

## AREA PLANS SUB-COMMITTEE 'EAST'

5 October 2016

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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2041/16
Site Name:	2 Hill Road, Theydon Bois, CM16 7LX
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2041/16
<b>SITE ADDRESS:</b>	2 Hill Road Theydon Bois Epping Essex CM16 7LX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Miss Charlotte Dawidek
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of new dwelling on land adjacent to 2 Hill Road
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586273](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586273)

**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: 1743/01A and 02C
- 3 No development, including works of demolition or site clearance, shall take place until scheme for the protection during construction of the retained hedges shown on the approved plan on the site frontage and eastern boundary 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.
- 4 No development shall take place until details of the proposed surface materials for the frontage of the site including parking bays, ramp surfacing and gradient and any fencing thereto have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.

- 5 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.
- 6 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.
- 7 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.
- 8 Materials to be used for the external finishes of the proposed development shall match those of the existing building at 2 Hill Road, unless otherwise agreed in writing by the Local Planning Authority.
- 9 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.
- 10 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.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and C of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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

### **Description of Site:**

The application site lies on the north side of Hill Road and currently comprises two storey detached dwelling positioned towards the western side of the site and a detached free standing double garage to the east, forward of the building. The frontage of the dwelling is surfaced for vehicles and is served by two crossovers, in addition to that to the garage.

The site lies in a wholly residential area adjacent to the junction on Hill Road and Theydon Park Road, comprising predominantly two storey buildings. Hill Road rises east to west such that the existing house is visibly higher than the land subject of the application. There is a well established hedge running along much of the eastern site boundary

### **Description of Proposal:**

The application proposes the erection of a detached four bedroom dwelling at the side of the existing building. The proposed house is predominantly two storey with a half width single storey rear projecting element. The rear main wall aligns with the existing and the front wall projects around 300mm; there is a central front bay with a gable roof and the building is set 1 metre from both side boundaries; pedestrian access will be provided on the west side only.. The overall form and materials match the existing building.

Parking for two vehicles is shown on the frontage using the existing crossing..

### **Relevant History:**

None

### **Policies Applied:**

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP7	Urban form and quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention
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.

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

Number of neighbours consulted: 21  
Site notice posted: 26 August 2016  
Responses received:

10 THEYDON PARK ROAD - raises concerns about the scale of the development and its impact on the street scene (the objector considers the site cramped), overlooking and noise disturbance issues, and impact on trees and the boundary hedge suggesting there are bat roosts in the existing garage. Other matters raised relating to drainage and the applicants reasons for applying are not relevant.

THEYDON BOIS PARISH COUNCIL- Object. The Parish Council state they have no objection in principle to some development on this plot, however, they feel that the current proposal is somewhat cramped. There is also concern about the proximity of the building against the boundary hedge and the potential damage which would be caused to the root system during the construction process. The hedge has a significant and positive impact on the street scene and serves to divide the different building lines which exist in Theydon Park Road and Hill Road. It is felt that a smaller property at this location would be more appropriate.

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

The primary considerations in this case are the impact on the neighbouring property and the impact on the hedge. In all other regards, the proposals are considered acceptable. The building is designed to match the existing house, is stepped down at eaves and roof line to reflect the levels in the road and is set in from both side boundaries to providing clear separation. Adequate parking and amenity space is provided for the new build and retained for the existing house. Other nearby properties are not directly affected.

Due to the position of the site close to the junction, the proposal has an unusual relationship with the adjoining property at no.10 Theydon Park Road. The property is orientated with principle front windows facing south and most of the open land in front of the property. Notwithstanding the screening provided by the hedge on the boundary, the new build will lie forward of the objectors property with the potential to affect amenity. However, there is around 25metres between the rear of the new building and the front of the objectors property and as a result physical impact will not be so significant as to cause harm. Such a separation between two storey buildings would ordinarily be considered sufficient to overcome concerns at overlooking, a fact further mitigated by this being a front to rear relationship. Thus officers are satisfied that significant harm to the neighbour will not result.

It is recognised that the boundary hedge has a high amenity value in the street scene and to the neighbour and every effort is being made to retain the character of this. The hedge straddles the boundary and while some of it will inevitably be lost in construction, the application clearly indicates the bulk can be retained. Thus, subject to suitable conditions to protect this during construction, this can be retained.

### **Conclusion:**

The application relates to a large site with ample space to accommodate the dwelling proposed and associated parking and amenity areas. The building is designed to respect and reflect the character and appearance of the existing dwelling, taking account of the overall site width and the change in levels.

The siting of the building is such that it does not have a significant impact on the adjoining property in terms of daylight, overlooking or general visual impact.

Subject to conditions therefore, including protecting the hedge on the boundary, the proposal complies with relevant planning policy and it is recommended that planning permission be granted

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

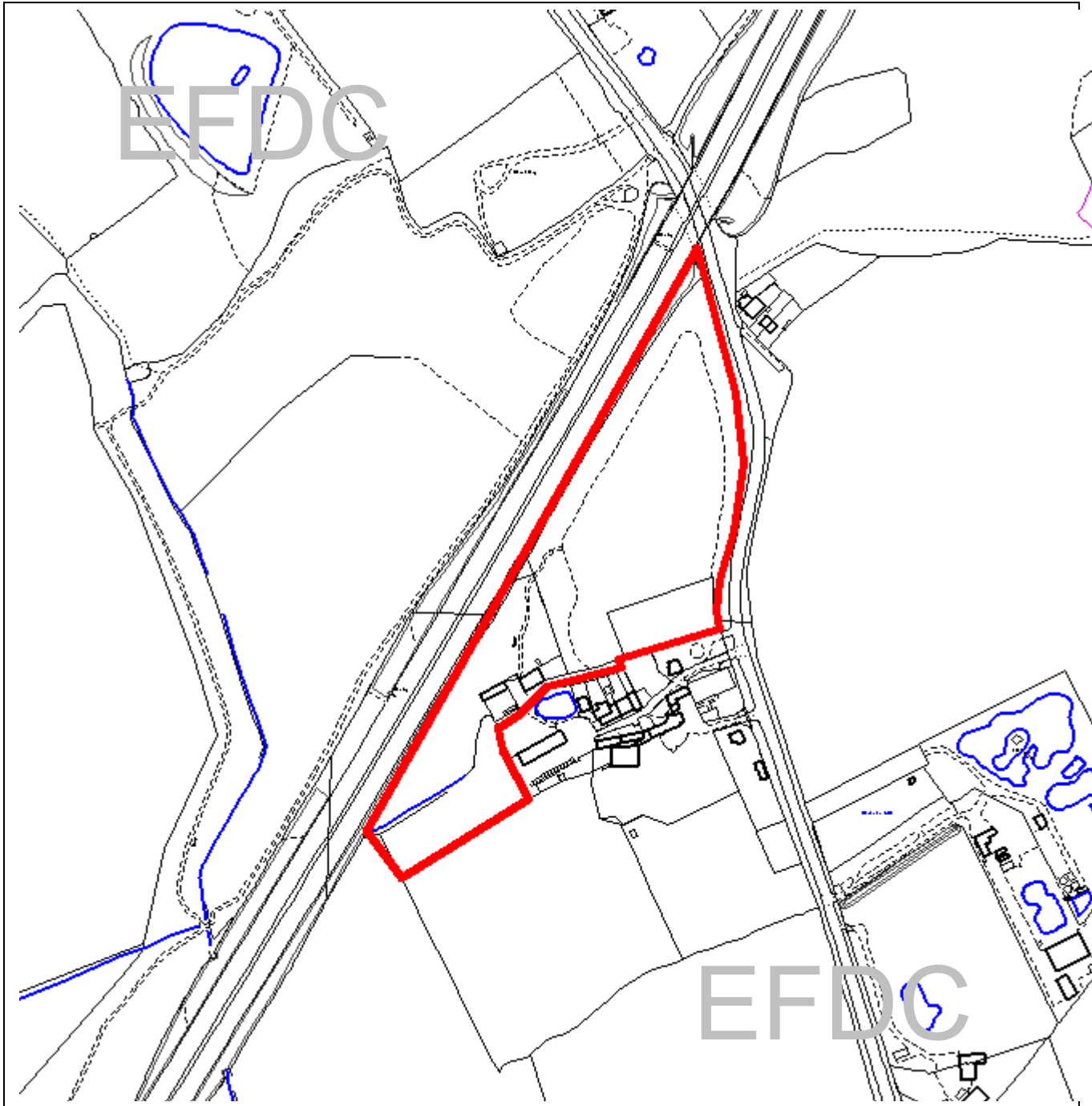
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/1005/16
Site Name:	Magnolia House, Abridge Road, Theydon Bois, CM16 7NR
Scale of Plot:	1/1500



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1005/16
<b>SITE ADDRESS:</b>	Magnolia House Abridge Road Theydon Bois Epping Essex CM16 7NR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs E Maxwell
<b>DESCRIPTION OF PROPOSAL:</b>	Certificate of Lawful Development for existing use of site for B8 storage purposes.
<b>RECOMMENDED DECISION:</b>	Lawful

**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=583973](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583973)

**REASONS**

- 1 Having regard to the evidence submitted the Council is satisfied that the existing use of the buildings for storage purposes within Use Class B8 has been extant for a period in excess of 10 years. The unit therefore benefits from existing use rights and is immune from any potential enforcement action.

