated within a large plot. There are residential dwellings to the north which were previously part of the original farm complex. Access to the site comes from a private road which joins onto the main public carriageway to the north. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Description of proposal

The proposed development is to demolish the existing building and to erect three new dwellings.

Relevant History:

EPF/0122/94 - Continued use of farm buildings for storage of inner tubes. Approved.

EPF/0191/03 - Change of use of agricultural outbuildings to 10 no. dwelling units. Refused

EPF/1316/04 - Change of use and conversion of farm buildings to 3 no. dwellings. Approved.

EPF/0754/08 - Change of use and conversion of redundant agricultural barn to residential use. Approved.

EPF/1848/09 - Amended conversion scheme (pursuant to existing consent EPF/1316/04) including additional residential floorspace within existing building. Approved.

EPF/1338/16 – Demolition of existing building and erection of one dwelling – Approved.

Policies Applied

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

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
ST4 – Road Safety
LL1 – Rural Landscape
LL9 – Felling of Preserved Trees
LL10 – Adequacy of Provision for Landscape Retention
LL11 – Landscaping Schemes
DBE1 Design of new buildings
RP4 Contaminated land
U3B sustainable drainage
DBE8 private amenity Space
ST6 vehicle parking standards
ST1 Location of development
ST2 Accessibility of development
H1A Housing Provision
GB2A – Development in the Green Belt
GB7A – Conspicuous Development

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

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – NO OBJECTION

1 Envilles Cottage – OBJECTION - Any further development would amount to over development on the green belt. The access track is inadequate at present, being of poor design with inadequate site lines. This has, over the past few years resulted in the demise of various domestic pets as a consequence of speeding motorists. The inevitable increase in traffic will only exacerbate the situation. This community does not require any more detached four bedroom houses.

Wellington – OBJECTION - Firstly, it is entirely questionable that this development will provide much needed, affordable housing. Secondly, the tiny country lane that leads to this potential development is already under huge traffic constraints as a result of the previous over development of existing farm buildings.

Envilles Farm – OBJECTION – The proposal will be an overdevelopment of the site, will cause harm to the openness of the Green Belt and will harm the appearance of the area. The increase in traffic will cause significant harm to the existing vehicle situation and there will be harm to the existing trees on the site.

NO ADDRESS GIVEN – OBJECTION – The proposal is an overdevelopment of the site and will cause excessive traffic movements.

NO ADDRESS GIVEN – OBJECTION – The proposal will cause harm to the Green Belt and will cause a significant increase in traffic.

NO ADDRESS GIVEN – OBJECTION – The site has a only a small access road and the increased traffic will be dangerous.

PARISH COUNCILLOR AND RESIDENT OF LITTLE LAVER – OBJECTION – This is an overdevelopment in the Green Belt, the road is unsuitable, there will be harm to neighbours.

Issues and considerations

The main issues to consider are the potential impacts on the Green Belt, the living conditions of neighbours, the design of the proposal in relation to its setting, land drainage issues, land contamination, trees and landscaping issues, parking and access and any other material considerations.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development in the Green Belt should be refused planning permission unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

However paragraphs 89 and 90 of the NPPF give certain exceptions to inappropriate development, one of which is the:

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

This is a further application to a previous approval of planning permission which allowed the demolition of the existing building and the erection of a single detached dwelling (EPF/1338/16). Within that proposal the Council accepted that the site constitutes previously developed land as the building is currently used for B8 storage purposes and there is no reason to take a different view within this application. Indeed from a site visit it was clear that the site was used for storage purposes rather than as an agricultural building.

Whilst the building is previously developed land, the proposed redevelopment must not have a greater impact on the openness of the Green Belt or to the purposes of including land within it.

The current building has a floor area of 1008sqm and a maximum ridge height of 7m. The replacement dwellings will have a ridge height of 6.2m and each one will have a floor area of 202sqm which amounts to 606sqm in total. This is a reduction in built form in the Green Belt of around 40% and as a result, clearly this proposal will have a significantly lesser impact on the openness of the Green Belt than the existing building. The development therefore comfortably falls within this exception to inappropriate development in the Green Belt and therefore very special circumstances are not required to justify the development.

To ensure there is no excessive harm to the Green Belt, it is considered reasonable and necessary to remove Class A and B Permitted Development Rights to ensure the Council retains control of future development of the site.

Living conditions of neighbours

The Dairy Barn and The Cottage are residential dwellings located to the north of the site and whose rear gardens are currently adjacent to the existing building. The proposed dwellings are of a far smaller scale than the existing building and therefore in the context of the existing building on the site it is not considered that there will be any harm to the living conditions of these neighbours due to the development.

The neighbours have raised concern that the introduction of three new dwellings will cause a substantial increase in the number of vehicle movements on the private lane, however it is not anticipated that there will be any significant harm to the living conditions of the neighbours as a result of this proposal.

Design

The new dwellings will have a very shallow pitched roof which has very little architectural merit, but which bears some resemblance to the existing building on the site. The new dwellings will also be located some distance from the main public carriageway and will be accessed from a private road and consequently it will not be overtly visible from public viewpoints. Weight is also attributed to the previous consent where planning permission was granted for a very large single dwelling, which proposed a far more incongruous and bulky design. It is considered that this new proposal will be an improvement to this currently extant planning permission.

As a result it is considered that there will not be significant harm to the character or appearance of the area and the proposal is considered to comply with Local and National design policy.

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 required

It is also necessary to assess details of foul and surface water discharge and these issues can be secured through the use of planning conditions.

Highways and parking

The new dwellings will be served by an existing private road and the Essex Highway Officer has no objection to this as the introduction of three new houses will not cause an excessive number of vehicle movements over and above the existing situation.

In terms of parking, each dwelling has a substantial area for the parking of cars and therefore no concerns are raised.

Trees and landscaping

The Tree and Landscape team have objected to the proposal on the grounds that there have not been any submitted tree reports and that there are trees adjacent to the moat on the western end of the application site. Despite this objection, the edge of the moat is around 30m from the front elevation of the proposed new dwellings and there was no objection raised to the previous approval which is still an extant consent. In any event it is considered in this instance that these adjacent trees can be safeguarded through the use of planning conditions.

Land Contamination

Due to its historical farm use and the presence of electricity sub-station, tanks and infilled moat, there is the potential for contaminants to be present over all or part of the site.

Domestic dwelling gardens are classified as a particularly sensitive proposed use and no assessment information has been provided with the application, it will be necessary for the risks to be investigated, assessed and where necessary remediated by way of condition.

Archaeology

The Essex Historic Environment Record (EHER) shows that Envilles Farm is a medieval moated site, that subsequently became the site of a 19th century model farm (EHER 4146-7, 15449). In addition the route of a Roman road is thought to cross the development area (EHER 4207). It is possible therefore that the proposed development will impact on archaeological remains relating to the origin or development of the site. The use of a planning condition can ensure that there will be no loss of historic remains of intrinsic interest.

Conclusion

The proposal is not inappropriate development in the Green Belt being that it is previously developed land by definition and this proposal will have a significantly lesser impact on the openness of the Green Belt than the existing building. It will not harm the living conditions of the neighbours, the design is acceptable and all other considerations are satisfied. Therefore it is recommended that planning permission is granted.

