

AREA PLANS SUB-COMMITTEE 'EAST'

13 January 2015

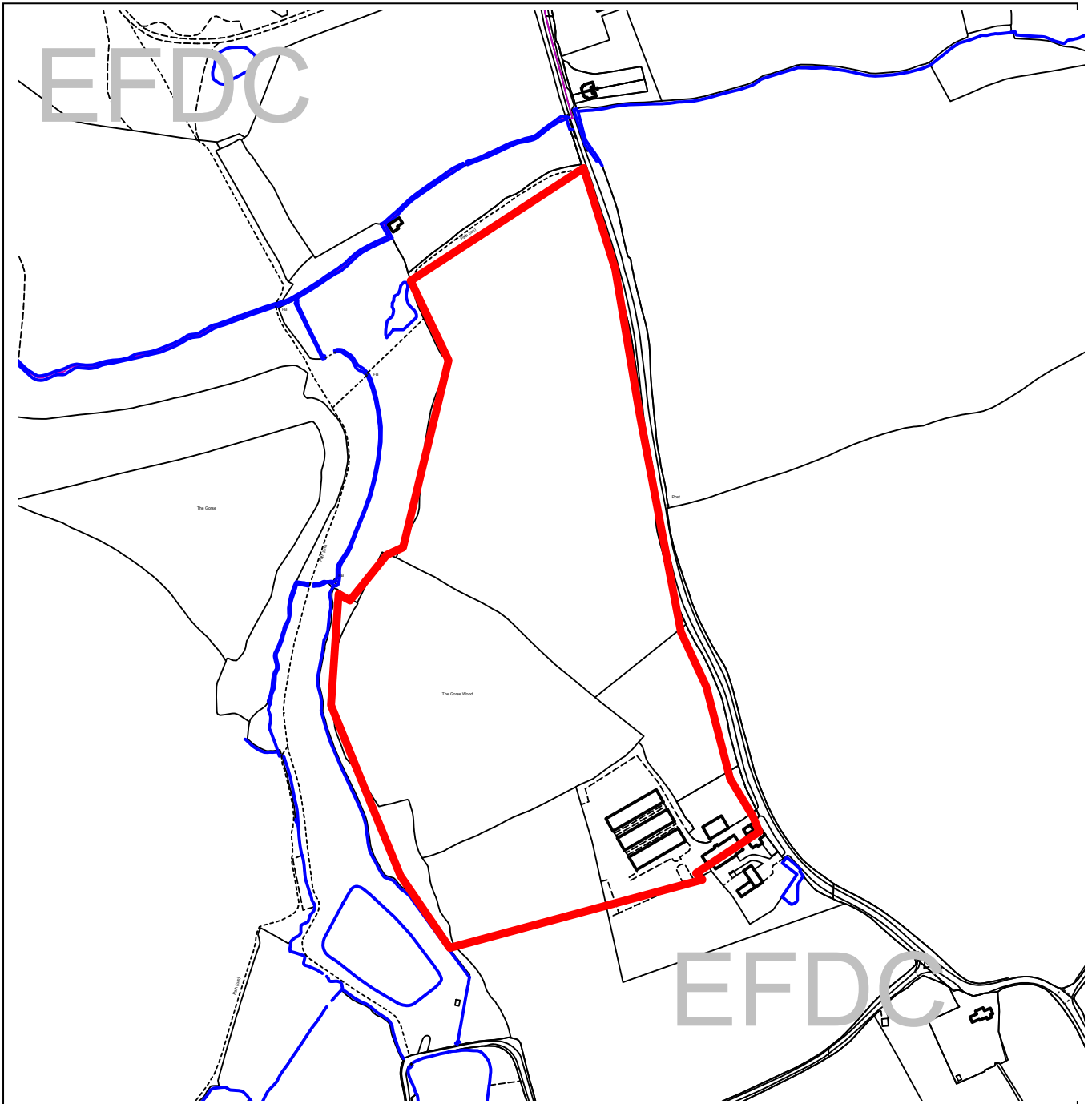
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1349/15
Site Name:	Stone Hall Farm, Downhall Road, Matching Green, CM17 0RA
Scale of Plot:	1/5000

Report Item No:1

APPLICATION No:	EPF/1349/15
SITE ADDRESS:	Stone Hall Farm Downhall Road Matching Green Essex CM17 0RA
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Phil Roberts
DESCRIPTION OF PROPOSAL:	Construction of 9 no. residential properties and associated car parking and new highway access.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576738

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: 276/P/006, 008A, 100B, 101A, 102, 103, 104A, 107A, 109, 110, 111.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until 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.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be

converted into a room or used for any other purpose.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 Prior to first occupation of the development, the access at its centre line shall be provided with clear to ground visibility splays with dimensions of 4.5 metres by 90 metres to the north and south, as measured from and along the nearside edge of the carriageway and retained free of any obstruction in perpetuity.
- 10 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 and shall be retained as such in perpetuity.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12 There shall be no discharge of surface water onto the Highway.
- 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 Prior to the commencement of any works a full survey for bats should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to EFDC for approval.
Should the surveys reveal the presence of bats, or their breeding sites or resting places then an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC for approval.
The works shall then be undertaken in compliance with the approved details.
- 16 The recommendations in section 5.2 of the Extended Phase 1 Habitat Survey submitted by t4 Ecology should be adhered to, These recommendations are concerning bat-sensitive lighting, birds and habitat improvements.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 No development shall take place until 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]

- 19 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]
- 20 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]
- 21 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.

- 22 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.
- 23 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.
- 24 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.

And subject to the applicant first entering into a legal agreement under section 106 of the Town and Country Planning Act within 1 month, of the date of this meeting to ensure that 1, 3 bed unit of affordable rented accommodation is provided on site and a contribution of £10,000 towards Community Safety infrastructure.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Site:

The Application site is located on the western side of Downhall Road to the north of Matching Green. The site comprises approximately 2.15 hectares in an L shape with a road frontage of approximately 180m. The site has two distinct elements, an undeveloped rectangular field of about 0.75 of a hectare with a road frontage of about 125m and a depth of between about 50 and 75metres, and an L shaped hard surfaced area with 5 single storey agricultural buildings which has been used as an business park for many years and also has a significant open storage element including the storage of large lorry containers. The site backs on to agricultural land and is adjacent to woodland to the North West. Immediately to the east is a group of dwellings, including the grade II listed Stonehall Barn which immediately abuts the boundary of the site close to the road frontage.

The site is within the Metropolitan Green Belt, but not within a conversation area.

Description of Proposal

The application is for the redevelopment of the business park, by removal of all the existing buildings, containers and open storage and their replacement with 9 detached dwellings. 3 would be located in a staggering line to the left of the proposed access road set back from the road frontage by between 30 and 35 metres, the remaining six would be arranged around a gravel courtyard towards the rear of the site. The open land to the right of the access track would remain underdeveloped for use as a paddock, and a landscaped area would be created in front of these dwellings. The existing access would be closed up.

The proposed properties facing Downhall Road are detached 3 bed units, traditional in design and true cottage style with the first floor accommodation within the roof, served by pitched roofed dormer windows to the front and rear. Each property has a rear garden approximately 15m depth and there is a residential parking area to the providing 2 spaces for each unit.

The remaining 6 units are a variety of styles, but all have traditional rectangular floor plans and materials and detailing, each has a double garage and additional parking so pace and they are set around gravelled courtyard such that they appear similar to a farmyard development. Each property has a substantial private garden area and additional planting is proposed to fronts of the units.