*This application is before this Committee since it is for a Certificate of Lawfulness in respect of existing use where the recommendation is that the development is lawful contrary to an objection from a local council (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**This application was deferred from the last Plans east Committee for further legal advice with regard to whether we would be able to seek removal of the shipping container and also whether the fact that it appears to have for some time contained only disgarded items means that it has not been used for “Storage”.**

**The advice received from the Council’s Solicitor is as follows;**

*Whilst the siting of a container does have a degree of permanence it can in fact be removed fairly easily as it has not been physically attached to the land. So I would be of the view that the siting of the container is a change of use and that if it has been in situ for in excess of 10 years then it will have become lawful.*

*However, if this particular storage container has in some way been incorporated into/attached to the other structures possible that it could now be a building and hence 4 years, but this would then differentiate from other standalone containers in the district.*

*With regard to the storage element the word “store” has been said by Woolf J in Meadows v Secretary of State for Environment and Gloucester CC [1983 JPL 538] to cover in ordinary usage places where goods are stored for disposal elsewhere and also where goods are stored and disposed of by wholesale transactions taking place on the premises.*

*So abandoned items might be stored if they are then being taken to a waste tip/recycling centre – really need to know exactly the nature of the storage. If just dumped in the container then probably not storage.*

*With regard to 10 years use it does not have to be continuous but any significant period of non-use may amount to abandonment hence any recommencement of the use would begin a new 10 year period. It was held in Thurrock Borough Council v Secretary of State for the Environment, Transport and the Regions, that in order to establish the full 10 years’ immunity in any particular case it is necessary to identify the character and intensity of use current at the date of the enforcement notice or the application for a certificate of lawful use as a starting point. The onus would then be on the applicant to demonstrate that a use of that character and degree of intensity (or thereabouts) had existed for the last ten years. Short periods of inactivity in connection with an unlawful use may be regarded as a continuation of that unlawful use whereas longer periods may not. If an unlawful use is carried on for, say, five years to be followed by two or three years inactivity, it may be that the period begins to run again thereafter.*

*On the information provided in my opinion they have acquired a lawful change of use of the land by the siting of the container for 10 years. If the 10 years storage use of the container cannot be proven then it would have a nil use.*

**This essentially means that as the storage container has been in situ for more than 10 years the use of the land for the stationing of the container is lawful and it can not therefore be required to be removed even if it were found that it had not been continuously used for storage purposes.**

**In addition, with regard to the onus of proof in relation to certificate of lawful Development applications the advice received is as follows**

The LPA needs to determine whether, on the facts of the case, the specific matter is or would be lawful. The issue of a CLD depends entirely on factual information about the history and planning status of the use or operations.

The onus is on the applicant to prove on the balance of probability that a CLD ought reasonably to be issued (*F W Gabbittas v Secretary of State for the Environment and Newham LBC [1985] JPL 630*). The planning merits are irrelevant as the determination of a CLD is a legal determination.

It is usually the case, for obvious reasons, that the applicant will have the best evidence. Unless the use has been the cause of any nuisance or disturbance to neighbours its existence may well have gone unnoticed or not prompted anyone to question whether the use was permitted or not.

Government Advice is found at PPG (17c Lawful Development Certificates) which states:

*“In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”*

Accordingly, any evidence which is submitted, either by the applicant in support of the application or by others to contradict that of the applicant, should be provided by statutory declaration and comprise detailed information, to include specific times, frequency of use, how it has been evidenced, with particular reference to any documentation. Anecdotal evidence will not be sufficient. I have not reviewed the evidence so make no comment.

Members may wish to know that the Council does have remedies in the event the evidence is found to be inaccurate/untruthful: -

S193 provides that a certificate can be revoked where a statement was made or document used which was false in a material particular or any material information was withheld.

S194 makes it a criminal offence if any person, for the purpose of procuring a particular decision on an application (whether by himself or another) for the issue of a CLD (a) knowingly or recklessly makes a statement which is false or misleading in a material particular, (b) with intent to deceive, uses any document which is false or misleading in a material particular or (c) with intent to deceive, withholds any material information. Liability for the offences is not restricted to the applicant. The term "*any person*" means exactly that, and it plainly envisages both third party supporters and opponents of the application as well as officers and members of the local planning authority.

#### Balance of Probabilities

There is no definition of this as such. Members must be satisfied that on the evidence the use was more likely to have occurred for the period of 10 years than not. If the evidence is fairly balanced but it just marginally tips the balance in favour then it will have met the test.

**On the basis of the above, the officers recommendation to committee that the use is lawful remains unchanged.**

**The original report is reproduced below.**

#### Description of Site:

The application site lies on land originally forming part of Theydon Hall Farm and comprises an area of around 1043 sq.m. housing three structures – a metal clad building with a gabled pitched roof of around 230 sq.m., what looks like a block of poor quality garages with their doors infilled but forming a single structure accessed from the northern end (around 138 sq.m. and a metal storage container of around 30 sq.m.

The buildings and the land surrounding forms part of the grounds of Magnolia House, a detached residential property to the south-east fronting the west side of Abridge Road. To the south lie land and buildings formerly part of Theydon Hall Farm but now comprising seven residential units with a shared access onto Abridge Road which abuts the southern boundary of Magnolia House.

A wooded area to the north and west screens the M11 which passes within 30metres of the site.

The site lies wholly within the Green Belt.

#### Description of Proposal:

The application seeks a lawful development certificate for the use of the buildings for storage purposes (use class B8).

The applicant Mr Maxwell, the joint owner of Magnolia House, has made a statutory declaration where he states he acquired the land in 2006. At the time, the buildings were being primarily used for the storage of furniture by a company (Leisure Furniture) which had previously used the buildings to the south for sale and display of garden / lightweight furniture (planning permission for that use being refused on 2003) and stopping sometime thereafter. A document has been submitted stating that the agreement to store the furniture was allowed to continue after Mr Maxwell acquired the site until April 2007, although Mr Maxwell declares this use continued until May 2008. Thereafter the buildings have largely been used by Mr Maxwell's own company for storage of air conditioning plant and equipment and to a lesser degree by other companies by agreement for periodic storage.

A supporting statement has been submitted from an employee of Leisure Furniture who confirmed that the buildings were used for storage by the company throughout her period of employment between 2001 and 2003.

Following further investigations and enquiries, additional material has been submitted. A search of one of the buildings revealed files belonging to Leisure Furniture which documents them using the Theydon Hall Farm address between 2004 and May 2005. Further information sought from the employee above confirms that the business relocated to the site around Spring 2002.

Four further invoice and credit documents have been supplied detailing temporary rental of storage facilities at 'the outbuilding at Magnolia House' issued to four separate companies covering various periods between February 2009 and March 2014.

A number of aerial photographs of the site covering various dates between 2005 and 2011 have also been submitted. These show the buildings and evidence of vehicle movements across the land to the north of the dwelling with a pattern of defined routes between Abridge Road, a gate on the northern boundary of a paddock abutting the main house and the outbuildings. These are consistent with the Council's own historic aerial photograph database.

### **Relevant History:**

EPF/1822/03 Use of stable buildings as retail showroom – refused. This refers to the retail use of the adjacent farm buildings referred to in the supporting statements.

EPF/0599/04 Conversion of farm buildings into 7 dwellings – approved. This application covers the conversion of the farm buildings. Records indicate the works were implemented soon after and completed in late 2005. The block plan accompanying the application appears to show buildings sited in the position of the structures the subject of the current application.

EPF/1493/15 Formation of vehicle access approved. This permission relates to the provision of a new access onto the field north of Magnolia House, replacing a previous access further north on Abridge Road. Issues of access are discussed below.

### **Policies Applied:**

Not relevant to lawful development certificate applications.

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

Date of site visit: 09 June 16

Number of neighbours consulted: Seven

Site notice posted: No, not required

Responses received: No response received from neighbours.

Comments have been received from the Theydon Bois Action Group who raise concerns at whether the buildings can be clearly identified and whether the use has been continuous. Concerns are also raised in respect of access to the site.

The objection refers to the evidence submitted in relation to the agreement in place at the time the applicant took over the premises in 2006 which refers only to 'the barn. The objection also disputes the description in the applicants statement that the buildings lie around a concrete yard, as a Google Maps image shows part of the area being grassed. The objectors also query the evidence of rental agreements submitted with the initial application which, as noted above, were for a company owned by the applicant.

The objection also raises issues around access to the site, noting that there appears to be no established access and referring to the 2015 planning permission for a new access, the contention being that the lack of a permanent access would affect whether the use has been continuous.

Parish Council: Theydon Bois Parish Council object to the application, making the following comments:

'The Parish Council are sceptical that the buildings in question have been used continuously for 10 years for storage purposes. We would question whether the evidence submitted is sufficiently precise to justify the applicants claim.

Furthermore, we can see no evidence of regular access to the buildings which we would have expected to see following continued use over 10 years. We would suggest that the Planning Officer investigates this aspect further.

Although clearly there has been some periodic use of the buildings for storage, albeit illegally without planning permission, there is no evidence to suggest that the intensification of use was sufficient to justify the use of all three buildings on the site'.

Members should note that, following receipt of comments from the residents group and the Parish Council, further information has been sought and submitted.

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

The burden of proof in a Lawful Development Certificate application lies with the applicant. National Planning Guidance requires that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability..

Consideration of the evidence needs to have regard to the extent of any storage, the nature of that use as it relates to continuation of the use throughout the period and issues around access.

The existence of the three buildings as separate structures is sufficiently clear. All three can be identified from the 2004 planning application and 2007 aerial photographs on the Councils database. The space between the larger barn and the two smaller structures is evidently hard surfaced.

The clearest evidence of storage relates to the largest of the three buildings. It appears sufficiently clear that this building was certainly used by Leisure Furniture during their occupation of the site from 2002 (from the evidence of the former employee) until the showroom use ceased (2004-05 when the residential permission was implemented), through to 2007. Thereafter, this building has continued to be regularly used for storage and when the site was visited, this contained a wide range of goods much of it associated with the applicants air conditioning business.

Evidence on the other two buildings is not as clear. Much of the material currently found in these buildings may best be described as discarded. The shipping container contains among other things documentary records left behind by Leisure Furniture and the other building contains a mix of boxes, containers, panels scaffolds and assorted material. It was noted that all material related to business activity, there was no evidence of domestic storage, nor any evidence that the buildings had not been used since they were linked to any agricultural activity on the site.

Objectors do raise the issue of continuous use. In planning terms, continuous use does not require there to be activity on a regular basis, and permits periods where the use may not actually be taking place. (so long as no other use has taken place) It is evident that the buildings have been used as a repository for items either left behind (the Leisure Furniture files for example) or being stored long term rather than initially being disposed of. Despite apparent periods of inactivity therefore, there is no evidence that the use has been abandoned at any point and must be accepted as continuous.