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

Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371

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

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Report Item No: 11

APPLICATION No:	EPF/0948/17
SITE ADDRESS:	42 Castle Street Ongar Essex CM5 9JS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr & Mrs Fenn
DESCRIPTION OF PROPOSAL:	Demolish the existing detached dwelling and outbuildings on the site and to construct a replacement detached house with garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593357

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: 2707/01, 03, 05 and 06 rev A
- 3 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.
- 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 a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to

present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 10 No development 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.
- 11 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.
- 12 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.
- 13 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Report is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed,

or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 16 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 B, C and D] of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Site:

The application site, also known as Spring Ponds, comprises around 0.75 hectares and lies on the south side of Castle Street. The existing dwelling on the site is two storey with rooms in the roof at the rear and a single storey wing on the west side; the building is finished in white painted render with a tiled roof. There is a detached garage to the west side and a car port on the frontage north east of the dwelling. A single vehicle access point is located in the north west corner of the site. The extensive rear garden includes a swimming pool on the eastern boundary and extends around the rear of gardens to 36, 38 and 40 Castle Street.

The site lies in a predominantly residential area wherein lies a mix of built forms, the principle building being the listed White House to the north, largely screened from the street. Properties to the west fronting Castle Street are of more modest scale and simpler design.

The application site lies wholly within the Green Belt, as does the adjoining house to the east and land and buildings to the north. The properties to the west are outside the Green Belt, but do lie within the Ongar Conservation Area, the boundaries of which follow the site's western and north western boundaries.

Description of Proposal:

The application proposes demolition of the existing building and replacement with a new single 4 bedroom dwelling. The building is sited to align more with the western side boundary facing in a more north easterly direction and is primarily two storeys. The rectangular form is broken by front and rear projecting bays centrally located with gables featuring decorative pediments and bullseye windows within the gables – at the rear part of an en-suite bedroom that extends across much of the rear half of the building with rooflights either side of the gable. The front elevation also features a projecting canopy to the entrance. Principle materials are indicated as brickwork and slate tiles.

A double garage is indicated to the west side of the house, set back from the frontage and attached to the main house with a single storey link block. Basement areas are indicated below around two thirds of the width of the house and separately below the whole of the garage; raised terrace is provided at the rear. Vehicle access is unaltered and the hard surface frontage retained.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
GB15A	Replacement dwellings
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of Listed Buildings
RP4	Contaminated land
RP5A	Adverse environmental impacts
H2A	Previously developed land
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE8	Private amenity space
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST4	Road safety
ST6	Vehicle parking

NPPF:

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

Draft Local Plan:

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

SP1	Presumption in favour of sustainable development
SP5	Green Belt and District Open Land
SP6	Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
T1	Sustainable transport choices
DM5	Green infrastructure – design of development
DM7	Heritage assets
DM9	High quality design
DM10	Housing design and quality
DM16	Sustainable drainage systems
DM21	Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: Eight

Responses received: No response received from neighbours.

ONGAR TOWN COUNCIL objected to the application on the following grounds:

- i) DBE-4 (ii) Design in the Green Belt because it is NOT 'of a design which respects local character in terms of traditional plan form and detailing'.*
- ii) Despite not being in the Conservation area it is adjacent to the conservation area so that HC6 applies and 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.' This completely different architectural style proposed is detrimental.*
- iii) HC7 (i) states it should be sympathetic to the character and appearance in terms of scale etc. and (iv) the façade should incorporate a substantial degree of visual intricacy COMPATIBLE with that of the facades of The Historic buildings. It is not compatible with any historic buildings in the area.*
- iv) The style of the proposed 'Palladian style' façade is a dominating one, and despite being smaller in scale than the listed White House, its visual impact competes for attention trying not to be subservient. This would adversely affect the 'Setting' of the neighbouring Designated Heritage Asset known as the White House looking from the White House downhill towards 42 Castle Street. This is contrary to HC12 and NPPF.*

Main Issues and Considerations:

In terms of the site location in the Green Belt, the application proposes a one for one replacement in a similar position close to the site frontage. In terms of the built footprint above ground, the living accommodation comprises an increase of around 17% floor area but taking into account the outbuildings being demolished and the new garage, the increase is around 10%. This represents a proportionate increase and the development is therefore considered appropriate in the Green Belt.

In considering the design and elevational treatment of the building, particular regard should be had to the relationship the site has with the Conservation Area and the listed building to the north. There is a degree of visual separation between the application site and the Conservation Area and more significantly the listed building as a result of existing trees and hedges. Approaching the site from the west (within the Conservation Area), only the upper floor flank elevation is visible and the

frontage is only visible from the site entrance (and the proposal orientates the building away from this vista. The new building is no taller at ridge than the existing building and will therefore not have a material greater visual impact on the Conservation Area.

Comments from the Town Council that the building is of a 'completely different architectural style' are not disputed, but this is true of most of the buildings within this part of the Conservation Area, where each of the pairs of houses to the west all display noticeably different characteristics and detailing.

The listed building lies to the north and is screened by a dense area of woodland that creates clear visual and physical separation and distinction between the two. Given the limited views of the front elevation of the building, officers consider there is no material impact on the listed building or the approach thereto.

Comments on the detailed built form are more subjective, though. The building includes a projecting gabled front with a decorative pediment. The Conservation Officer has raised some concern over this particular pediment feature, but this finishes some way below the ridge height and is well proportioned in the context of the overall elevation. The building is consistent with the overriding local character using facing brick and slate tiles (the existing building is rendered) and introducing chimney stacks at either end. The garage is subordinate in scale and siting and the development is sited partially over the existing built footprint. While individual elements may not be to every taste, it cannot reasonably be argued that the proposals do not represent good design or that the building as a whole is not appropriate to the location.

The proposals do not raise any issues of direct amenity impact, the neighbouring property to the east is well screened and around 14 metres off this boundary while the single storey elements lie between the main building and the western boundary. Adequate off site provision is made for vehicle parking and turning with the garage and frontage area.

Conclusion:

The application proposes a replacement dwelling that is sited in a similar position to the existing building and represents a proportionate increase in the overall built mass. The development is therefore acceptable within the Green Belt.

The proposal represents good design in that it uses material appropriate to the location and is comparable in overall scale to the building it replaces. The site does lie outside the Conservation Area but is visible from within it but the proposals do not compromise the conservation importance of the area. Similarly, the site abuts a listed building but has no substantive impact thereon as the two sites are not visually connected.

In the circumstances, the proposals are considered to meet local and national policy and acceptable in amenity terms.

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

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Report to Area Plans Sub-Committee

Date of meeting: East – 14 June 2017



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 October 2016 to 31 March 2017

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

Democratic Services Officer: Vivienne Messenger (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 key performance indicators (KPI's) , 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, which are in the main delegated decisions (GOV07).

Performance

4. Over the six-month period between 1 October 2016 and 31 March 2017, the Council received 54 decisions on appeals (51 of which were planning related appeals, the other 3 were enforcement related).
5. GOV07 and 08 measure planning application decisions taken at appeal and out of a combined total of 51, 16 were allowed (31%). Broken down further, GOV07 officer performance was 8 out of 40 allowed (20%) and GOV08 committee reversal performance was 8 out of 11 (73%) for the 6 month period.