Relevant History:

The site was originally a poultry farm, use of the three larger buildings for business use was allowed on appeal back in 1989 and since then the uses have diversified and intensified and storage use has also taken place.

In 2011 a certificate of Lawfulness was granted for the open storage use as the applicants had proven on the balance of probability that the use had continued for in excess of 10 years.

In 2013 permission was granted for redevelopment of the site as a modern business park, with 14 new business units to replace the existing depilated structures and 6 terraced properties located towards the front of the site partially as enabling development. (Three of the terraced properties were to be affordable rented units.) EPF 2343/12

IN 2014 an application for a revised access to the approved scheme was granted (EPF/2494/15) (The access now proposed is the same as that approved)

SUMMARY OF REPRESENTATIONS

35 neighbours (residential and existing business units) were consulted and a site notice was erected.

The business units are however now vacant and therefore most of the letters were returned, no response were received.

At time writing, no response has been received from Parish Council, who were consulted back in June, however the case officer has raised this and any comments will be reported orally at committee.

Policies Applied

The NPPF

The following policies of the adopted Local Plan and Local Plan Alterations are considered to be in accordance with the NPPF and therefore are to be accorded due weight.

CP2 Quality of environmental
CP3 New Development
CP5 Sustainable building
GB2 A Development in the Green Belt
GB7 A Conspicuous development
HC12 Development affecting setting of listed buildings
RP4 Contaminated Land
RP5A Adverse environmental impacts
H5A Affordable Housing
H6A Thresholds affordable housing
H7A Levels of affordable housing
H8A Availability of affordable housing in Perpetuity
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE4 Design in the Green Belt
DBE5 Design and layout of new development
DBE6 Car parking in new development
DBE8 Private Amenity space
DBE9 Loss of amenity
LL2 Inappropriate rural development
LL7 Planting and protection of trees
LL10 Adequacy of landscape retention
LL11 landscaping Schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road safety
ST6 Vehicle parking
I1A Planning obligations
U3B Sustainable Drainage Systems

Issues and Considerations:

Green Belt

The site within the Metropolitan Green Belt. The NPPF states that the construction of most new buildings in the Green Belt should be regarded as inappropriate, however one of the expectations to this is limited infilling or partial or complete redevelopment of previously developed sites which would not have greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The area of land that is affected by this proposal (which excludes the greenfield area to the front of the site which is to remain undeveloped), is accepted as being previously developed land, that is land on which there is lawful non agricultural use. The main consideration is therefore whether the proposed redevelopment will have a greater impact on openness and the purpose of including land in the Green Belt, than the existing development. The proposed redevelopment will not spread the built development outside the areas already developed, and despite the increase in the height of buildings and the introduction of residential gardens, it is considered that the proposed redevelopment is sited and designed in such a way that it will have only a relatively minor increased impact on openness and as such is in accordance with Green Belt Policy.

Impact on Residential Amenity

The existing lawful use of the site includes uses very close to the residential properties Stonehall Barn and Stonehall House and there is currently no control over hours of use of the site. The proposed redevelopment of the site removes all business uses and moves the built form further from the existing residential uses. There will be no direct overlooking of any habitable windows or private amenity areas or any overshadowing and it is considered that the proposals will have a positive impact on the amenities of adjacent residents.

Design and impact on setting of listed building

The proposed development is well designed and whilst the previously approved development of 6 terraced houses was considered more appropriate for the fronting part of the site, as they were reminiscent of farm cottages, given the setback from the road, and the extent of existing boundary vegetation plus the proposed additional landscaping, it is on balance considered that the three detached houses now proposed would not have a significantly adverse impact on the setting of the listed buildings. Whilst there is some concern from conservation officer that the provision of three matching detached dwellings in this position prevents the site being seen as a traditional farm where you expect just 1 farm house and then smaller subsidiary building, it is considered that the buildings will be read as a separate development to the original farmyard and will not harm the setting of adjacent listed buildings.

The further 6 units set around a central gravelled courtyard towards the rear of the site is considered an appropriate form of development in this rural location and balanced against the current business uses and open storage, would enhance rather than harm the setting of the adjacent buildings.

Tree and landscaping

The Application was supported by a good quality tree report and landscaping proposals which demonstrate to the satisfaction of our landscape officer that the development is feasible without a detrimental impact on the trees on and around the site. Subject therefore to conditions the development is considered acceptable in landscape terms.

Sustainability

One of the main tenets of NPPF is sustainability. This is not in a sustainable location, it is remote from centres of population and anyone living at the site will be heavily reliant on motorised transport. In addition it is a complete redevelopment with no reused buildings or materials, which may be regarded as unsustainable. However offsetting this, is that the existing use of the site and indeed the previous approval on the site equally unsustainable, drawing business traffic into the rural area. This development only proposes 3 additional residential units, over the previous consent and removes a significant amount of business traffic and as such it is not considered that the unsustainable location is in itself sufficient to warrant refusal of the application.

Ecology

An extended phase one habitat survey was submitted with the application and this concluded that no protected species were likely to be impacted by the development due to the nature of the site and the existing land use/management. Although bats may forage along the existing tree corridors around the site, these are to be retained so there will be no adverse impact. However the submitted details are now 3 years out of date and therefore if planning permission is granted it is recommended that a revised bat survey is carried out prior to development.

Drainage

The site is currently developed and there is an existing consent for redevelopment, it is considered unlikely that the development will result in any increased risk flooding in this location within Flood Zone 1 (area at least risk of flooding) however due to the scale of development, there is a incorporate sustainable drainage systems to ensure that run off is reduced to green field levels. Whilst Essex County Council have advised that in the absence of a flood risk assessment the application should be refused, given the amount of space within the site that is remaining undeveloped officers are confident that sure a scheme can be suitably designed and consider that this can be suitably dealt with by condition.

Contamination

Due to its previous uses the land is potentially contaminated and the proposed use is one that is particularly vulnerable, however it is considered that this can be covered adequately by conditions.

Affordable Housing

As the application site is within the rural area and on previously developed land the policies of the Local Plan and Local Plan alterations require that where four or more dwellings are proposed 50% of the properties must be “affordable” housing.

The application was submitted with an economic viability assessment that concluded that the inclusion of affordable housing, or an affordable housing contribution would render the scheme unviable and delay the provision of replacement business units and housing.

As part of the assessment of the application therefore an independent economic viability assessment was commissioned (paid for by the applicant) and this concluded that the development would create sufficient surplus for the scheme to still be viable if 1 of the fronting three bed units were to be provided as an affordable unit. In addition there would be a further surplus of about £10,000 and it has been suggested that rather than this going into the general pot towards the provision housing elsewhere this could provide a very valuable contribution towards the Districts Community safety infrastructure. The applicant has agreed to enter into legal agreement under Section 106 to provide both these elements.

Without this agreement the residential development would be clearly contrary to current adopted policies and the scheme would be recommended for refusal. With the agreement, the proposals are in compliance with the affordable housing policy.

Other material considerations

The existence of the previous consent for 6 houses and redevelopment of the business units is a material consideration that weighs in favour of the development. Whilst it is regrettable that the earlier scheme, that would have seen continued employment in the rural area, has not come about, this alternative low key development will not have any greater impact on openness and is considered to be in accordance with the NPPF and current Government thinking with regard to housing provision on previously developed land.