Objections also raise issues of access to the building. It is apparent that before the site was sub-divided, access was available from the land to the south. A boundary fence was erected between the two probably as part of the residential conversion, although access through this route was retained, aerial photographs show that a hard surface area runs up to the boundary and officers have seen that part of the fencing abutting this is removable.

Vehicle access is also available from Abridge Road where three points of access are identified. The crossover for the new access approved in 2015 has been constructed to the highway but the works to the site to remove fencing and shrubs has not been undertaken. The access replaced an access at some distance to the north which the applicant advises has never been used in the last 10 years. This access can be identified as the former dropped kerb was removed by the highway authority when installing the new access and replaced by new kerbstones; the nature of the landscape supports the contention that this access has not been used for many years. The third access lies between the two and the applicant states that this has been used at various times. The access is gated although no dropped kerb exists. Aerial photographs support the contention that this access has been used in the past; vehicle tracks are clearly visible from this access and while other photographic evidence shows its use has not been continuous the supports the contention that it has been used previously.

The applicant has also referred to the ability to access to buildings from within the residential curtilage, particularly by the applicants own business.

**Conclusion:**

Notwithstanding the obligation on the applicant to provide sufficient proof to support their application for a Lawful Development Certificate, National Planning Guidance also makes clear that where the local planning authority cannot contradict the evidence then there is no good reason to refuse the application.

As set out above, such evidence as the Council has identified does appear to support the general contention that the use is lawful. While the use may not have generated much activity, this does not of itself mean that the use does not meet the requirements to be considered as having been continuous. While noting the doubts raised in public consultation, officers cannot find any evidence to support these reservations. It is considered therefore that on the balance of probability, the use has continued for in excess of 10 years.

The use is therefore considered to be lawful and the certificate should be issued.

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

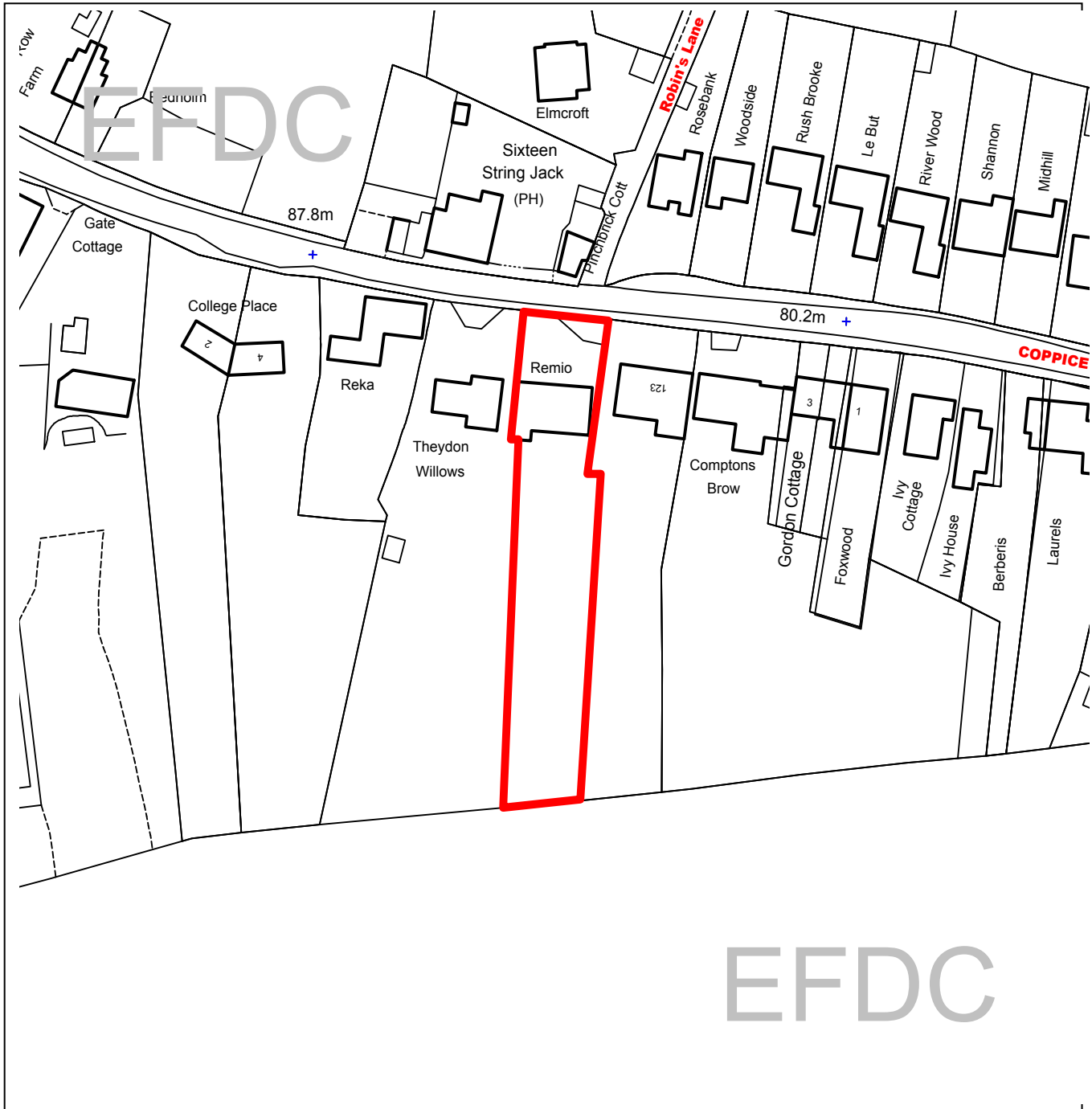
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/1724/16
Site Name:	Fallowfields, Coppice Row, Theydon Bois, CM16 7DP
Scale of Plot:	1/1250



**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1724/16
<b>SITE ADDRESS:</b>	Fallowfields Coppice Row Theydon Bois Epping Essex CM16 7DP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mrs Susan Weedon
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of building to enclose existing swimming pool in rear garden.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585499](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585499)

**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 Details of a) shrubs and plants to be removed and planted close to the side boundary with the neighbouring property at Theydon Willows, Coppice Row, and b) details of protection of the existing hedge and vegetation close to this boundary, shall be submitted to and approved by the Local Planning Authority before any works commence on site. Once approved these details shall be implemented on site in full.
- 3 Details of the treatment of the boundary with the neighbouring 123, Coppice Row, including retention or erection of enclosures, shall be submitted to and approved by the Local Planning Authority before any work on site commences. Once approved these details shall be implemented in full on site.

*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:scheme of delegation, appendix 3.).*

**Description of Site:**

A two storey detached house on the southern side of Coppice Row with the vacant Sixteen String Jack pub lying opposite. This house and neighbouring dwellings are located on wide plots and have long rear gardens the rearmost sections of which are located in the Green Belt. The property is not listed nor does it lie within a conservation area.

**Description of Proposal:**

Erection of building to enclose the existing swimming pool in rear garden.

**Relevant History:**

None.

**Policies Applied:**

DBE9 – Loss of amenity.  
DBE10 – Residential extensions  
GB7A – Conspicuous development.  
LL10 – Adequacy of provision for landscape retention.

National Planning Policy Framework

**Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – Objection – the rear of this site falls partly within the Green Belt and backs on to the City of London Deer Sanctuary. The sheer size, height, and bulk of the proposed building, which is effectively an extension to the main house, would create a very imposing and conspicuous development from within the Green Belt contrary to Local Plan policy GB7A. The size and nature of the building may also have an impact on the amenity of neighbours.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – object on similar grounds to the parish council, and while acknowledging the applicants reasons for proposing this building these are not special circumstances in planning terms.

CITY OF LONDON – The Conservators have no observations to make.

NEIGHBOURS – 2 properties consulted and 1 reply received:-

THEYDON WILLOWS, COPPICE ROW - Object – the building would cause an unacceptable sense of enclosure ; the vegetation on the boundary separating our properties could naturally reduce in cover or die back - if this were to happen the extension would be much higher than a fence that could be erected under permitted development; the noise and light from of an enclosed pool could cause nuisance and in the future could deter possible buyers of our property because of fears about late night pool parties; the proximity of the extension to the Green Belt should be taken into account, the proposed building is large and could set a new rear building line; we have no objection to the current plastic dome type of roof over the pool - and could not just a link extension be built joining the house to the existing pool?

## **Issues and Considerations:**

### Background

The applicants have a 16 year old disabled daughter who is unable to stand or walk independently, but is able to walk on her knees. The existing pool close to the rear of the house, which has a retractable plastic dome roof, provides an important source of daily exercise since the buoyancy of the water enables the daughter to stand and walk upright in the pool. However, the low roof of the pool is making it increasingly difficult to provide wheelchair access to the pool, and it also does not now provide sufficient headroom for the daughter and her carer to make easy and optimum use of the pool. Consequently, this application proposes the erection of building to enclose the pool together with a link to the house.

### Amenity issues

The proposed pool building would lie parallel to the rear of the house. It would be some 14m in width by 9m in depth with height of 3.45m to eaves and parapet level. It would stand some 5m to the rear of the house and a glazed link would join the pool building to the house.

In many residential areas, for example in roads of semi detached houses such as found elsewhere in Theydon Bois, this form of rear extension/outbuilding would be likely to an overbearing development that would detract from neighbours' outlook and amenity. However, this row of houses along the south side of Coppice Row are on wide long and long plots and each side boundary is lined with mature trees/ high hedges and vegetation. In this case the high hedge that lies on and around the boundary with the objectors neighbouring house at Theydon Willow is 3m to 4m high. Consequently, the proposed building would not be viewed from the garden or ground floor of this neighbouring property. In these circumstances it can be argued that the proposed building would not have a significant effect on the amenity of the neighbour.