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 8 cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

Buckhurst Hill

- | | | | |
|---|-------------|--|----------------|
| 1 | EPF/0837/16 | Conversion and extension of existing premises. Retention of Class A1. Retain unit on-street frontage. Change of use of first floor from use ancillary to A1 use to class C3(a) residential. Rear part of existing retail unit to change use from A1 to class C3 (a) residential. | 53 Queens Road |
|---|-------------|--|----------------|

Chigwell

- | | | | |
|---|-------------|--|---------------------|
| 2 | EPF/2987/15 | Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. | 46 Stradbroke Drive |
|---|-------------|--|---------------------|

Loughton

- | | | | |
|---|-------------|--|------------------------------|
| 3 | EPF/0257/16 | Erection of brick boundary wall on Forest View Road. | 72 High Beech Road |
| 4 | EPF/2774/15 | Provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping and increase in school roll from 243 to 273 pupils. | Land adjacent to Warren Hill |

Area Committee East

Epping

- | | | | |
|---|-------------|--|----------------|
| 5 | EPF/0206/16 | Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations. | 10 Bridge Hill |
|---|-------------|--|----------------|

North Weald Bassett

- | | | | |
|---|-------------|---|--|
| 6 | EPF/0983/16 | Timber framed office and store. (Revision to planning permission EPF/0269/14) | Saint Clements Vicarage Lane |
| 7 | EPF/2716/15 | To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. | Field adj to Horse Shoe Farm London Road |

Sheering

- | | | | |
|---|-------------|-----------------------|--------------------|
| 8 | EPF/3255/15 | Replacement dwelling. | Vailima The Street |
|---|-------------|-----------------------|--------------------|

7. The appeal performance for GOV08, committee reversals, was noticeably outside of its KPI target of 50% target at 73%. There were though 3 cases where the committees were successful, as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee East

North Weald Bassett

- | | | | |
|---|-------------|---|---------------|
| 1 | EPF/1247/16 | Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined) | 171 High Road |
|---|-------------|---|---------------|

Area Committee South

Chigwell

- | | | | |
|---|-------------|--|---|
| 2 | EPF/0653/16 | Demolition of the existing 2 no. detached dwellings and the redevelopment of the site to provide 11 no. flats within a part 2, part 3 and part 4 storey building with associated basement car/cycle parking and landscaping. | 105 Manor Road &
281 Fencepiece Road |
|---|-------------|--|---|

Area Committee West

Waltham Abbey

- | | | | |
|---|-------------|---|----------------------------|
| 3 | EPF/2305/16 | Double storey extension to existing dwelling. | North Villa
Mott Street |
|---|-------------|---|----------------------------|

8. Out of 4 **ENFORCEMENT NOTICE APPEALS** decided, 3 were dismissed, 1 allowed. These are as follows:

Allowed With Conditions

- | | | | |
|---|-------------|--|---|
| 1 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of | Sunnyside
Carthage Estate
Nazeing |
|---|-------------|--|---|

Dismissed, but Varied

- | | | | |
|---|-------------|---|---|
| 2 | ENF/0415/15 | Without planning permission the erection of a building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 3 | ENF/0416/15 | Without planning permission the stationing of a portable building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 4 | ENF/0417/15 | Without planning permission the stationing of a caravan numbered 18 for residential use | Lowershott Nursery
Sedge Green
Roydon |

Costs

9. During this period, there were three cases where costs have been paid by the Council regarding planning appeals.

10. Bridge House, Roding Road, Loughton - The appeal was against the refusal of planning permission made by Area Plan South (in this case, supporting the officers recommendation to refuse planning permission) for the demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block (EPF/1997/15). The Inspector concluded that the Council has acted unreasonably in that it had failed to provide evidence to substantiate their reasons for refusal at appeal in relation to identifying alternative sites less prone to flooding than this one, which is located in Flood Zone 2, and that they failed to follow the approach required in assessing the sequential test having regard to the National Planning Policy Framework, the PPG and the associated Environment Agency guidance in that it was not sufficient to compare this small site against much larger sites that were at least risk from flooding. Furthermore, the Inspector considered that the Council could have addressed a requirement for a Flood Risk Assessment through suitably worded planning conditions as recommended by the Council's Engineering, Drainage and Water Team and finally, the Council did not balance the issues against the Council's position in relation to lacking having a five year housing land supply. The Council paid the appellant £2,400.00, which given the issues, was a very reasonable sum in this case.

11. Field adjacent to Horse Shoe Farm, London Road, North Weald Bassett - Appeal was

against the refusal of planning permission for a steel portal framed agricultural sprayer cover and chemical store lean-to off one end (EPF/2716/15). Area Plans East refused planning permission because of the lack of agricultural justification for the need for the building in the Green Belt, following a late representation from Natural England and secondly, because of its excessive size and visual impact. The Planning Inspector considered that this was not substantiated because the applicant had provided sufficient evidence for its need and the late representation was not objecting to the necessity of the building. There were also other features and developments in the landscape that help merge the development into its surroundings. A cost settlement of £4,629.41 has been agreed.

12. 10 Bridge Hill, Epping - Appeal against the refusal of planning permission for single storey and part two storey rear extension, loft conversion with a rear dormer (EPF/0206/16). Having regard to the planning committee minutes, the Planning Inspector considered there was little evidence within them that expanded on the reasons for refusal set out within the Council's decision notice to allow a full understanding of the matters that resulted in the planning application being refused. Consequently, the Council has not demonstrated with any clear evidence why it considers that the combined elements of the proposal, in light of what has previously been consented, would be harmful to the living conditions of an immediate neighbour, contrary to the views of the Planning Officer. A cost was settled on £2,000.00 to the appellant.

Conclusions

13. Performance in defending appeals at 31% appears high, but 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.

14. 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 and as can be seen in paras. 10 -12 above, there can be costs against the Council where they are considered to have behaved unreasonably.

15. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 8 of which were allowed and 3 which were dismissed and therefore refused planning permission. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

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

Total Planning Application Appeal Decisions 1st October 2016 to 31st March 2017

Allowed With Conditions

Buckhurst Hill

1	EPF/0837/16	Conversion and extension of existing premises. Retention of Class A1. Retain unit on-street frontage. Change of use of first floor from use ancillary to A1 use to class C3(a) residential. Rear part of existing retail unit to change use from A1 to class C3 (a) residential.	53 Queens Road
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Chigwell

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|---|-------------|--|---------------------|
| 2 | EPF/1593/16 | First floor rear extension (Revised application to EPF/0533/16) | 49 Manor Road |
| 3 | EPF/3160/15 | Two storey side extension following demolition of side detached garage. | 40 Ely Place |
| 4 | EPF/2987/15 | Demolition of house at 46 Stradbroke Drive and the erection of a new building with five flats. | 46 Stradbroke Drive |

Epping

- | | | | |
|---|-------------|--|----------------|
| 5 | EPF/0206/16 | Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations. | 10 Bridge Hill |
|---|-------------|--|----------------|

Loughton

- | | | | |
|----|-------------|--|---------------------------------|
| 6 | EPF/1997/15 | Demolition of existing house and erection of 3 two bedroom and 3 one bedroom flats in three storey block | Bridge House
Roding Road |
| 7 | EPF/0617/16 | Replacement dwelling house with basement and roof accommodation (amended design to EPF/0504/15 to include extension of first and second floors to rear). | 60 Tycehurst Hill |
| 8 | EPF/0257/16 | Erection of brick boundary wall on Forest View Road. | 72 High Beech Road |
| 9 | EPF/1503/15 | Retrospective application for a single storey rear extension with relocating of the external metal staircase for the residential units and alter shop front. | Molens
209D High Road |
| 10 | EPF/1505/15 | Retrospective application for outbuilding to the rear of the property. | Molens
209D High Road |
| 11 | EPF/2774/15 | Provision of 34 space car park and dropping off area for use by Oaklands School only, formation of related vehicular access from Warren Hill and provision of associated landscaping and increase in school roll from 243 to 273 pupils. | Land adjacent to
Warren Hill |