Conclusion

In conclusion therefore it is considered that subject to conditions and to legal agreement under section 106 to ensure that 1 of the proposed houses will be available for affordable rented accommodation in perpetuity, and a contribution towards Community safety Infrastructure, the development is in accordance with the NPPF and adopted policies of the Local Plan and Local Plan Alterations and is recommended for approval.

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

**Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992564106**

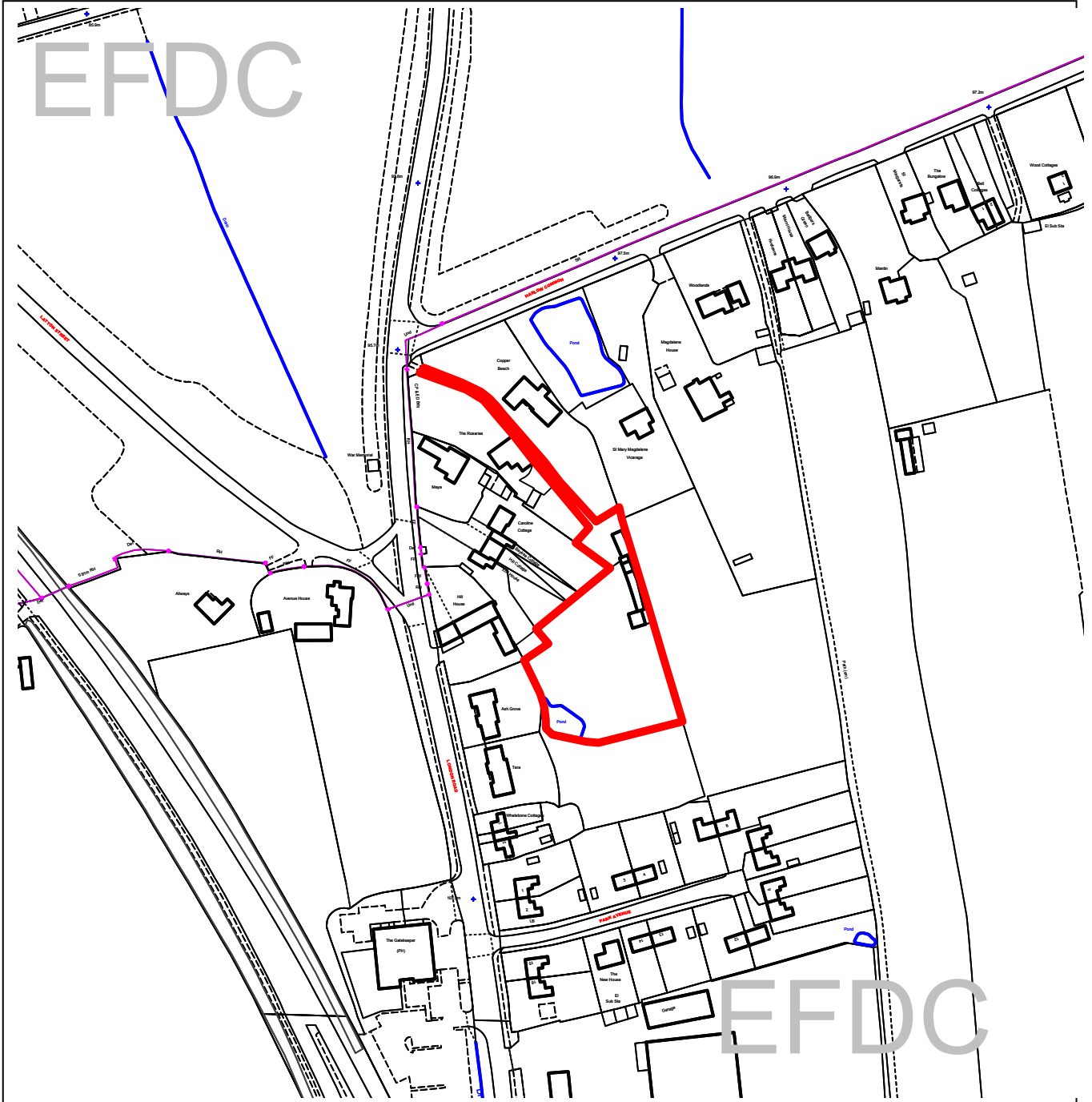
Or if no direct contact be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/2338/15
Site Name:	Land To Rear of Copper Beech, Harlow Common, CM17 9ND
Scale of Plot:	1/2500

Report Item No:2

APPLICATION No:	EPF/2338/15
SITE ADDRESS:	Land to rear of Copper Beech Harlow Common Essex CM17 9ND
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Steven Smithson
DESCRIPTION OF PROPOSAL:	Proposed dwelling in lieu of existing commercial/horticultural outbuildings.
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=579100

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: R.L.1, 4, 5, 6, 6A,7.
- 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 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of 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.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out.

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

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

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

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

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

- 14 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 15 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.
- 16 Notwithstanding the approved drawings, all windowframes and doors shall be of painted timber only and permanently retained as such.

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 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).)

This application was deferred from the last Area Plans Sub Committee to enable a site visit to be carried out by members of the committee.

The report has been amended to include the comments of the Conservation officer and to add the suggested condition regarding use of timber for doors and windows, but otherwise remains the same.

Description of Site:

Copper Beech is located within a ribbon of residential properties on the edge of Harlow. The area contains a mix of dwelling styles, including some Listed Buildings, and the entire area is within the Metropolitan Green Belt.

An area to the rear of the house, and under separate ownership, forms the application site. This site which contains a string of low set storage buildings. The access to the site is to the north of the dwelling and off Harlow Common and runs along the flank boundary of the house leading to the rear area containing the storage buildings. This area is a fairly large expanse of land which is laid out as an informal garden and flanked to the front and western side by other residential properties and there are a number of Listed Buildings nearby.

Description of Proposal:

The applicant seeks consent to demolish the existing buildings on site and replace them with one detached dwelling. The house would have a footprint measuring approximately 13.5m x 8.0m giving a square area of 105 sq m. The building would be finished in weatherboarding with a tiled roof, half dormer windows and would have a ridge level measuring 6.0m. The roof would be gabled on one end with a half hip finish on the other. Access to the site would be as existing and this separate area of land would form the curtilage.

Relevant History:

EPF/2903/14 - Proposed replacement dwelling and garage block in lieu of existing dwelling and outbuildings. Refuse Permission – 04/02/15.

EPF/0535/15 - Proposed replacement dwelling and garage block in lieu of existing dwelling and outbuildings. Re-application of EPF/2903/14. Withdrawn by Applicant - 16/06/2015.

EPF/0960/15 - Erection of new detached garage. Grant Permission (With Conditions) – 29/06/2015.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB15A – Replacement Dwellings

LL10 – Provision for Landscape retention

LL11 – Landscaping Schemes

HC12 – Setting of Listed Buildings

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

SUMMARY OF REPRESENTATIONS:

25 neighbours consulted: the following responses were received:

PARISH COUNCIL- No Objection

TARA, LONDON ROAD – Strong objection, seriously harmful to our outlook, adverse impact on drainage, harm to rural nature of area, will open door to further development in the future.

MAYA, LONDON ROAD, Object. The site has never been used commercially it was just garden. Contrary to Green Belt policy. The building is too high, will overlook neighbours. Inadequate sewage capacity for additional dwelling.