The neighbour has correctly pointed out that vegetation may naturally reduce in height or bulk and /or die back. However, it is clear that high hedges in this row of houses have existed for many years and they can be 'replenished' if necessary. In addition some 75% of the high hedge would appear to lie in the garden of this neighbouring house, and would be unlikely to be affected by any building works. Nevertheless an appropriate tree protection condition is proposed to be added to any consent to ensure building works can be undertaken without harm to root systems. In conclusion, therefore, it is considered that the proposed building would not have a significant effect on the amenity and outlook of the neighbour at Theydon Willows. The other neighbouring house at no.123, from which comments have not been received, lies in a more forward position than the application property. Again a high hedge will provide screening but a condition is also proposed to ensure that one lower section of the boundary, next to the corner of the application property, is appropriately treated with planting and enclosures.

With regard to concerns about light and noise nuisance the pool building will have two roof lights. However this is not materially different from many extensions and conservatories built on houses which also have similar roof light windows, and any nuisance caused to neighbours is not at a significant level. In addition it is not considered that noise from future possible late night use of the pool is a reasonable ground to withhold planning consent.

### Green Belt issues

Concern has been raised that the size of the building would make it a conspicuous building when viewed from Green Belt land to the rear. However, the proposed pool building would not itself be sited on Green Belt land, whereas neighbouring properties have sizeable outbuildings in the more rearward and Green Belt sections of their plots. Moreover, the proposed building would lie over 55m from the rear garden boundary with the Deer Sanctuary to the rear and at this distance, and

framed by the two storey dwelling, the proposed building would have a very limited adverse impact on the openness of the Green Belt. Therefore the proposal would not be contrary to policy GB7A of the Local Plan.

**Conclusions:**

Although the proposed building is a sizeable one it would not unduly detract from the amenity of neighbours. In addition the proposed building would help address the personal needs of a disabled resident in the household. For these reasons, and those set out above, it is recommended that conditional planning permission be granted.

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

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

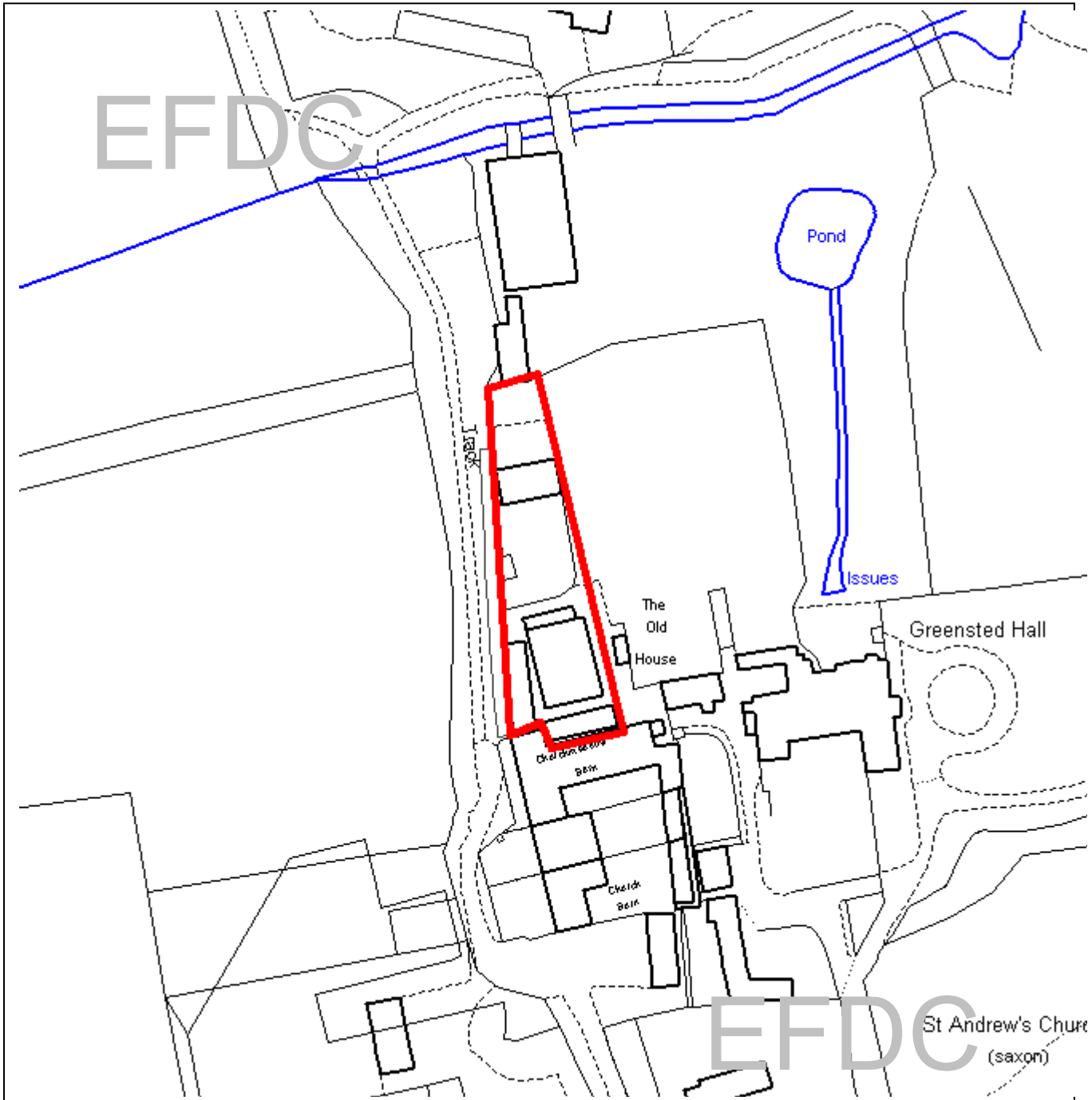
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0035/16
Site Name:	Land adjacent to The Brewhouse, Church Lane, Ongar, CM5 9LD
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0035/16
<b>SITE ADDRESS:</b>	Land adjacent to The Brewhouse Church Lane Ongar Essex CM5 9LD
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Rick Miller
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of existing outbuildings and erection of one new dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=581760](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581760)

**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:  
1588.25 Location Plan at 1:2500  
1588.25A Site Plan at 1:500  
1588.24A  
1588.23A  
1588.20  
1588.CC  
1588.22A  
1588.26  
Heritage Statement  
Design & Access/Planning Statement  
Arboricultural Impact Assessment with drawing OS 1092-15.2 Revision A
  
- 3 The existing built form on the site, as shown on the site plan and as referred to in the Design & Access/Planning Statement, shall be demolished concurrently with construction of any part of the house hereby approved. No part of the existing built form on the site as shown on the site plan and as referred to in the Design & Access/Planning Statement shall remain above ground level prior to first occupation of the house hereby approved.

- 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, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place until 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 Planning Authority.
- 6 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.
- 7 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.
- 8 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.
- 9 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.



- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 11 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 12 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 13 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme

must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

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

- 14 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 15 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 16 Additional drawings that show details of proposed new window, doors, structural alterations, eaves, verges, and cill, to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the works. The works shall be implemented in accordance with such approved details and permanently retained as such.
- 17 The public's rights and ease of passage over Public Footpath no.50 Ongar shall be maintained free and unobstructed at all times.

*This 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)*

*This application is also 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: Scheme of Delegation, Appendix 3).*

**This application was deferred from the last Plans east Committee to enable members to visit the Site and for consultation with Historic England to be made. They were consulted on the 8<sup>th</sup> of September and at time of writing no response has yet been received. Any response will be reported orally at committee.**

### **Description of Site:**

The application site is part of a property known as The Brewhouse. The Brewhouse, Greensted Hall and a number of other dwellings are accessed by Church Lane. Church Lane has a junction on the northern side of Greensted Road.

The application site is formed by part of land within the ownership of the occupier of The Brewhouse. The house now known as The Brewhouse is to the east of the southerly end of the application site. Greensted Hall is to the east of The Brewhouse. At the northern end of the application site is a building with an open front facing south. This building is of breeze block and an almost flat metal surfaced roof and has three windows to the rear, facing north. The building faces into an enclosed yard with a breeze block wall, topped with engineering brick some 2.5m in height along the eastern side of the yard. The western edge of the yard is defined by a hedge. This hedge is on the eastern side of a track leading from Greensted Road to fields to the north. At the southern end of the application site three buildings effectively take up all the ground forming the southern half of the application site.

The site falls in level from south to north.

The site is within the Metropolitan Green Belt.

The Brewhouse is a Listed Building and Greensted Hall is a grade II\* Listed Building. Immediately to the south of the application site is Church Meadow Barn, a Listed Building. Next to Church Meadow Barn is a building, The Hall Barns, which has been divided into three dwellings. To the south is The Coach House, another Listed Building. To the west of the curtilage of The Brewhouse is a track that terminates at Lavender Farm set away to the north. Part of this track forms a public footpath that is part of the Essex Way.

### **Description of Proposal:**

Proposed demolition of existing outbuildings and erection of one new dwelling.

The front elevation of the proposed dwelling would face north and have a chalet-bungalow character to its appearance. The front elevation would have one full storey, on which the entrance door would be set, and roof accommodation; two dormers and a gable end would face north. The proposed dwelling would have a footprint resembling an inverted "L" with the front elevation being set on an arm running east/west and a front bay running north/south. Due to the ground levels falling to the north the forward projecting bay, extending to the north, would appear above ground whereas accommodation set further back, to the south, would be at basement level, terraced into the slope of the ground. This arrangement would convincingly give the appearance of a one-and-a-half storey dwelling with a detached outbuilding set in front.

The proposed dwelling would have a basement level floor which would be a true basement at the southern end, beneath the floor containing the entrance door and bedrooms above that, then have a roof lantern above, and then project above a falling slope. The southern end of the basement plan would have a home cinema and ancillary accommodation whilst the northern end would have an office and a workshop. The office and workshop would read as a building 13.5m long by 4m deep, with a gable roof with a height to the ridge of 4.6m on the eastern elevation, 3m in height to the eaves. However, on the western elevation, adjacent a track along which part of a public footpath runs, what would appear as the rear elevation of this element of the proposed building would be terraced into a slope such that it would be 2.5m in height to the eaves at the northern most end but be 1.5m in height at a position 13m further south.