Nazeing

- | | | | |
|----|-------------|------------------------------|---|
| 12 | EPF/1341/16 | Single storey side extension | Willow Tree House
23a Shooters Drive |
|----|-------------|------------------------------|---|

North Weald Bassett

- | | | | |
|----|-------------|---|--|
| 13 | EPF/2716/15 | To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. | Field adj to Horse Shoe
Farm, London Road |
|----|-------------|---|--|

Sheering

- | | | | |
|----|-------------|-----------------------|-----------------------|
| 14 | EPF/3255/15 | Replacement dwelling. | Vailima
The Street |
|----|-------------|-----------------------|-----------------------|

Allowed Without Conditions**North Weald Bassett**

- | | | | |
|----|-------------|---|---------------------------------|
| 15 | EPF/0983/16 | Timber framed office and store. (Revision to planning permission EPF/0269/14) | Saint Clements
Vicarage Lane |
|----|-------------|---|---------------------------------|

Dismissed

Buckhurst Hill

16 EPF/1718/16 Erection of a single storey dwellinghouse and formation of parking area to existing dwellinghouse 40 Princes Road

Chigwell

17 EPF/2223/16 Two storey front extension with a canopy and alterations to front entrance door. Two storey side extension. Single storey rear extension with a flat roof. Rear dormer window across the rear roof slopes of existing house and proposed two storey side extension together with 4no. front roof lights 31 Coopers Close

18 EPF/1239/16 First floor side extension above garage. Alterations to roof, including rear dormer, and creation of accommodation within roof space. 13 High Elms

19 EPF/1027/16 Proposed sub-division of rear garden to 8 Whitehall Close (fronting Orchard Way) to create a single level, courtyard house. 8 Whitehall Close Chigwell

20 EPF/0653/16 Demolition of the existing 2 no. detached dwellings and the redevelopment of the site to provide 11 no. flats within a part 2, part 3 and part 4 storey building with associated basement car/cycle parking and landscaping. 105 Manor Road & 281 Fencepiece Road

Epping

21 EPF/0800/16 Additional dwelling 77 Parklands

22 EPF/0628/16 Prior approval of proposed change of use of agricultural building to residential. Plot 1 (Rose Cottage) Old Piggery Land Behind Parish Rooms, Coopersale

Epping Upland

23 EPF/1373/16 Proposed ground floor front extension; alterations and extensions to form loft conversion incorporating front and rear dormers and new vehicle access Fairbourne Lodge

24 EPF/2146/16 Retrospective planning application for the erection of walls and gates 2 Takeleys Manor Cottages Upland Road

Lambourne

25 EPF/1560/16 Outline planning application with all matters reserved for a four-bedroom detached one-and-a-half storey, chalet bungalow fronting Knights Walk. 65 Alderwood Drive

Loughton

26 EPF/2224/15 Certificate of Lawful Development for proposed completion of previously approved (planning permission EPF/0674/74) but not fully completed two storey rear and side extension with garage. 12 Marjorams Avenue

27 EPF/3210/15 Proposed single storey rear extension - revised application to EPF/1353/15 1 Woodbury Hollow Cottage Woodbury Hill

28 EPF/0026/16 Listed building application for proposed single storey rear extension. 1 Woodbury Hollow Cottage Woodbury Hill

29	EPF/2134/16	Raising of roof to provide additional residential accommodation with front balcony (revised scheme to refused application EPF/0849/16)	6A High Road
30	EPF/2673/15	Grade II listed building application for a proposed 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding in the area of the proposed extension.	Loughton Hall Rectory Lane
31	EPF/2674/15	Proposed 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding located in the area of the extension	Loughton Hall Rectory Lane
Moreton, Bobbingworth and the Lavers			
32	EPF/0364/16	Change of use and alteration works to convert existing stable block to residential use	Stable building Land opposite Moreton Lodge Pedlars End Moreton
33	EPF/0886/16	Outline application (all matters reserved) for proposed new housing development.	Land north of 1 and 2 Landview and Aldebury Dale Harlow Road Moreton
North Weald Bassett			
34	EPF/1247/16	Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined)	171 High Road
35	EPF/2517/14	Proposed development of Plot A of site for B1 (business) and B8 (storage and distribution) purposes by C.J. Pryor Ltd see also linked enabling development proposals EPF/2516/14 and EPF/2518/14)	Land at Harlow Gateway South A414 London Road
36	EPF/2518/14	Application for full planning permission to redevelop site with enabling residential development to provide 65 residential units together with associated car parking, open space and refuse and recycling units (Enabling development for linked application EPF/2517/14).	C. J. Pryor Cecil House Foster Street
37	EPF/0718/16	Outline Application (all matters reserved) for between 45 and 80 dwellings.	Debbies Garden Centre Riddings Lane
38	EPF/2460/15	Outline planning application with some matters reserved for demolition of existing house and construction of 3 pairs of semi-detached houses (Appearance, landscaping and scale reserved for future determination)	171 High Road
Ongar			
39	EPF/2375/15	Prior approval of proposed change of use and	Greensted Wood Farm

	conversion of agricultural storage barn and curtilage to single dwelling house and curtilage.	Greensted Road
The Rodings - Abbess, Beauchamp and Berners Roding		
40	EPF/0773/16 Proposed annex dwelling and garage to approved dwelling under ref: EPF/1659/14.	Bumble Bee Barn Woodend Lane Abbess Beauchamp and Berners Roding
Theydon Bois		
41	EPF/1838/16 Formation of new boundary wall.	Oak Grove Theydon Road
42	EPF/1839/16 Formation of new boundary fence. Theydon Road	Oak Grove
43	EPF/2687/15 Removal of existing dwelling and erection of replacement two storey dwelling with rooms in attic and detached garage at the front. Provision of pitched roof to existing garage at rear. Front wall/railings and gates with altered access point/crossover.	26 Piercing Hill
Waltham Abbey		
44	EPF/1274/16 Demolition of garage/workshop and erection of replacement garage/workshop (Revised application to EPF/1757/15)	The Cottage Long Street
45	EPF/0609/16 Change of use of land through incorporation into curtilage of existing dwellinghouse and construction of '5-a-side' 3G artificial grass football pitch with boundary fencing including associated engineering operations (part retrospective).	Land adjacent to 8 Woodgreen Road
46	EPF/2305/16 Double storey extension to existing dwelling.	North Villa Mott Street
47	EPF/1901/16 Single storey rear extension.	The Cottage Long Street
48	EPF/0794/16 Erection of an orangery extension.	The Farmhouse Warlies Park Farm Woodgreen Road
49	EPF/2833/15 Demolition of existing glasshouse and erection of 5 residential dwellings and two storey office extension.	Brooklyn Nursery Mott Street
Willingale		
50	EPF/1489/16 Removal of existing garage, porch, weatherboard, render. Proposed new garage, porch, rear first floor extension, external storage. Alteration to existing windows, doors and external facing materials. Proposed new vehicular access.	Hoddydodd Hall Spains Hall Road
Part Allowed - with Conditions and Part Dismissed		
Sheering		
51	EPF/0044/16 To construct a new garage in the front of the site and to convert the existing garage into home office with	Crown Lodge The Street

ensuite bathroom over with insertion of front and rear dormer windows.