CARLINE COTTAGE, LONDON ROAD – Overdevelopment, out of keeping with area, loss of privacy contrary to human rights act, harmful to the Green Belt, will make existing sewage and drainage problems worse, Application littered with untruths, land has never been used commercially

ASHGROVES, LONDON ROAD – Question whether there has ever been a commercial use here. Concerned that ditch line is not maintained and there are flooding issues

HILL COTTAGE, LONDON ROAD – Object, overdevelopment in the Green Belt, land never used commercially, adverse impact on setting of listed building. Argument that Rosaries was only a bungalow and has been replaced by larger property is incorrect.

Issues and Considerations:

The main issues to consider relate to the sites location in the Green Belt, design and amenity.

Green Belt

The site is within the Green Belt and local and national policies on Green Belts are applicable. Paragraph 89 of national guidance in the NPPF lists instances when new buildings need not be inappropriate. One such instance recorded at indent 6 states that;

“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”.

Whilst the planning history of this group of buildings is unclear it appears they have been used in the past for ad hoc commercial and horticultural purposes. The site is distinctly separate from Copper Beech and in the Council's view can be considered a brownfield site for planning purposes. The proposed dwelling does not have a greater volume than the existing buildings and therefore one new dwelling would not have a materially greater impact on the Green Belt. The general Green Belt principle can be agreed.

There would also be visual benefits in Green Belt terms to removing this group of very dilapidated buildings and replacing them with a new dwelling. In that respect the proposed design raises no issues.

Whilst this would be a backland development the Council are of the view that it would not harm the established character of the area, which includes a number of listed buildings. There would be the added benefits to the amenity of the area of removing a potential nuisance neighbour. The site provides a defined curtilage which although quite large, future development in terms of outbuildings could be controlled by conditions.

Design

Whilst there are Listed Buildings adjoining the site, this new development would not harm their special setting. As stated previously the overall aesthetic of the site would improve and the proposed design is appropriate for this location. Details of materials can be agreed by condition. The conservation officer has no concerns regarding the removal of the existing buildings which of no historic interest, and considers that the design is sympathetic and respects the local context with regard scale, massing and layout. There is concern however over the proposed use of UPVC windows as this would not be appropriate in this location. It is therefore considered that a condition requiring details the doors and windows to be painted timber would be appropriate.

Amenity

The amenity of the area would be safeguarded. One dwelling replacing this collection of storage outbuildings should reduce noise and disturbance in the immediate vicinity. The proposal will not result in unacceptable levels of overlooking or loss of outlook, given the separation from neighbours

Ecology

A Bat an Owl Survey would be necessary as there are vacant buildings on site which would provide suitable habitat and this could be agreed with an appropriate condition.

Contaminated Land

Owing to previous uses at the site the standard contaminated land conditions are necessary.

Highways

The Highways Authority has no objection to this scheme and there is sufficient space on site for adequate parking.

Land Drainage

The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required. A condition requiring details of surface water drainage is therefore necessary.

Sewage

Concern has been raised with regard to the adequacy of the existing sewage system in the area. The applicant is happy for there to be a condition requiring details of foul water disposal to be agreed and this may entail the provision of an alternate means of sewage disposal to avoid overloading the current system.

Trees and Landscaping

This development is acceptable subject to conditions agreeing tree protection measures and a landscaping scheme agreeing the layout of the entire site including proposed parking areas etc.

Conclusion:

The proposed development is considered acceptable from a Green Belt perspective and the design is also appropriate. There would be no material impact on amenity or highway safety. It is therefore recommended consent is 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: Mr Dominic Duffin

Direct Line Telephone Number: (01992) 564336

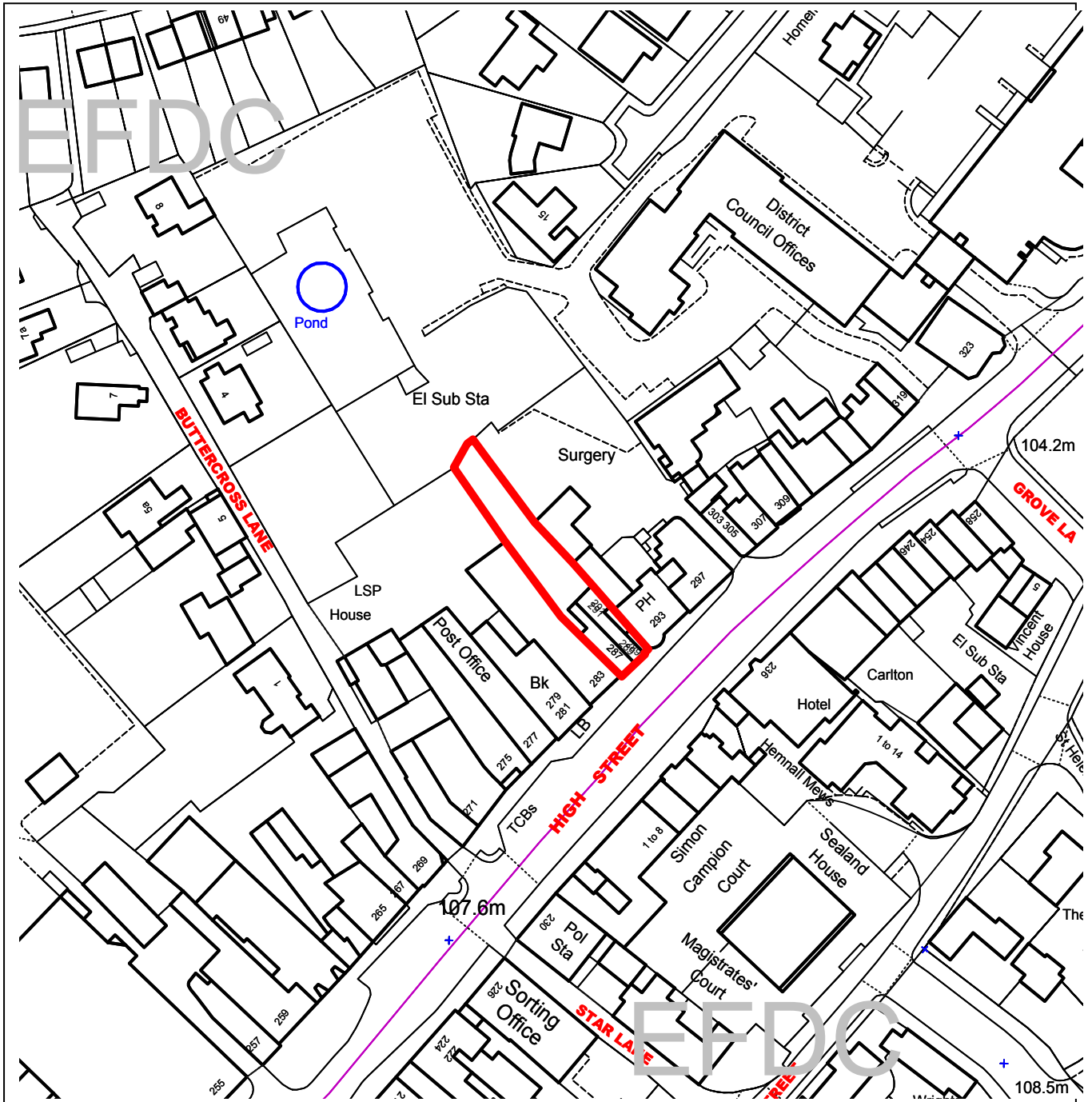
or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/2795/15
Site Name:	287-291 High Street, Epping, CM16 4DA
Scale of Plot:	1/1250

Report Item No:3

APPLICATION No:	EPF/2795/15
SITE ADDRESS:	287 - 291 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Epping High Street Limited
DESCRIPTION OF PROPOSAL:	Change of use from B1a to C3
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=580335

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: EX(10)100, PL(10)100, (PL)1000
- 3 Any renovated or replaced windows shall match in design, material and colour those of the existing windows.