The main element of the proposed building, what would appear as a flank wall of the dwelling, would have two windows facing the footpath. This part of the development would have eaves at an average height of 4m, the eaves extending for 10m north/south. These eaves would be to a gabled roofed element of the proposed building. The ridge of this gable roof would have an average height of 6.5m as seen from the footpath.

The ground floor plan of the proposed development would measure 11.5m wide (i.e. west to east) by 9.5m deep. The ground floor plan would accommodate a hall inside the front door with a utility room, study and staircase off it and leading on to an open plan kitchen and living room area.

The first floor plan would accommodate two bedrooms, one with a bathroom en-suite, a box room measuring 4m wide by 1.7m deep and a bathroom.

### **Relevant History:**

EPF/2985/14 - Application for Listed Building Consent to carry out the following works: Replace old render/feather edge with breathable insulation board x white lime render; reduce size of porch adding pitched roof; replace rotten windows with crittal style metal windows; and secondary glazing to existing windows; add hardwood door to kitchen for access to garden; raised engineered oak timber floor throughout ground floor with underflooring heating; add wc to ground floor 'office' area; remove & rebuild 2x stud partitions on first floor; add 3x shower cubicles; add raised landing over exposed beam to protect against wear- Granted 16/02/2015

EF\2014\ENQ\01487 – Pre-application enquiry for provision of one dwelling

EPF/2515/14 - Erection of stable block (3 stables), associated open fronted hay store. – Granted 22/12/2014

EPF/2173/15 - Grade II listed building application for installation of a wood burning stove. – Granted 02/12/2015

### **Policies Applied:**

CP1	Achieving Sustainability Objectives
CP2	Quality of Rural and Built Environment
CP3	New Development
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
HC12	Development Affecting the Setting of Listed Buildings
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE6	Parking for New Residential Developments
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL1	Rural Landscape
LL2	Inappropriate Rural Development
LL11	Landscaping Schemes
ST1	Location of Development
ST6	Vehicle Parking

NPPF

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

Number of neighbours consulted: 3

Site notice posted: 22/01/2016

Responses received:

WEST ESSEX RAMBLERS – object – vehicular access would be along track that is a footpath and as such would be a danger to walkers, this is Green Belt land that should not be built on unless there are special circumstances and no such circumstances apply in this case, would spoil the historic setting of Greensted Hall.

GREENSTED HALL MANAGEMENT LTD – object – would infringe covenants, would compromise services such as drainage, proposal would be detrimental to its setting, detrimental to heritage assets, contrary to policy in NPPF and the Local Plan, inappropriate development in the Green Belt, site has no vehicular access, unsustainable location, no mains drainage, certificate with application is incorrect and therefore the application cannot be determined.

THE COACH HOUSE, GREENSTED HALL, CHURCH LANE – object – site address is incorrect as the site is within the curtilage of The Brew House, neglected state of the ground should not influence the Council's decision, would harm setting of Listed Buildings, would harm the Green Belt, unsustainable location, could harm the Essex Way, replacement outbuildings will be required for the existing house, there may be bats and barn owls in the buildings to be demolished, vehicular access is not possible, when stables are built there will be problems of flies and smells to occupants, insufficient parking, design too large, indications that the dwelling would involve a business use, some of the outbuildings are pre-1948 and so curtilage listed.

1 HALL FARM BARNS – object – loss of privacy, building work could compromise safety for my children, concerned about the aesthetic look of this property, could exacerbate a problem of insect infestation.

HALL FARM - Object . The site notice was not appropriately located, I have not had a notification letter. Traffic passing to attend the development will affect my enjoyment of my historic property. Green belt. Harm to the setting of the listed buildings, close to historic footpath, Access track is unsuitable there are health and safety issues. All traffic here has to pass Greensted Church and its foundations could be damaged. The access to the site is new (within the last 12 months) There are no extenuating circumstances to allow this. The development would harm the historic significance of the unspoilt area.

CHURCH LODGE, CHURCH LANE- Object, Notice not displayed on public ground, access is unsafe and part of the Essex way, the lane could be hazardous for large lorries. Green Belt. Access is past the historic church and there could be problems with site traffic. The overdevelopment would change this historic site.

THE COURT GREENSTED HALL - The proposal is contrary to national planning policies and would affect the environment of Greensted Hall. This is not brownfield land. Harmful to the Green Belt and to the setting of the listed buildings. No very Special Circumstances Use of the Essex Way by traffic would be dangerous to pedestrians. There is a covenant that prevents the building of any other buildings in the curtilage of the Brewhouse. There are no mains drains. The idea that all rural gardens are brownfield land is incorrect. Previous owner housed his collection of vintage cars in the cowsheds they are agricultural buildings not brownfield land.

No Address given - Concerned about increased volume of traffic on Church Lanes already failing road surface particularly during the building phase. Also this one house could set a precedent, turning our beautiful hamlet into a housing estate.

TOWN COUNCIL- Strongly object. This is an inappropriate dwelling in the Green belt on part of the historic Greensted hall estate. It would be very evident from the Essex Way and other footpaths and would undeniably spoil the openness of the Green belt. The new building would have poor access down a single track which is indeed part of the Essex Way. It would seem there are no extenuating circumstances which would persuade us to agree to this application..

SIR ERIC PICKLES MP – Further to similar correspondence on a similar matter, I have received the attached email from his (sic) constituent, Mrs Mary Dadd, of the Coach House, Greensted Hall, outlining her objections to a planning application. As before I am mindful that planning matters are the responsibility of the local planning Authority, and would be grateful if you could ensure that Mrs Dadd's comments are seen by the appropriate officers.

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

The main issues are considered to be the principle of development in the Green Belt, affect to the character of the setting of listed buildings, impact to neighbours, residential amenity of future occupiers, tree and landscape considerations and whether or not the development proposed would constitute sustainable development, as defined in the NPPF.

### **Green Belt**

The site is within the Green Belt where planning permission will not be granted for the construction of a new building unless it is appropriate in that it is development of a type itemised within Policy GB2A. The proposal would not be any included in any of the types of development itemised. The development would therefore be inappropriate development within the Green Belt. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

However, the NPPF refers, at paragraph 89, to exceptions to what is inappropriate development. One such exception is redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, 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.

If it is accepted that the site is brownfield land then the proposal could be acceptable in principle. The glossary to the NPPF defines previously developed land as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure." Land in built-up areas such as private residential gardens is specifically excluded from the definition of previously developed land and some have extended this to imply that residential gardens outside built-up areas is previously developed land. Indeed, a court decision (Dartford BC v. SSCLG. CO/4129/2015) indicates that a site within a rural area and part of the curtilage of developed land should be treated as previously-developed land. **Please note however that permission has been given to challenge this court decision**

The history of the site is of some length and involves the history of the estate to Greensted Hall as a whole. However, it is officers' opinion that the site now forms part of the curtilage of the residential property The Brewhouse. Given that the site is previously developed land, i.e. brownfield land, then the development is acceptable in principle subject to it having no greater impact to the openness of the Green Belt.

The volume of the buildings to be demolished is 1,194 cubic metres. The volume of the proposed dwelling would be 1,011 cubic metres. The footprint of the existing buildings is 456 sq m. The

footprint of the proposed dwelling would be 202 sq m. Accordingly, the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

The dwelling would be in an out of the way position, any close public view of the dwelling would effectively only be from the track, along which a public footpath runs, to the west. The western elevation would have a modest mass being only two-storey for a length on the western elevation of 9.5m, the remaining 20m of length reading as a single storey building much of which is to be set into a slope.

The front elevation, the north elevation, would read as an almost chalet-style dwelling and be broken into single storey with front dormers and gable end elements.

It is considered that the proposed dwelling would have a good appearance.

Furthermore, the Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Given that the NPPF requires a demonstrable five year supply of housing, paragraph 49 of the NPPF is engaged whereby Local plan policies which address the supply of new housing are considered to be out of date. As a result these policies are to be afforded less weight in the decision making process in favour of a greater reliance on the NPPF.

The lack of a five year supply of housing weighs in favour of granting planning permission and is attributed substantial weight in this application.

#### Setting of Listed Buildings

The proposal site stands within the setting of several listed buildings; the 17th century Hall Farm Barn (grade II), The Brewhouse of 17th century origins which was converted to a dwelling in 1950 (grade II), and the grade II\* listed Greensted Hall of medieval origins with extensive rebuilding c.1700. The wider site also includes Greensted Hall's former coach house listed at grade II, St Andrew's Church listed at grade I which is , therefore, of exceptional significance, and Hall Farmhouse and barn both of which are locally listed. The site is particularly sensitive in terms of its proximity to these heritage assets and the potential harm that could be caused through development.

The proposal sees the removal of three relatively modern outbuildings/agricultural buildings. These are unattractive, utilitarian buildings which detract from the setting of the surrounding buildings so their demolition is supported. The proposed replacement building is a modestly proportioned house with simple traditional detailing which occupies a smaller footprint than the existing buildings. It is a sympathetic addition to the site and an improvement on the existing arrangement.

The design of the house has been amended following discussions with the architect regarding the size, number and positioning of the dormer windows. There is now no objection to the proposal with regard to its setting with Listed Buildings though conditions to any approval have been recommended by the Design and Conservation Team.

#### Impact to neighbours

A building, Church Barn, to the south of the application site has been converted into three dwellings. A single storey bay of one of these dwellings runs along the southern boundary of the site but this bay has no window facing the site, only roof lights. The nearest dwelling in the former barn has a window and a door leading onto a yard off the kitchen/breakfast room (plans for EPF/1077/99 refer) and a first floor window facing the position of the proposed dwelling though these are some 25m from the rear elevation of the proposed dwelling. The rear elevation of the

proposed dwelling would have at first floor level two small roof lights and a bedroom window set in a gable end. Given the separation distance and that the proposed dwelling would be on lower ground it is considered that adverse material impact would result to the dwelling to the south, 1 Hall Farm Barns.