Enforcement Appeals

Allowed With Conditions

- | | | | |
|---|-------------|--|---|
| 1 | ENF/0022/11 | Without planning permission the use of the land for the stationing of caravans for residential purposes for two gypsy pitches together with the formation of hard standing, laying of paving slabs and the erection of | Sunnyside
Carthagena Estate
Nazeing |
|---|-------------|--|---|

Dismissed, but Varied

- | | | | |
|---|-------------|---|---|
| 2 | ENF/0415/15 | Without planning permission the erection of a building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 3 | ENF/0416/15 | Without planning permission the stationing of a portable building for use as a dwelling | Lowershott Nursery
Sedge Green
Roydon |
| 4 | ENF/0417/15 | Without planning permission the stationing of a caravan numbered 18 for residential use | Lowershott Nursery
Sedge Green
Roydon |

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Appeal Decision

Site visit made on 6 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 3 January 2017

Appeal Ref: APP/J1535/D/16/3159437
10 Bridge Hill, Epping, Essex CM16 4ER

- 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 R Beech against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0206/16, dated 25 January 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations at 10 Bridge Hill, Epping, Essex CM16 4ER in accordance with the terms of the application, Ref PL/EPF/0206/16, dated 25 January 2016, 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: 1092 113D Rev D; 1092 114D Rev D; and 1092 115D Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The flat roofs of the development hereby permitted shall not be used for any purpose other than as a means of escape in an emergency or for maintenance of the building.
 - 5) Demolition or construction works shall take place only between the hours of 0730 to 1830 on Mondays to Fridays and 0800 to 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Preliminary matter

2. The original planning application was made retrospectively. However, during the course of the planning application, a number of revised plans were submitted and the Council re-consulted interested parties on these revised

plans. These include plans 1092 113D Rev D; 1092 114D Rev D; and 1092 115D Rev D. These are the submitted plans which the Council considered and based its recommendations on. The appellant sets out that these are the submitted plans that he wishes me to consider. It is therefore these plans (hereafter referred to as 'the submitted plans') which I have considered when determining this appeal.

Application for costs

3. An application for costs was made by Mr R Beech against Epping Forest District Council. This application is the subject of a separate Decision.

Main issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 8 Bridge Hill with particular regard to outlook.

Reasons

5. The appeal property is a semi-detached, two-storey dwelling located within a wider residential area. It has been extended to the rear in the recent past. The extensions include a ground floor rear extension, a first floor rear extension and a rear dormer at roof level. In addition, the roof has been altered from a hip to a gable end. Notwithstanding the presence of these recent extensions and alterations, as set out above, I am to determine the appeal on the basis of the submitted plans.
6. The evidence indicates that, with the exception of the eaves height of the proposed ground floor rear extension, the dimensions and siting of the proposed rear extensions, roof alterations and roof dormer, would be broadly consistent with a combination of development permitted under previous planning permissions and prior approval notifications¹. This is a material planning consideration to which I afford substantial weight. In addition, I observed that the dimensions and siting of these elements, with the exception of the eaves height of the proposed ground floor rear extension and the proposed roof form of the first floor rear extension, would be broadly consistent with what has been built.
7. The appeal property benefits from a prior approval under Ref EPF/0208/15 to erect a single storey rear extension to span the width of the appeal property with a depth of 6 metres (m), an eaves height of 2.5m and an overall height of 4m. The proposed single storey rear extension would span the width of the appeal property and would have a depth of approximately 6m and an overall height of approximately 4m. However, the eaves height would be greater than 2.5m and would therefore exceed the parameters allowed for under prior approval Ref EPF/0208/15.
8. The western flank wall of the proposed single storey rear extension would run along the shared boundary with 8 Bridge Hill. The external amenity space to the immediate rear of No 8 comprises an area of decking which would sit at a higher than the finished floor level of the proposed single storey rear extension. Given this difference in levels, the eaves height of this element of the proposal would be approximately 2.65m above the area of decking. At this point, a hipped roof would slope away to a maximum overall height of 4m.

¹ Ref EPF/0208/15; Ref EPF/0350/15; and Ref EPF/2225/15

9. I observed that No 8 has some substantial evergreen vegetation growing alongside the shared boundary with the appeal property. This vegetation, in combination with an existing ground floor rear extension at No 8 which extends across approximately half the width of this dwelling, is already likely to provide a considerable level of enclosure to the area of decking and to a rear facing window which serves a habitable room. In addition, No 8 benefits from an overall rear garden of a considerable size and length.
10. On this basis, the height and length of the western flank wall of the proposed single storey rear extension, in combination with the proposed hipped roof form, would not, in my opinion, provide a harmful sense of enclosure for the occupiers of No 8. Moreover, the effect in this regard would not be materially greater than would be the case were the single storey rear extension consented under Ref EPF/0208/15 to be implemented. In addition, views down the rear garden of No 8 from the rear facing window to a habitable room would not be affected. Furthermore, given that the proposed first floor rear extension would be set back from the shared boundary with No 8 and the proposed roof dormer would be set back from the eaves, I also do not consider there would be any harmful cumulative effects as a result of these elements of the proposal. Whilst the lack of any neighbour objections does not necessarily mean that no harm would arise, I also note that the occupiers of No 8 have not objected to the proposal.
11. In light of my reasoning above, I conclude that the proposal would not result in harm to the living conditions of the occupiers of No 8 in respect of outlook and would not detrimentally affect their enjoyment of their home or garden.
12. The proposal would therefore comply with saved Policy DBE9 of the Epping Forest District Local Plan 1998, which requires, amongst other things, development not to result in an excessive loss of amenity for neighbouring properties. This policy is consistent with the broad aims and objectives of the National Planning Policy Framework which seek to secure a good standard of amenity for all existing occupiers of land and buildings.

Other matters

13. I acknowledge the concerns of some interested parties, including in respect of character and appearance, privacy and light. However, these matters were not specifically referred to within the Council's reasons for refusal and on the basis of the evidence before me and my own observations, I have no substantive reasons to take a different view.
14. I also recognise that some aspects of development undertaken at the appeal property have not been built in accordance with previous planning permissions or prior approvals. Nevertheless, I have determined the appeal on the basis of submitted plans before me. Furthermore, any enforcement action in this regard would be at the discretion of the Council.

Conditions

15. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. A condition relating to materials is necessary in the interests of character and appearance. A condition relating to

working hours is necessary in the interest of neighbour living conditions. I also agree that a condition restricting the use of the flat roofs is necessary for the same reason.

Conclusion

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

Alex Hutson

INSPECTOR

Appeal Decision

Site visit made on 6 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 23 December 2016

Appeal Ref: APP/J1535/D/16/3159377

St Clements, Vicarage Lane West, North Weald, Epping CM16 6AL

- 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 John Scott against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0983/16, dated 1 March 2016, was refused by notice dated 10 August 2016.
 - The development proposed is timber framed office and store.
-

Decision

1. The appeal is allowed and planning permission is granted for timber framed office and store at St Clements, Vicarage Lane West, North Weald, Epping CM16 6AL in accordance with the terms of the application, Ref PL/EPF/0983/16, dated 1 March 2016 and the plans titled: Block Plan Rev O (without the location of the timber framed office and store); Block Plan Rev O (with the location of the timber framed office and store); Office/Store Plan; and Office Store Elevations.