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

Description of site:

The application site consists of the first and second floor of the building located on the northwestern side of the High Street. The site is located within the designated town centre of Epping and the Conservation Area.

The site currently consists of a dry cleaners and taxi rank at ground floor with self-contained offices on the upper storeys which are served by a side doorway. There is currently no off-street parking on site.

Description of proposal:

Consent is being sought for the change of use of the existing upper storey offices to three residential units consisting of one no. 2 bed flat, one no. 1 bed flat and one no. 1 bed duplex. There would be no external alterations required to undertake these works.

Relevant History:

EPF/0020/94 - Change of use of part of first floor from office to hairdressing salon – approved 15/03/94

PN/EPF/2155/15 - Proposed change of use from office (b1) to residential (c3) – withdrawn 05/11/15

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built form

CP6 – Achieving sustainable urban development patterns

DBE9 – Loss of amenity

TC3 – Town centre function

HC6 – Character, appearance and setting of Conservation Areas

HC7 – Development within Conservation Areas

ST1 – Location of 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.

Consultation Carried Out and Summary of Representations Received:

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

TOWN COUNCIL – Object. The proposed development removes yet further office accommodation from the High Street and would have a detrimental effect upon the vitality and viability of the town centre as an employment area, contrary to policy TC3.

National policy states that retail, office and other main town centre uses are met in full and are not compromised by limited site availability (NPPF, para 23).

The planning system supports sustainable development and economic growth and seeks to make it easier for jobs to be created in towns. Allowing offices to be converted into residential accommodation is contrary to this core objective.

This proposal fails to provide any parking facilities which would exacerbate parking problems in a town with existing parking pressures, contrary to policy ST6.

The proposed flats are large units and no provision for parking has been made within the scheme. Whilst this is a so called 'sustainable' location, it is completely unrealistic to expect that people

who would purchase these flats at the prices they would command will not have cars which will end up being parked in residential streets around Epping further exacerbating the already unsustainable parking problem in the town.

EPPING SOCIETY – Object. We regret the loss of more business space in our High Street. There needs to be a healthy balance of office space and accommodation. No parking is being provided for three new households. This will add to our on street parking problem.

291 HIGH STREET – Object as this would limit the provision of office accommodation in the High Street and since there is no parking provision proposed.

Main Issues and Considerations:

The main issues with the application are considered to be the effect on the vitality and viability of Epping Town Centre, the impact on the conservation area, any potential loss of amenity to surrounding properties, and with regards to parking.

Town Centre:

Whilst the existing first floor office is an employment use that is suitable to this town centre location the provision of residential flats on upper storeys is recognised as being beneficial to town centres as it increases activity, security and custom. This is highlighted within paragraph 23 of the National Planning Policy Framework (NPPF) which states that Local Planning Authorities should, amongst other factors, *“recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites”*. Local Plan policy TC3 also highlights that the Council will *“permit residential accommodation in appropriate locations but not at ground floor level”*.

The application site is located within Epping town centre, which is one of the larger built up towns within the District and is well served by local services and amenities, and has good public transport links. The ‘golden thread’ that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of residential development within this type of location is considered to accord with this presumption and therefore this should be afforded significant weight.

The Town Council and Epping Society object to the application partly on the basis that the development would lead to a loss of employment space and the Town Council state that *“the proposed development removes yet further office accommodation from the High Street and would have a detrimental effect upon the vitality and viability of the town centre as an employment area”*.

Whilst the concerns of the Town Council and Epping Society are appreciated Central Government recently introduced several changes to the permitted development regulations, with one of the aims being to facilitate the conversion of units to alternative uses. The clear aim is to ensure the planning system plays a part in kick-starting growth and aiding the emergence of the British economy from recession. These permitted development rights include the ability to change B1 offices into C3 residential units. Furthermore Class M of Part 3 of the GPDO even allows for the change of use of small A1 or A2 units on ground floor level to be converted into residential use (subject to various restrictions). None of these permitted changes require an existing unit to be vacant nor do they demand any proof that a site is no longer desirable for its original use.

Whilst the proposed change of use cannot be undertaken as permitted development since the site is located within the Conservation Area, the above legislation changes are nonetheless considered to be material to this consideration. Paragraph 23 of the NPPF still suggests that Local Authorities should set policies which identify primary shopping areas and which recognise town centres as the heart of the community, which suggests that policies to protect the vitality and viability of town

centres should remain, albeit in a more flexible way than previously required. However countless reports point to the fact that in the near future town centres “*should become community hubs with housing, education, entertainment and leisure facilities*” (The Planner November 2013). The recent changes to permitted development allow for a much more multi-faceted town centre where the Local Planning Authority has less control over intended use, which should instead be led by market forces.

Whilst it is regrettable to lose an employment use within this location it is recognised that residential use is also appropriate in such locations and the Governments recent changes to the planning system and the weight given to the presumption in favour of sustainable development highlight this. As such it is not considered that the proposed change of use would be detrimental to the vitality and viability of the town centre.

Conservation:

The application site is located within Epping Conservation Area and features a sympathetic Edwardian style red brick frontage with rendered gable and large timber framed windows. The ground floor displays a well designed timber shopfront.

The proposed change of use would not necessitate any external alterations, however the Design and Access Statement does state that “*the windows fronting the High Street will be renovated*”. Subject to a condition ensuring that the renovated windows retain their current appearance in terms of design, material and colour, the proposed development would be in keeping with the character and appearance of the conservation area.

Amenity considerations:

The introduction of residential use on the upper storeys of this building would not result in any undue loss of privacy or overlooking of neighbouring properties.

The proposed flats would not benefit from any private or communal amenity space, however this is not unusual for flats such as these located within a town centre. Therefore it is not considered that the lack of amenity space would constitute a reason to refuse consent for the proposed development.

Parking:

The Essex County Council Vehicle Parking Standards (2009) recommends that a scheme such as this should be served by five parking spaces (which equates to 2 x spaces for the two bed flat, 1 x space for each one bed unit and 1 x visitor space), however it does state that “*a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities*”.

No off-street parking provision is proposed to serve the flats, which is a further point of objection from the Town Council and the Epping Society. Although these concerns are understood a residential development within a sustainable location such as this can be considered acceptable as a zero parking scheme. A similar example of this was agreed by the Planning Inspectorate on application ref: EPF/1924/12 for No. 261 High Street, Epping, which proposed the conversion of first floor offices and a bedsit into four flats. Within the appeal decision for No. 261 High Street the Inspector stated that:

No off-street parking is associated with the proposal. According to the appellants undisputed calculations, under the standards there would be a requirement for 5 spaces for the existing uses and 6 for the proposal. The parking standards document identifies that

the standards can be reduced in town centre locations with good access to public transport.

The site is located within Epping Town centre. This is agreed to be a sustainable location with ready access to facilities. Notwithstanding that the existing uses are long-established, the parking demand generated by the proposal is unlikely to be significantly greater than that resulting from these uses. In this context the application of a relaxation from the normal standards would favour allowing the proposal, and there is no material conflict with the development plan in this respect.