The objection of this neighbour are noted though the comments regarding loss of privacy and aesthetics are not supported. Other matters raised are not planning considerations.

Greensted Hall has a side elevation some 40m to the east of the position of the proposed dwelling. The Coach House is some 30m to the south of Greensted Hall. The siting of the proposed dwelling is considered sufficiently distant from any other neighbour so as to have no material adverse impact.

#### *Amenity of future occupiers*

Two car parking spaces would be provided to the proposed dwelling.

To the rear of the proposed dwelling would be a rear garden of at least 320 sq m.

Whilst a significant portion of the accommodation would be that at basement level and whilst a third bedroom would be of only box room size, it is considered that the proposed dwelling would offer a high standard of accommodation.

#### *Tree and landscaping matters*

Existing trees and hedges would be retained. The Trees and Landscaping Team has no objection subject to conditions to any approval. A hedge between the track to the west and the site would screen the dwelling from a footpath. Existing buildings to the south would screen the dwelling. More distantly trees and hedges to the north and east would make the proposed house inconspicuous in the landscape.

#### *Sustainability*

The use of previously developed land would in some way compensate for the dwelling not being in a sustainable location. The site is a short drive from Chipping Ongar which has a reasonable range of services and facilities. Although not in a sustainable location, this proposal for one dwelling is of a nature very similar to many others throughout the district which have relatively recently been granted planning permission.

#### **Conclusion:**

This Green Belt site is previously developed land and the proposal would result in a 15% reduction in volume and a 50% reduction in built form footprint. The proposal is considered acceptable with relevant planning policy and it is recommended that planning permission be granted.

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

***Planning Application Case Officer: Jonathan Doe  
Direct Line Telephone Number: 01992 564103***

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

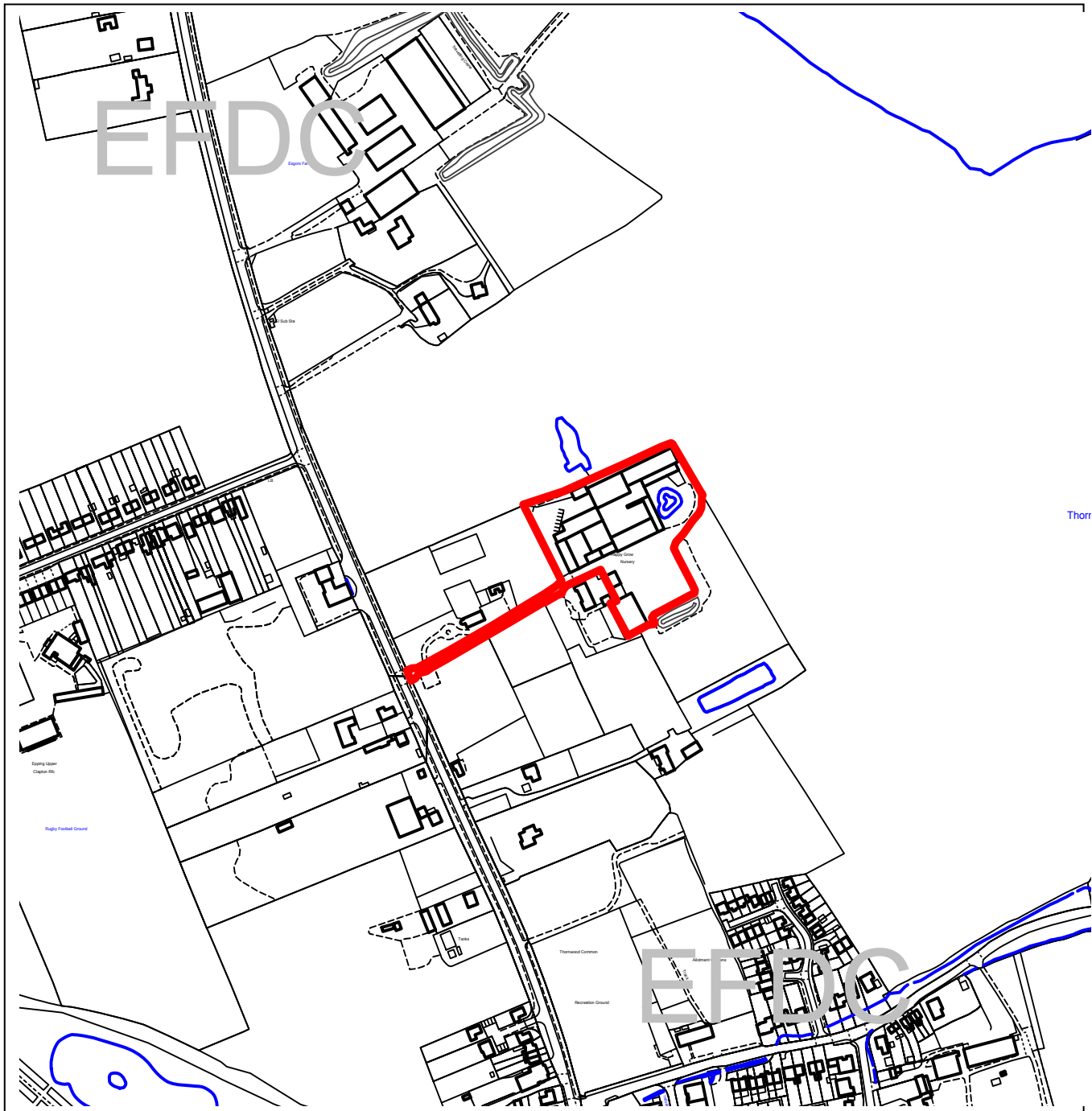


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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/1454/16
Site Name:	Happy Grow Garden Centre, High Road, North Weald Bassett, CM16 6LX
Scale of Plot:	1/5000

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1454/16
<b>SITE ADDRESS:</b>	Happy Grow Garden Centre High Road North Weald Bassett Epping Essex CM16 6LX
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Richard John Spearman
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for demolition of garden centre and ancillary buildings and erection of 16 dwellings with appearance, landscape, layout and access reserved.
<b>RECOMMENDED DECISION:</b>	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=584915](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584915)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) layout;
    - (ii) appearance;
    - (iii) access; and
    - (iv) landscaping.
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 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 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 details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A,B and C of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 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 Prior to the commencement of any works Great crested newt surveys should be undertaken in accordance with guidelines from Natural England (or other relevant body) on the waterbodies on and adjacent to the site. These should be submitted to EFDC for approval.
- 13 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.
- 14 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.
- 15 No development shall take place, including works of demolition or site clearance, until an Arboricultural Implication Assessment and Tree Constraint plan, concurrently with the detailed site layout, has been submitted to and approved in writing by the Local Planning Authority. This should be drawn up in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations).
- 16 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.
- 17 No development shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (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. 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.

**And subject to the completion of a S106 legal agreement to secure eight of the units on the site to be used as affordable housing.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d))*

*This application is before this Committee since it has been 'called in' by Councillor Grigg (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 just off the High Road within the area of Thornwood. Currently on the site is a working garden centre which is used for both growing and selling various plants and the sale of other items connected with gardening. The majority of the site is comprised of glasshouses, which are mainly used for the sale of shrubs and plants however there are sections which are exclusively used for the growing of plants. To the west of the site there is a large warehouse building, used for the storage of products and to its east there is a brick built building which is used as a café and a small gift shop. The southern part of the site has a large amount of hardstanding and is mainly used as a car parking area and there is also a single storey building used for the sale of tropical and other fish. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposal is for outline planning permission is to remove all the buildings on the site and to erect sixteen new residential dwellings with appearance, layout, landscape and access as reserved matters.

### **Relevant History**

EPF/0631/87 - Change of use from nursery to garden centre. – Refused

EPF/1429/87 - Use of area of existing nursery for sale of imported goods ancillary to nursery. – Refused

EPF/1430/87 - Continuation of use of building for the sale of birds and equipment associated to bird keeping. – Refused

EPF/1742/89 - Change of use of part of nursery to nursery with ancillary retail sales and storage plus breeding and retailing of domestic birds. – Approved

EU/EPF/0001/90 - Application for EUC for manufacture of horticultural compost from imported products and selling commercially. – NO DECISION MADE

EPF/1388/90 - Retention of rebuilt structure for retail sale of birds. (Revised application). – NO DECISION MADE

EPF/0324/91 - Change of use of part of nursery to nursery with ancillary retail sales and storage. – Refused and appeal withdrawn

EPF/0039/92 - Continued use as nursery with retail sales and storage, plus breeding and retailing of domestic birds. – NO DECISION MADE

EPF/0191/92 - Use of specific areas for storage and retail sale of imported goods and materials, and use for breeding and retailing of domestic birds. – Approved

EPF/0977/94 - Erection of new horticultural buildings and ancillary retail area. - Approved

EPF/0807/01 - Use of building as aquatic centre and storage area for nursery/garden centre. - Approved

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

142 Neighbours Consulted -

ELMHURST – OBJECTION – The proposal would cause harm to the openness of the Green Belt and the new dwellings will appear overly prominent.

CAMFAUD CONCRETE PUMPS Ltd – NO OBJECTION

NO ADDRESS GIVEN – SUPPORTS the application

PARISH COUNCIL – NO OBJECTION – The Parish Council would wish to see a Section 106 Agreement for Community Benefit for Thornwood Common attached to the approval if it is granted.

### **Issues and considerations**

This application is for outline consent with all matters but scale reserved, the proposed layout is therefore indicative and does not necessarily reflect the final layout of the scheme. The main issues to consider therefore are the potential impacts on the Green Belt, the character and appearance of the area, affordable housing, sustainability, amenity issues, parking and access, flood risk ecology, contamination and landscaping.