Preliminary matter

2. The timber framed office and store (hereafter referred to as 'the development') has already been built as shown on the submitted plans. I have determined the appeal on this basis.

Main issues

3. The main issues are:
 - Whether or not the development is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the setting of St Clements, a Grade II listed building; and
 - If the development is inappropriate development, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the development.

Reasons

Whether or not the development is inappropriate development in the Green Belt

4. The appeal site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Bullet Point 3 of Paragraph 89 of the Framework sets out that the extension of a building in the Green Belt is inappropriate, unless it does not result in disproportionate additions over and above the size of the original building.
5. The development is free standing. However, it is sited at a modest distance of approximately 6 metres (m) from its host dwelling, St Clements. The appellant has cited a High Court Judgement¹ in which the Judge agreed with an Inspector that separation alone does not prevent a development from being part of a dwelling. Whilst that case related to a garage building, which the Inspector considered could be regarded as a 'normal domestic adjunct', the use of the development in this case, as an office and storage space, could likewise be said to be a normal domestic adjunct. Consequently, taking account of its use and its close proximity to St Clements, it is my view that the development can reasonably be treated as an extension when applying Green Belt policy. Moreover, the Council has not provided any substantive evidence on this matter that would persuade me to consider otherwise.
6. The Glossary at Annexe 2 of the Framework, defines the term 'original building' as "a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally". St Clements was built before 1948. The appellant sets out that it has not been extended since 1 July 1948. On the basis of the evidence before me, I have no substantive reasons to doubt this assertion. In addition, the appellant sets out that St Clements has a floor area of approximately 150 square metres (sqm). The floor area of the development, according to the evidence, is approximately 47sqm. This represents an approximate 31% increase in the floor area of St Clements. In my view, this increase in floor area is not disproportionate. In addition, given that the development is partially sunken into the ground and displays a pitched roof, its form and scale does not appear disproportionate when seen against the form and scale of St Clements.
7. I note that there is an extant planning permission for a single storey cart lodge² on the appeal site. Nevertheless, the siting of the development and the siting of the consented cart lodge are the same. On this basis, I am satisfied that the consented cart lodge could not be implemented simultaneously to that of the development and could not, therefore, result in any cumulative disproportionate additions.
8. Consequently, the development complies with the listed exceptions as set out in Paragraph 89 of the Framework, including in respect of extensions to buildings in the Green Belt. It is therefore unnecessary to demonstrate any very special circumstances. The proposal also complies with saved Policy GB2A- Development in the Green Belt, of the Epping Forest District Local Plan Alterations 2006, which allows limited extensions to existing dwellings in the

¹ *Sevenoaks District Council v Secretary of State for the Environment and Dawe* [1997] EWHC Admin 1012

² Ref EPF/0269/14

Green Belt. This policy is broadly consistent with the aims and objectives of the Framework.

The effect of the development on the openness of the Green Belt

9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. Nevertheless, on the basis that I have found the development to be not inappropriate development in the Green Belt, it is not necessary for me to assess the impact of the development on the openness of the Green Belt.

The effect of the development on the setting of St Clements, a Grade II listed building

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, Paragraph 132 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. The listing description notes that St Clements is a part plastered/part weatherboarded timber framed building, which is roofed with handmade red clay tiles. I observed that St Clements sits within grounds of a substantial size which provide a spatial quality to its setting.
12. The development is modest in height and size. This, combined with its separation from St Clements, maintains a sense of spaciousness around the listed building. In addition, its traditional design, timber construction, paint colour and red, clay tiled roof, reflect the appearance and characteristics of St Clements. I therefore consider that the development preserves the setting of the listed building and does not result in harm to the significance of the designated heritage asset.
13. The proposal would therefore comply with the requirements of s66(1) of the Act and Paragraph 132 of the Framework. The proposal would also comply with saved Policy HC12 of the Epping Forest District Local Plan 1998, which seeks to resist development that could adversely affect the setting of a listed building. This policy is consistent with the broad aims and objectives of the Framework which require planning to conserve heritage assets.

Other matters

14. I acknowledge the concerns of some interested parties, including in respect of drainage, noise and disturbance, parking and potential for conversion to a separate dwellinghouse. However, these matters were not raised as a concern by the Council and on the basis of the evidence before me, I have no substantive reasons to take a different view. Moreover, any future conversion of the development to a separate dwellinghouse would likely require a separate planning application which would be considered on its own merits and is not a matter before me in this appeal.

Conditions

15. I have had regard to the planning conditions that have been suggested by the Council. However, as the development appears to have been constructed in accordance with the submitted plans, I do not consider a separate plans condition is necessary. Furthermore, as I find that the appearance of the development, including its colour, preserves the setting of the listed building, I do not consider a condition to stain the timber cladding black is necessary.

Conclusion

16. 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 development is not inappropriate development in the Green Belt and consequently no very special circumstances are necessary to justify a planning permission in this instance. Moreover, I have found that the development preserves the setting of St Clements, a Grade II listed building, with no harm arising to the significance of this designated heritage asset.

17. Therefore, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR

Appeal Decision

Site visit made on 12 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 24th January 2017

Appeal Ref: APP/J1535/W/16/3158090

Field adjacent to Horse Shoe Farm, London Road, Harlow, Essex CM17 9LH

- 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 Padfield (Hayleys) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/2716/15, dated 20 July 2015, was refused by notice dated 9 March 2016.
 - The development proposed is a steel portal framed agricultural sprayer cover and chemical store lean-to off one end.
-

Decision

1. The appeal is allowed and planning permission is granted for a steel portal framed agricultural sprayer cover and chemical store lean-to off one end at Field adjacent to Horse Shoe Farm, London Road, Harlow, Essex CM17 9LH in accordance with the terms of the application, Ref EPF/2716/15, dated 20 July 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 plan: No. 150701.
 - 3) The development hereby permitted shall not be brought into use unless and until a scheme for surface water disposal has been fully implemented in accordance with details that have been previously submitted to and approved in writing by the local planning authority.

Application for costs

2. An application for costs was made by Padfield (Hayleys) Ltd against Epping Forest District Council. This application will be the subject of a separate Decision.

Procedural Matter

3. There is some dispute over the correct address for the appeal site, which is referred to as Horse Shoe Farm on the application and appeal forms. I note representations from interested parties that the site is not part of Horse Shoe Farm. From the location plan and based on my site visit, it is apparent that there is different land ownership and the site adjoins Horse Shoe Farm. Thus, I have described the location as the field adjacent to the farm, consistent with the Council's decision notice.

Main Issues

4. The main issues are:

- (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;
- (b) The effect of the proposal on the character and appearance of the area; and
- (c) The effect of the proposal on the living conditions of occupiers of neighbouring properties with regards to outlook, noise and disturbance and odour.