In addition, the proposal would be a sustainable development which warrants support according to the National Planning Policy Framework. This advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. There is no evidence to suggest that there would be such an impact in this case.

Unlike the above example whereby the proposed use had a higher parking requirement than the previous use, the Vehicle Parking Standards require that the existing use of the site to be served by six off-street parking spaces (which equates to 1 x space for each 30 sq. m. of B1 use). Therefore the existing lawful use of the site theoretically results in a greater parking demand than the proposed use. Furthermore the surrounding residential streets all have parking restrictions that would deter and on-parking from future residents on these streets without the relevant residential parking permits first being obtained.

Conclusion:

Whilst there are understandable concerns with regards to the loss of employment/business use on the site it is accepted that residential use within town centres can be equally beneficial to the overall vitality and viability of such area.

Although there would be no off street parking provision or amenity space to serve the proposed flats this is not unusual for locations such as this. Furthermore the existing business use of the site currently requires a higher level of parking provision than the proposed residential units, yet does not benefit from any off-street parking space. Therefore it is considered that the lack of parking and amenity space is considered acceptable in this instance.

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:

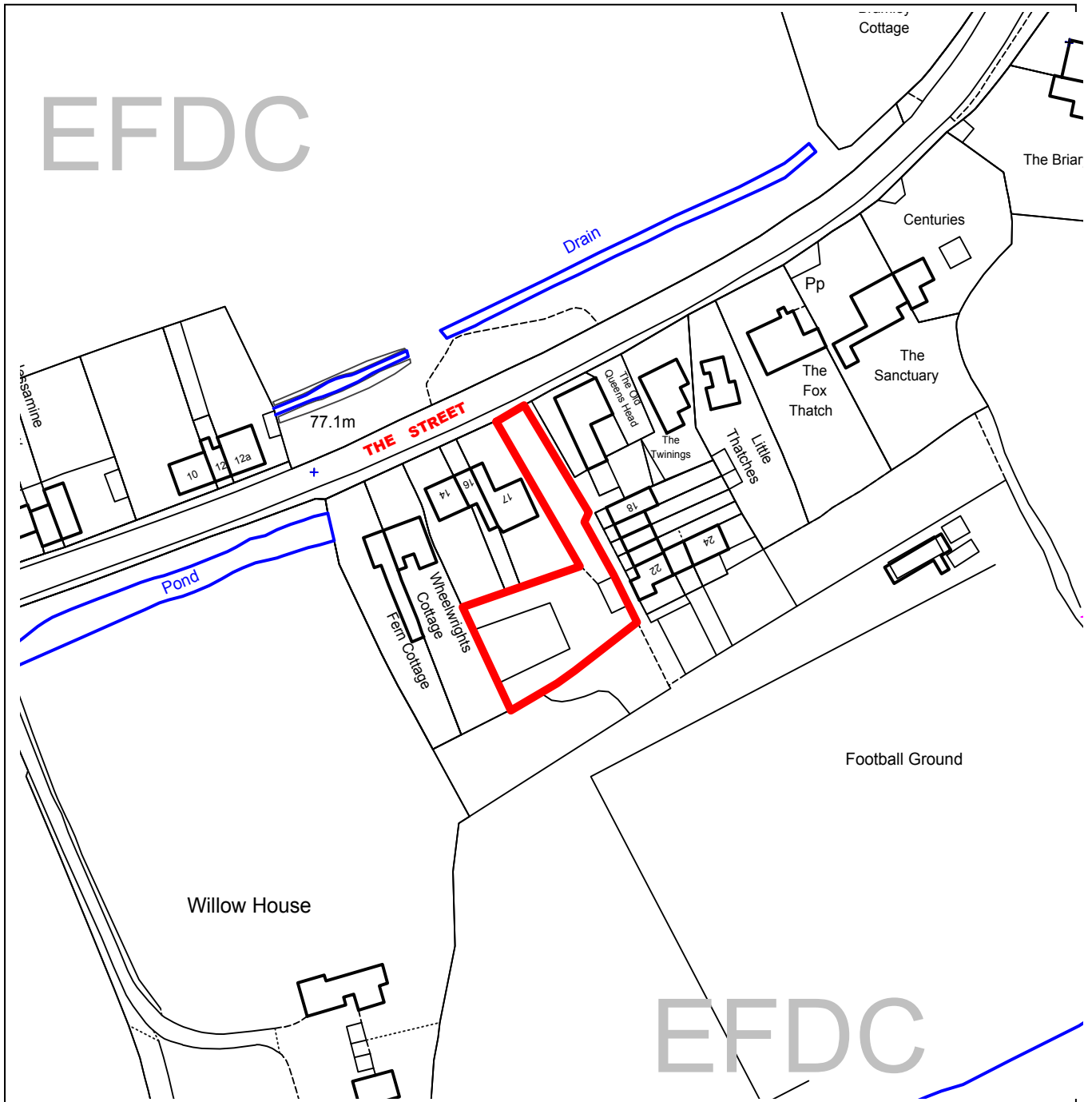
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/2837/15
Site Name:	The Orchard, Queens Head Yard, The Street, Sheering, Nr Bishops Stortford, CM22 7LN
Scale of Plot:	1/1250

Report Item No:4

APPLICATION No:	EPF/2837/15
SITE ADDRESS:	The Orchard Queens Head Yard The Street Sheering Nr Bishops Stortford Herts CM22 7LN
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr S Foley
DESCRIPTION OF PROPOSAL:	Proposed replacement dwelling (Resubmission of application EPF/1456/15).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580398

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: D 357 001A, D 357 002D, D 357 008A
- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions generally permitted by virtue of Class A or B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

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

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

maintenance programme shall be implemented.

- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 12 There shall be no discharge of surface water onto the Highway.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

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

Description of Site:

The application site is located on the southern side of The Street, Sheering, behind No's 14, 16 and 17. The application site currently contains a small brick built building that has a Certificate of Lawfulness for use as a residential dwelling, along with an associated yard/garden, parking, and vehicle access. The site is bounded to the east by No's 18 to 22 Queens Head Yard, The Street, which are a row of two storey terrace properties facing onto the site. This adjoining land also gives access to No's 23 and 24 Queens Head Yard, which face onto the adjacent football ground. To the south of the site is said football ground. To the immediate north of the site are the rear gardens of No's 14, 16 and 17 The Street, and to the west is the rear garden of Wheelwrights Cottage. The

section of the application site containing the dwelling, parking and access road (the section previously considered lawful for residential use) is located outside of the Metropolitan Green Belt. The area of proposed side garden is located within the Green Belt and has a current lawful use as a storage yard.

Description of Proposal:

Revised application for the removal of the existing residential property (the brick built building previously granted a Certificate of Lawfulness) and its replacement with a two storey four bed detached dwelling (including a ground floor accessible bedroom). The main two storey element of the proposed new dwelling would have a footprint measuring 10m in width and a maximum of 8m in depth. The dwelling would have a hip ended pitched roof to a ridge height of 7.8m with a two storey gable projection to the rear. The dwelling would incorporate a single storey rear conservatory with a 3.3m high roof lantern and a single storey side projection with a hipped roof to a ridge height of 4.1m.

The existing access would be retained and utilised with parking along the roadway and a turning head at the front/side of the proposed house. The proposed garden would be on the storage yard and would therefore encroach into the Green Belt.