#### **Green Belt**

The National Planning Policy Framework (NPPF, CLG, 2012) attaches great importance to the protection of the Green Belt, the main characteristics of the Green Belt are its openness and its permanence. Inappropriate forms of development are, by definition, harmful to its openness and should not be approved unless very special circumstances can be demonstrated which clearly outweigh the harm caused.

The NPPF allows for certain exceptions to inappropriate development and these exceptions do not require very special circumstances to be justified in the Green Belt. One of these exceptions is:

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

The first part of this exception is to evaluate whether the site constitutes previously developed land which is defined in the NPPF as:

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



The majority of the site is comprised of glasshouses which generally have questionable permanence when being assessed within the planning system, however records indicate that the full extent of the glasshouses as they currently stand have been on the site since at least 1987 and used as a garden centre since 2001. It is therefore considered that despite their materials of construction, the glasshouses in non agricultural or horticultural use can be regarded as permanent structures for the purposes of planning policy.

The NPPF makes it clear in its definition of previously developed land that land which is or was used for agricultural purposes does not fall within this definition. The site has been used as a garden centre for a number of years and was granted planning permission in 2001 for that purpose. From the site visit which was undertaken it was clear that the majority of the glasshouses were being used for the sale of different products rather than for growing. It was also clear that there are sections of the glasshouse which are exclusively used for growing products to then sell in the retail part of the site. Rather than these separate growing areas being within an agricultural use, it is considered that they are ancillary to the main use of the site which is a retail use and thus also constitute previously developed land.

This view is supported within a High Court Judgement of The Queen (on the application of Lee valley Regional Park Authority) and Broxbourne Borough Council and Britannia Nurseries (2015) wherein the judge concluded that

*The words "agricultural building" in the NPPF as in the legislation, in my view mean a building which is used for the purposes of agriculture alone and do not include one which was used for agricultural purposes but which, lawfully, is now used for another purposes, mixed with agriculture or not.'*

It is therefore concluded that the site does constitute previously developed land and therefore the principle of its redevelopment for residential use is established subject to it not causing greater harm to the openness of the Green Belt than the existing buildings on the site.

The glasshouses cover a large extent of the site, however there are other buildings such as a large warehouse building, a brick built café and gift shop and a building used for the sale of aquatics. In terms of volume, whilst the layout and design of the properties are reserved matters, it is clear that the volume of the new dwellings will not exceed that of the existing buildings on the site. Indeed the applicant contends that there will be a 56% reduction in the volume of buildings on the site, it is however as both design and layout are reserved matters the exact volume comparison can not be made at this stage.

The development would cause the existing buildings to be demolished and removed from the site and the new dwellings would then occupy their current position and would also be built within the existing car parking area. Areas of hardstanding are also considered to constitute previously developed land within the Green Belt and in this case is clearly ancillary to the garden centre and fish shop. Therefore whilst the volume of the new buildings will spread into a relatively open area, it is within the same planning unit and it is considered that any harm to the Green Belt will be limited.

As the site is considered to be previously developed land and the volume of the proposal is a reduction in size from the existing, it is concluded that the proposal would not constitute inappropriate development in the Green Belt and therefore a very special circumstances argument is not required to justify the development.

#### Character and appearance

Design of the new dwellings is a matter reserved, however the potential impact on the character and appearance of the area can still be assessed with regards to the principle of constructing a housing estate on this site.

The new dwellings will be located in an area which is mainly comprised of open agricultural land, but which has a number of scattered dwellings and industrial businesses opposite. There is a relatively large residential estate to the south on Brookfield, Weald Hall Lane and Duck Lane, although this is separated from the application site by open land. There is a small row of housing on nearby Upland Road to the north of the site but which again is separated from the application site by open land. Having regards to the existing character of the area, which is mainly comprised of open agricultural land, but which has a number of residential dwellings it is not considered that the erection of new dwellings on this previously developed site will cause excessive harm to the character and appearance of the area.

### Affordable housing

The applicant has offered eight of the new dwellings to be affordable, whilst scale and layout is a matter reserved, the principle of this offer can be discussed. The Councils Housing department have commented that:

*Generally, the housing department would support the application from an affordable housing point of view. The Council currently has in excess of 1,500 applicants on our Housing Register, and the proposed provision of affordable housing at this location would assist in providing much-needed affordable rented housing. I would confirm that the location is sustainable in terms of the provision of affordable rented housing for sufficient numbers of applicants already on our Housing Register. Furthermore the offer to eight of the sixteen units as affordable is compliant with the Local Plan.*

*The applicant proposes the inclusion of some large detached dwellings. Such dwellings (i.e. in excess of 3 bedrooms) are not required for the affordable housing. Since large market houses would inevitably take up more land than smaller ones, which would be to the overall detriment of the number of affordable properties provided, some adjustment would need to be made in terms of the mixes of the affordable and market housing to take account of this. A good rule of thumb is that the total number of bedrooms within the affordable housing across the development should be the same as the total number of bedrooms within the market housing across the development (i.e. 50%/50%).*

*Therefore the recommendation to committee would be that Provided that 100% of the affordable housing is provided as affordable rented housing, and that the mix of the affordable housing is adjusted to reflect the mix of the market housing, the application is supported from an affordable housing point of view.*

Details of the size, tenure and scale of the proposed affordable units can be determined through matters reserved, however it is clear that in general the Council can support the offer of 50% of the units being for affordable rented housing.

### Sustainability

The site is located within a relatively rural location but which does have some other residential development nearby. There are very few public services, including shops, schools or medical facilities within the immediate area and therefore it is likely that nearly all trips will be via a private motor vehicle.

It is acknowledged that there is a bus stop within relative close proximity to the site which offers services to Harlow and Epping Town Centre. The services are relatively regular and will therefore offer a genuine choice of transport into these centres for the new residents. Epping Town Centre

is located 1.5 miles from the application site which is not considered to be close enough for walking to be a genuine option, although cycling may be more realistic.

Consequently, whilst the position of the site is not ideal, it would not be considered to be unsustainable within the context of Epping Town Centre nearby and the opportunity of cycling or using public transport to get there.

#### Amenity concerns:

Given that the application is for outline consent with all matters reserved the layout and design of the dwellings is to be determined within any subsequent Reserved Matters application. However, given the size of the site the dwellings could be positioned and designed to ensure that there is no detrimental loss of amenity to any neighbouring properties or between future occupants. Landscaping can also be used to assist in this matter.

#### Parking and access

The site will utilise an existing access which has been long established for access to the garden centre and the fish shop and therefore raises no concerns in terms of highway safety or efficiency. The site is large enough to incorporate a significant amount of parking provision for the new dwellings and as such there are no concerns.

#### Flood Risk

The site does not lie within an Epping Forest Council flood risk zone and nor is it within an Environment Agency Flood Zone. The Land Drainage team have commented that due to the size of the development a Flood Risk Assessment is necessary and this can be secured through condition.

#### Ecology

The site gives rise for the potential for Great Crested Newts to be present or their breeding sites. Therefore a survey will need to be undertaken and this can be secured through condition.

#### Contamination

The submitted contamination report has not identified the former farming use prior to commencement of the horticultural nursery use of the site in the 1930s, has not identified heating systems or on site crop residue disposal as potential sources of horticultural nursery contamination, has not identified the former onsite composting facility use, and has recommended that an exploratory Phase 1 investigation is carried out prior to any main Phase 2 investigation and this can be secured through condition.

#### Landscaping

There are minimal trees / vegetation within the site (ie only around the pond). There are, however, also trees on the boundary which should be easily retainable in development of the site. A tree survey and constraints plan will highlight not only the condition of the trees, but also rooting areas where development should be avoided. Additionally, there are good opportunities to enhance the landscaping of the site – given the rural aspect of the site, the outer boundary treatment should consist of native planting rather than 1.8m high close boarded fencing. Further details can be secured through conditions.

## Community Facilities

The Parish Council have suggested that the development should include a monetary contribution towards the provision of community facilities; however no specific project has been suggested. No argument has been made that the introduction of 12 additional dwellings here will put a strain on any existing community facility and in the absence of any policy to support the need for such a contribution it is not considered that such a contribution can be required. It must be remembered that such contributions can only be required where they are necessary to make the scheme acceptable in planning terms.

## **Conclusion**

In light of the above appraisal the proposed development is not inappropriate in the Green Belt and subject to conditions and a legal agreement with respect to provision of 50% affordable housing it is recommended that outline planning permission is granted for this proposal.