Reasons

Whether the proposal is inappropriate development in the Green Belt

- 5. The appeal site is within the Metropolitan Green Belt between Harlow and Epping. Paragraph 89 of the NPPF establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves buildings for agriculture and forestry. Policy GB2A of the Epping Forest Local Plan Alterations 2006 (LPA) states that planning permission will not be granted for the construction of new buildings in the Green Belt unless it is appropriate in that it is, amongst other things, for the purposes of agriculture. This is consistent with the approach of the NPPF to the Green Belt.
- 6. The appellant runs an agricultural business and the purpose of the proposed building is for the service of chemical sprayers and associated storage. Arguments over whether the building is necessary for the purposes of agriculture within the agricultural unit, or excessive in size for the proposed use, have no bearing on my assessment as to whether the development proposed is inappropriate in Green Belt terms or not, as neither the NPPF nor Policy GB2A include any such test. From the evidence before me, the proposed development is for an agricultural purpose.
- 7. Therefore, the proposal would not be inappropriate development in the Green Belt as it would comprise a building for agriculture. Thus, there would be no conflict with Policy GB2A or the NPPF in this regard. By its very nature, such development should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. For this reason, there is no requirement for me to go on to consider the effect of the proposal on the openness of the Green Belt or the purposes of including land within it. However, it is still necessary for me to assess the effect of the proposal on the other main planning issues outlined above.

Character and appearance

- 8. The appeal site is accessed off the B1393 via a driveway and yard that contains a number of large structures. On the north-east side of the yard and within the appellant's ownership is a grain store of substantial size. The proposed development would be to the north-west of this store within an area of rough grass that is currently used for storing vehicles and machinery in the open air. Both the grain store and appeal site are enclosed by an earth bund to the north-east, which separates them from open and arable countryside beyond as

far as the M11. To the west of the appeal site adjacent to the B1393 is boundary vegetation that was thick even at my site visit in mid-December, while to the south is a line of coniferous trees.

9. While the proposed development would be a substantial structure, it is similar in width and height to the grain store and not dissimilar to the scale of structures to the south and south-east around the remainder of the yard. It would be contained within the earth bund on rough ground, and would not physically encroach into the open countryside. It would be prominent in views from the north-east, but positioned alongside the grain store it would not be incongruous or overly dominant. The vegetation to the west and south would help to screen it from the B1393 and the yard. Given the other structures around the yard, it would not have an urbanising or industrialising effect on the area.
10. I have no clear evidence that the grain store was erected under permitted development rights in error, nor any substantiated evidence that the structure is subject to any current enforcement action. In the absence of anything other than anecdotal evidence on this matter, I have had regard to the presence of the grain store in coming to a view on the appeal scheme.
11. Concluding on this main issue, the proposed development would not harm the character and appearance of the area. Therefore, it would accord with Policy GB7A of the LPA, which seeks to avoid conspicuous development which would have an excessive adverse impact on rural character or visual amenities. It would also accord with Policy GB11 of the LPA which, amongst other things, permits agricultural buildings that would not be detrimental to the character or appearance of the locality. Finally, it would accord with Policy LL2 of the Epping Forest District Local Plan (DLP) 1998, which requires development in the countryside to respect the character of the landscape and/or enhance the appearance of the landscape.

Living conditions

12. A recently constructed property is located to the south-west of the appeal site on the opposite side of the driveway. At the time of my site visit, the property was unoccupied and landscaping works around it had yet to be completed. There is a single window on the side elevation facing towards the appeal site, located on the ground floor. While the proposed development is substantial, there would be a reasonable gap between it and the ground floor side window, plus a screen provided by the coniferous trees. This would limit any adverse effect on the living conditions of occupiers of the property in terms of their outlook. Properties to the west of the appeal site on the other side of the B1393 would have little visibility of the proposed development due to the vegetation boundary between the road and the appeal site.
13. The intended use of the proposed development is unlikely to generate significant levels of traffic movements. In any event, the adjacent B1393 is a busy road and existing uses within the yard, including a haulage company, already generate traffic movements via the site access. In that context, I am satisfied that there would be no material adverse impact on the living conditions of occupiers of the property to the south-west and properties to the west in terms of noise and disturbance. Finally, as a covered structure, there should be limited effects in terms of odour.

14. Concluding on this main issue, the proposed development would not harm the living conditions for occupiers of neighbouring properties. Therefore, it would accord with Policy DBE9 of the DLP which requires development to avoid an excessive loss of amenity for neighbouring properties in terms of visual impact, noise, smell and other disturbance.

Other Matters

15. There appears to be some confusion over the advice given by Natural England with regards to the size of the proposed development. I have had regard to the Biobed and Pesticide Facilities Training Report dated 10 April 2015, produced for the farm holding on behalf of Natural England. The recommendations include the erection of a covered filling area of a minimum width of 26 metres and associated pesticide store. The proposed development seeks to implement this and other recommendations in the report to address problems caused by chemicals contaminating watercourses. I also note that Natural England has not objected to the proposal.
16. The plans show that drains underneath the proposed development will take water and chemicals to an underground storage, with the cleaning space fully enclosed. This indicates that chemicals are unlikely to enter the soil, watercourse or air. I note that the appellant owns land elsewhere, but have no clear evidence to indicate that any other site or existing building would be better suited to this type of development. I also have no clear evidence that the building would not be used for the intended purpose or built as planned. Any material amendment to the design or change of use would likely require a fresh planning application.
17. I have not been provided with the details of previous planning applications relevant to this proposal, so cannot compare different proposals. In any case, I have determined this appeal on its own merits.

Conditions

18. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Given the size of the proposed building, a condition requiring details of surface water disposal is necessary to ensure that flood risk is not increased elsewhere. However, mindful of footnote 20 to paragraph 103 of the NPPF, I have not been presented with any clear evidence regarding the level of flood risk surrounding the appeal site to convince me that a flood risk assessment is necessary as suggested by the Council.

Conclusion

19. For the reasons given above, the proposal would not be inappropriate development within the Green Belt and would not harm the character and appearance of the area or the living conditions of occupiers of neighbouring properties. I therefore conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Appeal Decision

Site visit made on 13 December 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/J1535/W/16/3158716

171 High Road, North Weald Bassett, Epping CM16 6EB

- 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 Chris Trussell against the decision of Epping Forest District Council.
 - The application Ref EPF/1247/16, dated 3 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is demolition of existing house and construction of 4 x detached houses, each with 4 bedrooms.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline form and the application form makes it clear that all matters are reserved for future consideration apart from 'Access' and 'Layout'. Although the plan is not marked as 'indicative' because of this I have dealt with the appeal on the basis that the plan is indicative.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of 36 Princes Close, with particular regard to light and outlook.