Relevant History:

EPF/0276/76 - Outline application for one dwelling – withdrawn 23/06/76

EPF/1577/76 - Outline application for two dwellings – refused 17/01/77 (appeal dismissed 27/09/77)

EPF/1720/80 - Formation of a vehicular access and erection of 6ft high chain link fencing to enclose drive and land adjoining – approved/conditions

EPF/0123/83 - Retention of vehicular access and compound for a further period – approved 11/03/83

EPF/0890/85 - Outline application for house and garage – refused 04/11/85

EPF/0395/88 - Outline application for dwelling house and garage – refused 13/05/88

CLD/EPF/1043/11 - Certificate of lawful development for existing use of building for residential purposes and use of land as garden – lawful 14/07/11

EPF/0904/12 - Proposed new 3 bedroom detached, two storey house with parking and proposed new garden area – refused 02/08/12

EPF/1834/12 - Proposed new 3 bedroom detached, two storey house with parking and proposed new garden area (resubmitted application) – refused 15/11/12 (dismissed on appeal 19/06/13)

EPF/0794/15 - Proposed replacement dwelling – refused 02/06/15

EPF/1456/15 - Proposed replacement dwelling (Revised application to EPF/0794/15) – refused 13/08/15

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB4 – Extensions of residential curtilages

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE8 – Private amenity space

DBE9 – Loss of amenity

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

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

Consultation Carried Out and Summary of Representations Received:

14 neighbours were consulted on this application and a Site Notice was displayed on 04/12/15. Given the date of the Site Notice this report has been produced prior to the expiration of the consultation date. Therefore any additional comments received will be verbally reported to Members at the Committee.

PARISH COUNCIL – Object on the following grounds:

- Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise*, disturbance*, overlooking, loss of privacy, overshadowing, etc. [*but note that this does not include noise or disturbance arising from the actual execution of the works, which will not be taken into account].
- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

WHEELWRIGHTS COTTAGE, THE STREET – Object since the rear of the proposed dwelling will face their garden and result in a loss of privacy.

21 QUEENS HEAD YARD, THE STREET – Object to the loss of light and proximity to their front elevation, since it would hinder emergency vehicles and access to the football pitch, and since it would be out of character with surrounding properties.

Issues and Considerations:

This application is a revision to several previously refused attempts, including EPF/1834/12 that was dismissed on appeal.

The reason for refusal on the latest application was:

The proposed development, due to the scale and proximity to the side boundary, would result in a dominant and intrusive structure that would cause excessive visual intrusion to the neighbouring residents and in addition the first floor windows in the front elevation will directly overlook the rear of number 17, resulting in unacceptable harm to their living conditions, contrary to the guidance contained within the National Planning Policy Framework and policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

The former application ref: EPF/1834/12 was refused on more than the above grounds and was subsequently appealed, however the Planning Inspector concluded that *“the proposal would not harm the character or appearance of the surrounding area, including the Green Belt, and would not result in harm to highway safety”*. Nonetheless the appeal was dismissed since they considered that *“the proposal would cause excessive visual intrusion for the occupiers of No’s 21 and 22 and result in unacceptable harm to their living condition. This would be contrary to Local Plan policies DBE2 and DBE9”*.

The overall design of the proposed dwelling has been altered since the previous refusal and now proposes the use of a hip ended roof, a 400mm lower ridge height. However the biggest change in this revised application over all previous proposals is that the dwelling has now been located further into the south to the southwest of the previously proposed and existing dwelling. This has necessitated the repositioning of the dwelling so that it fronts onto Queens Head Yard and now faces the front elevations of No’s. 21 and 22.

Given the clear decision of the Planning Inspector with regards to the impact on the Green Belt and harm to highway safety, which is not altered in this revised scheme, the only considerations in this instance are with regards to the design and impact on the character and appearance of the area and any potential impact on the amenities of neighbouring residents.

Design:

The design of the proposed new dwelling has altered significantly from the previous scheme. The height and bulk of the roof of the proposed dwelling has been reduced and the detailing and external materials have also changed from the previous scheme as it is now proposed to use timber cladding with a brick base with sash timber windows.

It was previously stated by the Planning Inspector that *“due to the siting of the dwelling set back from the road and the variation in types of dwellings within the area, this would not cause harm to established character and appearance of the area”*. The relocation of the dwelling into the site would further reduce its visual impact on The Street and therefore it is considered that the overall design and appearance of the proposed dwelling would not be detrimental to the character of the surrounding area, as previously concluded by the Planning Inspectorate.

Amenities:

The previous 2012 scheme was dismissed by the Planning Inspector purely on the grounds that it would cause excessive visual intrusion and harm to the living conditions of the occupiers of No’s 21 and 22. Within the decision letter the Inspector highlights that *“the proposal is for a blank gabled flank elevation facing towards the terrace of No’s 18 to 22. Due to the proximity of this gable, a depth of around 6m at its narrowest and about 8m including the rear projection, and a ridge height of about 8.2m, it would be a dominant and intrusive structure when seen from No’s 21 and 22. The lack of articulation of this elevation adds to these concerns”*.

In two most recently refused applications have attempted to overcome this concern by slightly increasing the distance from these neighbours, but to no avail. However the significant relocation submitted here would increase the distance between the proposed new dwelling and the

neighbours in Queens Head Yard from 8.5m (as proposed in 2012) to 13m. This is now a significant distance that would remove the previously identified harm with regards to loss of outlook. For the same reasons there would be no detrimental loss of light to these neighbouring residents.

Given the repositioning of the proposed dwelling the front wall would now face the front elevations of No's 21 and 22 Queens Head Yard. Whilst the proposed dwelling would have three first floor front windows facing towards these neighbours the two directly opposite the neighbouring dwellings would serve bathrooms and therefore would be obscure glazed. Furthermore there are limited first floor windows within these neighbouring dwellings.

Notwithstanding this, the 13m distance between the frontages of the proposed new dwelling and the existing neighbours would be a sufficient distance to ensure that there would be no undue loss of privacy even if there were clear windows directly facing each other. This distance, and far less, is not uncommon in several streets throughout the district and therefore is not considered to result in any excessive loss of amenity to these neighbours.

The reorientation of the proposed dwelling ensures that there are now no first floor windows facing towards the rear garden of No. 17 The Street, which requires more protection against overlooking than the front elevations of No's 21 and 22 Queens Head Yard, and given the distance from the shared boundary there would be no loss of light or outlook to these neighbours.

The rear elevation of the proposed new dwelling would be located a minimum of 17.5m from the shared boundary with Wheelwrights Cottage. Therefore this would not detrimentally impact on the residential amenities of this neighbour.

Other considerations:

Whilst it has already been concluded by the Planning Inspectorate that the proposed redevelopment of this site would not be harmful in terms of highway safety, Essex County Council Highways recommend conditions regarding the retention of the proposed parking/turning area and the position of any gates erected at the vehicle access, and conditions restricting the discharge of surface water onto the highway and the surface treatment of the access.

Due to the former presence of a petrol filling station, including an underground fuel tank, in the north part of the site and presence of an air raid shelter, previous buildings of unknown use, a former cesspool and an infilled watercourse in the south part of the site, there is the potential for contaminants to be present on site. Since domestic dwellings with gardens are classified as a particularly sensitive use land contaminated risks need to be investigated, assessed and, where necessary, remediated by way of conditions.

Conclusion:

The development of this site has previously been concluded to be acceptable in terms of the impact on the Green Belt and regarding highway safety and as such the proposal is still considered to be acceptable on these grounds. The redesign of the dwelling, reduction in size and, most importantly, relocation and reorientation of the new house has materially altered the proposal and has overcome the concerns previously raised by the Planning Inspectorate and the reason for refusal of the latest application. As such it is considered that the development now complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and therefore the application is recommended for approval.

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

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

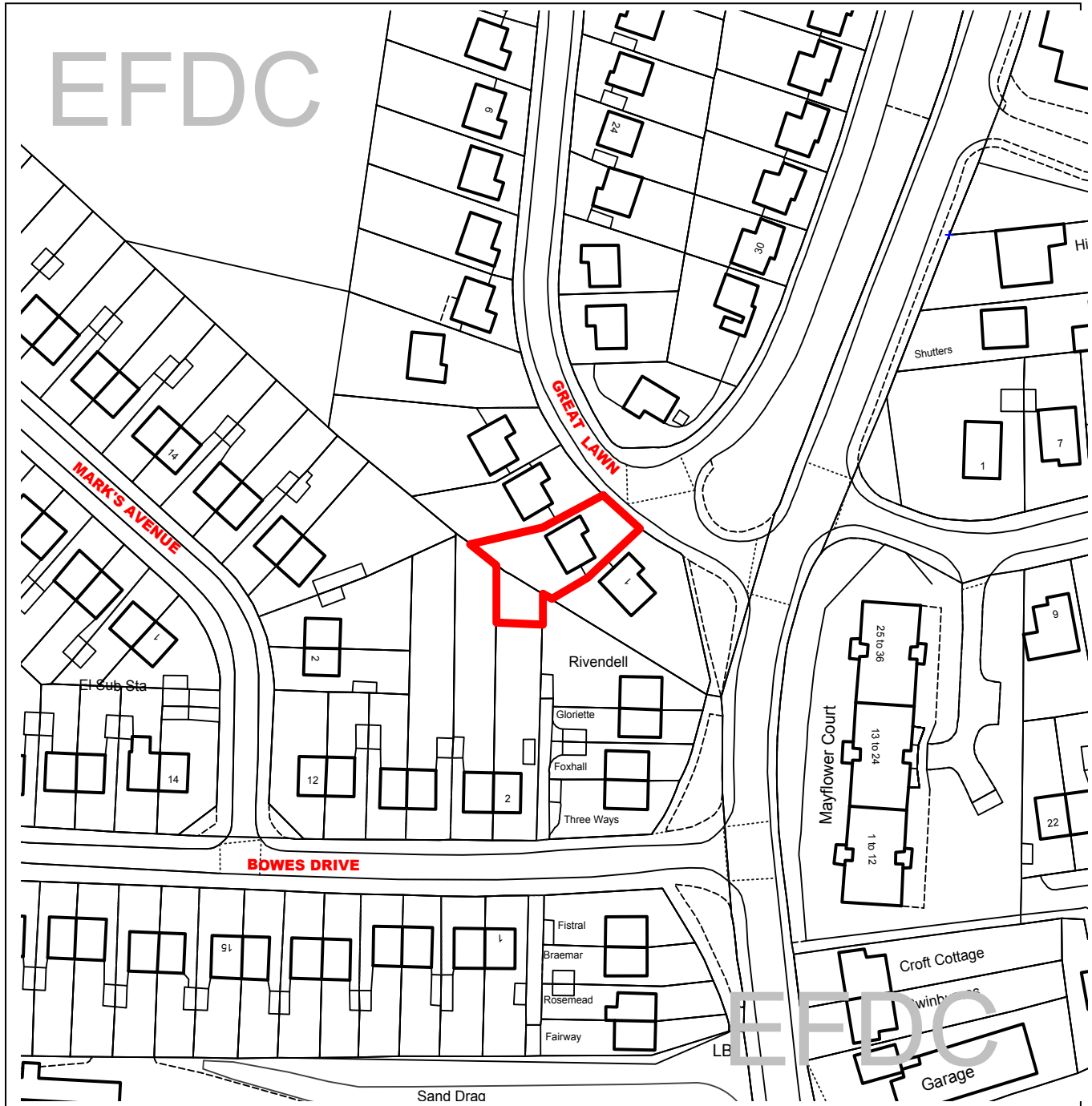
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/2853/15
Site Name:	2 Great Lawn, Ongar, CM5 0AA
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2853/15
SITE ADDRESS:	2 Great Lawn Ongar Essex CM5 0AA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr R Jackson
DESCRIPTION OF PROPOSAL:	Erection of a 1.2m high front boundary wall/railing with associated gates (resubmission of EPF/1473/15)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=580417

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 railings hereby permitted shall be painted black on installation and shall be permanently maintained in the form.

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 relates to a two storey detached house, currently vacant and undergoing building works and renovations, located at southern end of road close to the High Street junction. As part of the works, the frontage is being hard surfaced for vehicles.

The site lies in a wholly residential road comprising similar detached dwellings with frontage parking. Land rises to the north but this does not unduly affect the site.

Description of Proposal:

This is a resubmitted application for erection of a front wall and railings. The scheme proposes 1.2 metre high brick piers infilled by 0.6m metre brickwork topped by 0.6 metre railings between. Metal gates 1.2 metres high opening inwards are also shown..

The brickwork has already been commenced using a yellow stock brick

Relevant History:

Properties in the road built under a 1959 permission, extensions approved 1977 and 1990

EPF/2248/14 – Two storey front extension, single storey rear extension and rear dormer approved

EPF/ 1473/15 – Erection of 2m high front boundary wall and gates refused on visual impact on the street scene.

Policies Applied:

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

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

Consultation Carried Out and Summary of Representations Received

Date of site visit: 07 December 15

Number of neighbours consulted: Six

Site notice posted: No, not required

Responses received: One objection from 28 Great Lawn (property opposite) – the wall would be out of keeping with the open character of the road. The objector also raise issues around the scheme breaching covenants which state that property owners '*...shall not erect or construct or permit to be erected or constructed any other wall fence or other erection in front of the building line of the property*'. However such matters are for any covenant holders to pursue and not material to the planning application process.

Parish Council: Object – It was felt that the application would be detrimental and out of keeping with the existing 'open plan' front garden feel of the street.

Main Issues and Considerations:

Representations refer to the open feel of frontages in the area and this is evident from visiting the site, the 'estate' is characterised by frontages with few walls and a mix of shrubs and open frontages. However, properties are not subject to any planning conditions withdrawing permitted development rights to construct walls and fences and it would be open to any property to construct a wall up to 1 metre high without requiring planning permission. Members must consider whether the additional 0.2metres has such a significant impact on the street as to warrant refusal.

A wall has been erected at no 5, the piers of which are 1.2m high at the lower end and 1.5m at the higher end with half height walls topped by railings and officers consider having viewed this in situ that this a reasonable scale for such a boundary treatment. The materials used on the lower section of the wall already built are considered appropriate. If however Members come to a

different view, then consideration will have to be given to taking enforcement action against the works at no.5

Conclusion:

While it could be argued that retaining the open frontages would be desirable, this is outside the scope of planning control where normal permitted development rights apply and must be a matter for the covenant holders.

Officers consider that the application now submitted is of a reasonable scale in the general context of the application site and surrounding area, notwithstanding the applicants permitted development fall back position and the limited chance of successfully enforcing against the wall already built nearby.

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***