Reasons

Background

4. The proposal before me follows a refused application for a similar residential development in March 2016 and the subsequent dismissal of a related appeal¹. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Character and appearance

5. The appeal site is formed by a large residential bungalow and its associated curtilage, set back from the highway and separated from it by an open frontage with some soft landscaping. The property has a street frontage of approximately 39 metres in width and is by far the widest plot in this part of

¹ APP/J1535/W/16/3151176

- High Road, providing a sense of openness and spaciousness that positively contributes to the character and appearance of the area.
6. I agree with the findings of the previous Inspector that High Road is a residential area with a wide variety of sizes and styles of dwellings, including a mixture of terraced, semi-detached and detached properties. Furthermore, that there is a large variety in the plot widths of surrounding properties, with wider more spacious plots on the same side of the road as the appeal site, with the opposite side being more densely developed and less spacious. Adjoining the site to the side and rear are the gardens of properties within Princes Close, some of which back onto High Road.
 7. I acknowledge that revisions have been made to the scheme so that the proposal would now divide the site into four plots with four detached two storey dwellings that would be staggered in terms of their set back from the highway. Despite these changes, the width of the plots would still be narrower than any of the existing properties that front onto High Road and on the same side as the appeal site.
 8. Furthermore, although the scale of the dwellings would fall to be assessed in greater detail at a later stage, in trying to achieve an appropriate scheme at the reserved matters stage for four, four bed detached dwellings there are a limited number of ways in which the appeal site could be developed. Because of the layout of the plots such dwellings are highly likely to end up being two storeys in height and built uncharacteristically close together with limited space in between. This would result in the perception of an almost continuous frontage and a cramped and unduly dominant form of development that would be at odds with the spacious and open quality of the appeal site and unsympathetic to the prevailing character and appearance of development on this side of High Road and the immediate locality.
 9. I noted that on the opposite side of High Road there was a more densely developed and varied character, with two groups of terraced dwellings further along High Road and detached and semi-detached dwellings directly opposite. However, to my mind the less spacious character of development on the opposite side of High Road to the appeal site does not justify or outweigh the harm that the proposal would cause to the character and appearance of the area.
 10. For these reasons, the proposal would cause significant harm to the character and appearance of the area and I do not consider that this harm could be mitigated by additional landscaping in the form of additional landscaping and tree planting. Accordingly, the proposal would conflict with Policy DBE6 of the Epping Forest District Local Plan 1998 and Policy CP7 of the Epping Forest District Local Plan Alterations ('LP'). Amongst other things, these require that new developments respect their setting, safeguards and enhances the character and townscape of the urban environment and do not result in unsympathetic change.

Living conditions

11. Plot 4 of the proposal would be the closest to No. 36 Princes Close, a two storey semi-detached dwelling which is sited so that the rear elevation faces partly across the front corner of the appeal site. Although the presence of development would be conspicuous from No. 36, views from the rear elevation

would be predominantly across the front garden with only the corner of the dwelling within the line of sight from the ground floor conservatory and first floor rear window. Consequently, the eye would not be unacceptably drawn to that dwelling and the proposal would not result in such an overbearing or visually intrusive effect that it would cause material harm to the outlook from No. 36.

12. In terms of daylight and sunlight, the Council has not provided any substantive evidence to refute the appellant's assessment that the level of daylight into No. 36 would not materially exceed the relevant British Standard². Having visited the site, I have no reason to disagree with this assessment and furthermore, although there would be some effect on the level of sunlight to the rear of No. 36, given its orientation this would be restricted to the late afternoon and the majority of the rear elevation and garden would be unaffected.
13. For these reasons and on the evidence before me, the proposal would not cause material harm to the living conditions of the occupiers of No. 36 Princes Close in terms of light or outlook. Accordingly, it would not conflict with Policies DBE2 and DBE9 of the LP which require new buildings to not have a detrimental effect upon existing neighbouring properties in terms of amenity.

Other Matters

14. The appellant contends that the proposal would make better use of an existing site with a higher density development but the development plan also requires that such development must be compatible with the character of the area. I am also mindful that the National Planning Policy Framework is clear that the definition of previously developed land excludes land in built up areas such as residential gardens. Whilst the proposal may widen the opportunities for home ownership and provide additional homes, the limited social benefits from four dwellings does not outweigh the significant harm that I have identified to the character and appearance of the area.
15. I also note that the application was recommended to the Planning Committee for approval following discussions with officers. However, the Council's administration and determination of the application is not a matter for me to address as part of this appeal and does not alter my findings in respect of the first main issue.

Conclusion

16. Although I have found no material harm in terms of living conditions, the proposal would cause significant harm to the character and appearance of the area. In my view, that is the prevailing consideration and although there would be no conflict with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

² BS 8206 2008 'Code of Practice for Daylighting'

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Report to Area Plans Sub-Committee South

Date of meeting: 31 May 2017



**Epping Forest
District Council**

Subject: Area Plans Sub-Committees – Public Seating Arrangements

Officer contact for further information: S. Tautz (01992) 564180

Democratic Services Officer: R. Perrin (01992) 564532

Recommendations/Decisions Required:

That members consider and agree appropriate arrangements for public seating for all future meetings of the Sub-Committee.

1. Members will be aware that a disturbance occurred amongst members of the public at the meeting of Area Plans Sub-Committee West on 19 October 2016.
2. The Council takes its responsibilities for the safety of its elected members very seriously and, following representations subsequently received from a number of members of Area Plans Sub-Committee West in response to the incident, Management Board proposed that the following changes be made to the existing operational arrangements for meetings of Area Plans Sub-Committee West, Area Plans Sub-Committee East and the District Development Management Committee:
 - (a) members of the Sub-Committee/District Development Management Committee to be seated on the opposite side of the Council Chamber from the current seating layout, so that they are able to vacate the meeting through the ante-room in the event of disturbance, without the need to cross the Chamber and pass by any 'troublesome' members of the audience; and
 - (b) only registered speakers to be allowed to sit in the Council Chamber itself. All other members of the public to be directed to the Public Gallery on the second floor (Democratic Services Officers to exercise discretion in this regard where a speaker needs to be accompanied by a (non-speaking) partner or spouse etc.).
3. The views of the Chairmen and Vice-Chairman of Area Plans Sub-Committee West, Area Plans Sub-Committee East and the District Development Management Committee, were sought in connection with the proposed changes to the existing operational arrangements for meetings of these committees. No concern in this respect was raised by any member consulted on the proposed arrangements. The implementation of the new arrangements was therefore publicised in the Council Bulletin on 4 November 2016 and implemented with effect from the meeting of Area Plans Sub-Committee East on 9 November 2016.
4. Whilst these arrangements did not originally apply to Area Plans Sub-Committee South, they are now relevant as a result of the venue for meetings of the Sub-Committee having transferred Civic Offices from the current municipal year.
5. Since the implementation of these new public seating arrangements, members of Area Plans Sub-Committee East have raised concerns with regard to members of the public (i.e. those not already registered as speakers on specific applications) being seated in

the Public Gallery as a matter of course. The Sub-Committee does not generally support the need for only registered speakers to be allowed to sit in the Council Chamber itself and considers that the direction of all other members of the public to the Public Gallery means that it is difficult for it to gauge public opinion on specific proposals and for the public to hear and observe the proceedings of the meeting.

6. Management Board has considered the differing views of Area Plans Sub-Committee East in regard to the segregation of members of the public (non-registered speakers) to the Public Gallery and suggested that a way forward in this respect should be considered by the joint meeting of Development Management Chairman and Vice-Chairman.
7. At their meeting on 20 April 2017, the Development Management Chairman and Vice-Chairman agreed that each of the three Area Plans Sub-Committees should individually consider and determine arrangements for public seating at this first meeting of the municipal year. The Sub-Committee is therefore requested to consider and agree its own arrangements for public seating for all future meetings.
8. The joint meeting of Development Management Chairman and Vice-Chairman has also requested that investigation be made of the possibility of a visible 'security' presence being provided in the Council Chamber for all meetings of the Area Plans Sub-Committees and the District Development Management Committee, in order to ensure the safety of members and officers. The views of the joint meeting in this regard will be considered by the Governance Select Committee in due course.