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

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

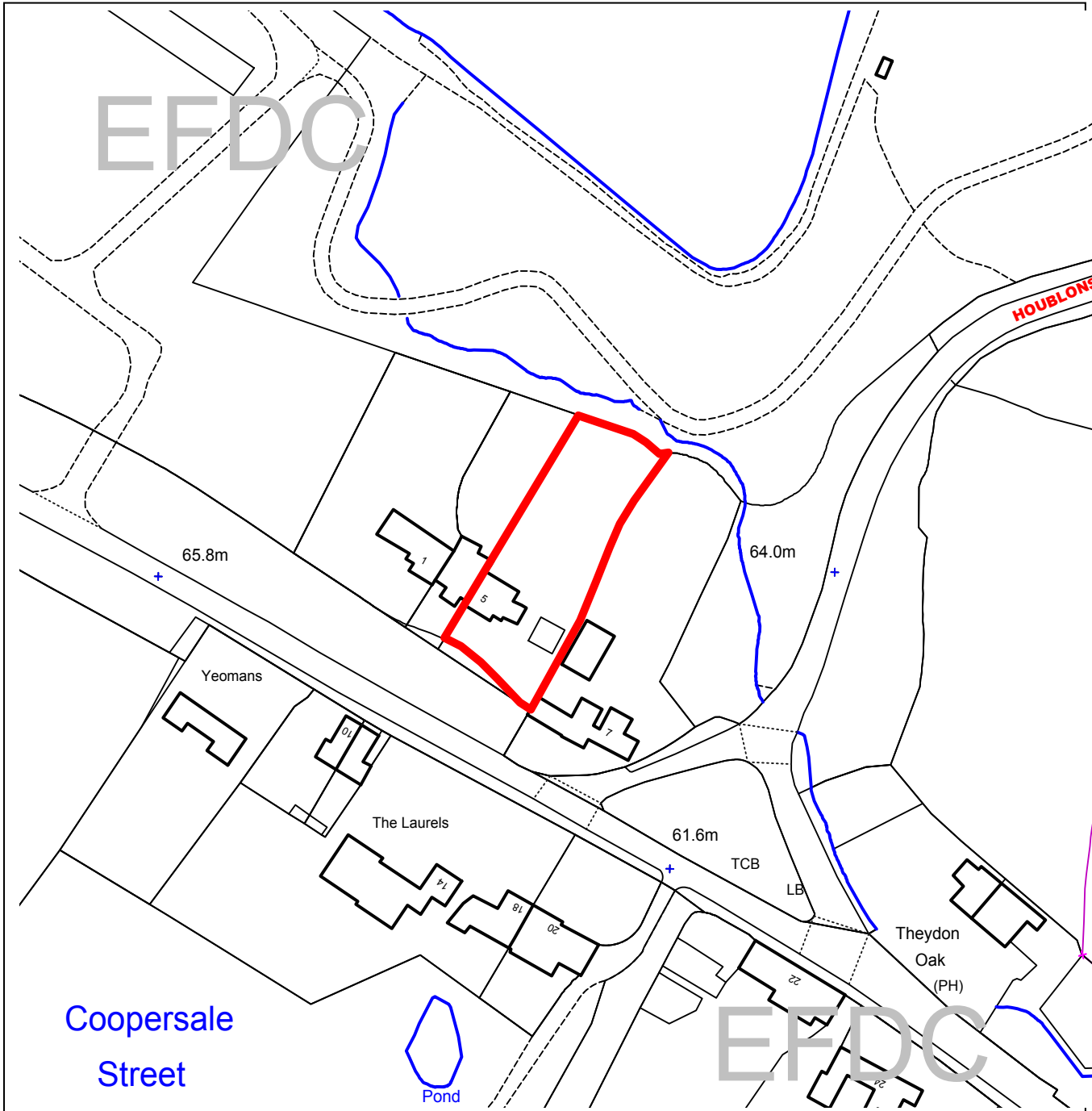
or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)

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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/1886/16
Site Name:	The Oaks, 5 Coopersale Street, Epping, CM16 7QJ
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1886/16
<b>SITE ADDRESS:</b>	The Oaks 5 Coopersale Street Epping Essex CM16 7QJ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr & Mrs Corrigan
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed replacement garage and erection of new garden room.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585915](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585915)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No 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.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the southeastern roofslope facing No. 7 Coopersale Street shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Prior to commencement of works, details of a 1.7m high screen to be located on the southeastern side of the platform of the external access steps serving the garage, shall be submitted and approved in writing by the Local Planning Authority.
- 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.

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

### **Description of Site:**

Two storey end of terrace (of 3) dwelling with detached single storey garage located on the northeastern side of Coopersale Street within close proximity of the junction with Houblons Hill to the southeast. The dwelling is set within a generous plot extending nearly to the rear and slightly greater than 10m to the side to No.7 Coopersale Street.

The site is within Coopersale Street Conservation Area and the Green Belt and is well treed to the rear.

### **Description of Proposal:**

Planning permission is sought for the erection of a replacement garage and erection of new garden room. The garage is to be located in a similar position to the existing (to the east side of the house) with the garden room towards the end of the rear garden.

The existing garage is 5.4m wide by 6m deep with a ridge height of 3.6m.

The Town Council and neighbours commented on the original set of plans that were for a garage 6.5m wide by 7.5m deep with a ridge height of 6.335m. However, the design of the proposed garage has been revised, reducing its size to 5.5m wide by 7m deep with a ridge height of 5.765m.

The use of the roofspace is still proposed but dormer windows that were initially present have been replaced with rooflights, two either side. Access to the first floor remains the same by way of external steps to the rear.

The garden room remains the same size at 3m by 5m with a ridge height of 3.915m.

Proposed materials for both structures are predominantly oak featheredged cladding left to a natural finish with oak doors. The tiles for the garage would be clay matching the house.

The plans have not been sent out for re-consultation given the reduction in the size of the proposed garage.

### **History:**

EPF/0323/78 - Proposed erection of single storey side extension and single garage – Approved

EPF/1651/09 - Two storey side extension - Approved

### **Policies Applied:**

Local Plan policies relevant to this application are:

- CP2 - Quality of Rural and Built Environment
- GB2A - Green Belt
- GB7 – Conspicuous Development
- DBE9 - Loss of Amenity
- DBE10 - Residential Extensions
- HC6 – Character, Appearance and setting of Conservation Areas



- HC7 – Development in Conservation Areas
- LL10 – Adequacy of Provision for Landscape Protection

National Planning Policy Framework 2012 chapters relevant to this application are:

- Chapter 7 - Requiring good design
- Chapter 9 – Protecting Green Belt Land
- Chapter 11 – Conserving and enhancing the historic environment

**Summary of Representations:**

EPPING TOWN COUNCIL – Objection – The proposal is in a conservation area and in the Green Belt and the proposed garage is too large for this important location. Committee do not object to a replacement garage of a similar size, but a garage with a room in the roof at this location would have a detrimental effect on the character, appearance and setting of the conservation area.

NEIGHBOURS – 9 neighbours consulted and a site notice erected – 1 objection has been received from:

EPPING SOCIETY - Objection - This site is in the Green Belt and Coopersale Conservation Area. The new build garden room is too big. The enlarged garage with a first floor is also too big. Neither is a suitable development for the Green Belt. The garage appears to be adjacent to a conservatory behind their neighbour's house at number 7. The bulk of the proposed garage will overshadow and lead to a loss of amenity. The proposal will have a negative impact on the street scene. We suggest a replacement garage of similar dimensions

**Issues and Considerations:**

The main issues to be addressed are as follows:

- Green Belt
- Character and Appearance
- Effect on Living Conditions

*Green Belt*

Replacement Garage

The existing garage was approved back in the late 1970's under a previous planning permission and has an overall volume of approximately 97 cubic metres.

There are no policies that relate to domestic outbuildings and the hard line could be that they are inappropriate development as they are not specifically identified as appropriate in the green belt by national guidance within the NPPF or by GB2A.

However officers accept that it is reasonable for a dwelling to have a garage. The scale of what is acceptable is largely based on the scale of the dwelling and the size of the garden.

The proposed garage would have an approximate volume of 161 cubic metres with the footprint similar in width and only 1m deeper. The height would increase by a little over 2m but the pitch would be steeper so the increase in bulk is not excessive.

The Council has approved garages similar in size to this within the green belt previously and given the reduction in the buildings size since the application was submitted; the materials proposed and

its location with other buildings adjacent it is not considered that the garage would have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.

Therefore, the increase is not considered so material as to justify a refusal on green belt terms.

The garden room would be sited towards the end of the rear garden, close to a number of mature trees within and outside the rear boundary and is of size and design that would not appear at odds with the openness of the green belt especially also given the existing screening. Although included in the application it appears that a building of this size could be erected under permitted development in any case.

Therefore the proposal would comply with policy DBE4, GB2A and GB7A of the adopted Local Plan (1998) and Alterations (2006).

### *Character and Appearance*

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout.

The proposed development is in keeping with the character of the existing dwelling as the reduction in the size would ensure that the garage would not now compete visually with the host dwelling. The applicant would employ traditional materials and it would not adversely impact on the visual amenity of the area and the design would preserve the character and appearance of the Conservation Area. The Conservation Officer who negotiated the changes supports the proposal.

Therefore, Officers consider that the proposal would not detrimentally affect the character of the host dwelling or the conservation area and the proposal would comply with policies CP2, DBE10, HC6 and HC7 of the adopted Local Plan and Alterations.

### *Living Conditions*

Due consideration has been given in respect to the potential harm that the proposed development might have upon the amenities enjoyed by adjoining property occupiers.

The proposal would not result in excessive harm to the amenities of adjoining property occupiers. None of the proposed windows would directly look back into neighbouring dwellings however the rooflights on the eastern roofslope may have the capacity to overlook the area of amenity space immediately outside the neighbours back wall. It is considered pertinent therefore to impose a condition requiring them to be obscure glazed and fixed shut.

Although views could be had into the neighbour's garden from the siting of the access steps at the rear of the garage, they are set away from the boundary and the views from this are quite limited. However there is a pool house immediately adjacent to the boundary here and views could be had from the platform into this building. Therefore for the avoidance of doubt details of a screen to a height of 1.7m at the top of the platform should be submitted and approved in writing prior to commencement of works to avoid the ability to overlook into this building.

The increase in height is not considered to materially affect the level of overshadowing to neighbours gardens and would not appear overbearing when viewed from neighbouring plots including the detached pool house within the neighbours plot to the east.

There would be no material impact on neighbours from the garden room given its size and siting.

Therefore in conclusion, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006)

### *Impact on Trees*

Although an objection was received by the Council's Tree and Landscape Officer, the concern relates to the impact on the trees to the rear of the site from the proposed garden room and not the replacement garage. Although it appears that the garden room could be erected under permitted development, as it has been included in the proposal, there is a duty to assess its impact. However, given that this could be built without the need for planning permission it is considered slightly onerous to attach a condition requesting that a tree survey should be submitted. Notwithstanding this, an informative can be attached to any permission reminding the applicant that the site lies within a conservation area and that care should be taken to protect the trees when the building is being constructed.

### *Response to objections received*

The issues raised by the Town Council and Epping Society have been considered above and the additional reduction in size is considered to overcome the concerns further.

### **Conclusion:**

In light of the above, the proposal would not harm the openness of the green belt due to its acceptable increase in size and siting adjacent to other buildings; it would not materially detract from the character and appearance of the dwelling or conservation area due to its revised design and use of traditional materials; with the imposition of relevant conditions would not excessively harm the living conditions of neighbouring properties.

Therefore, the development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that 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:***

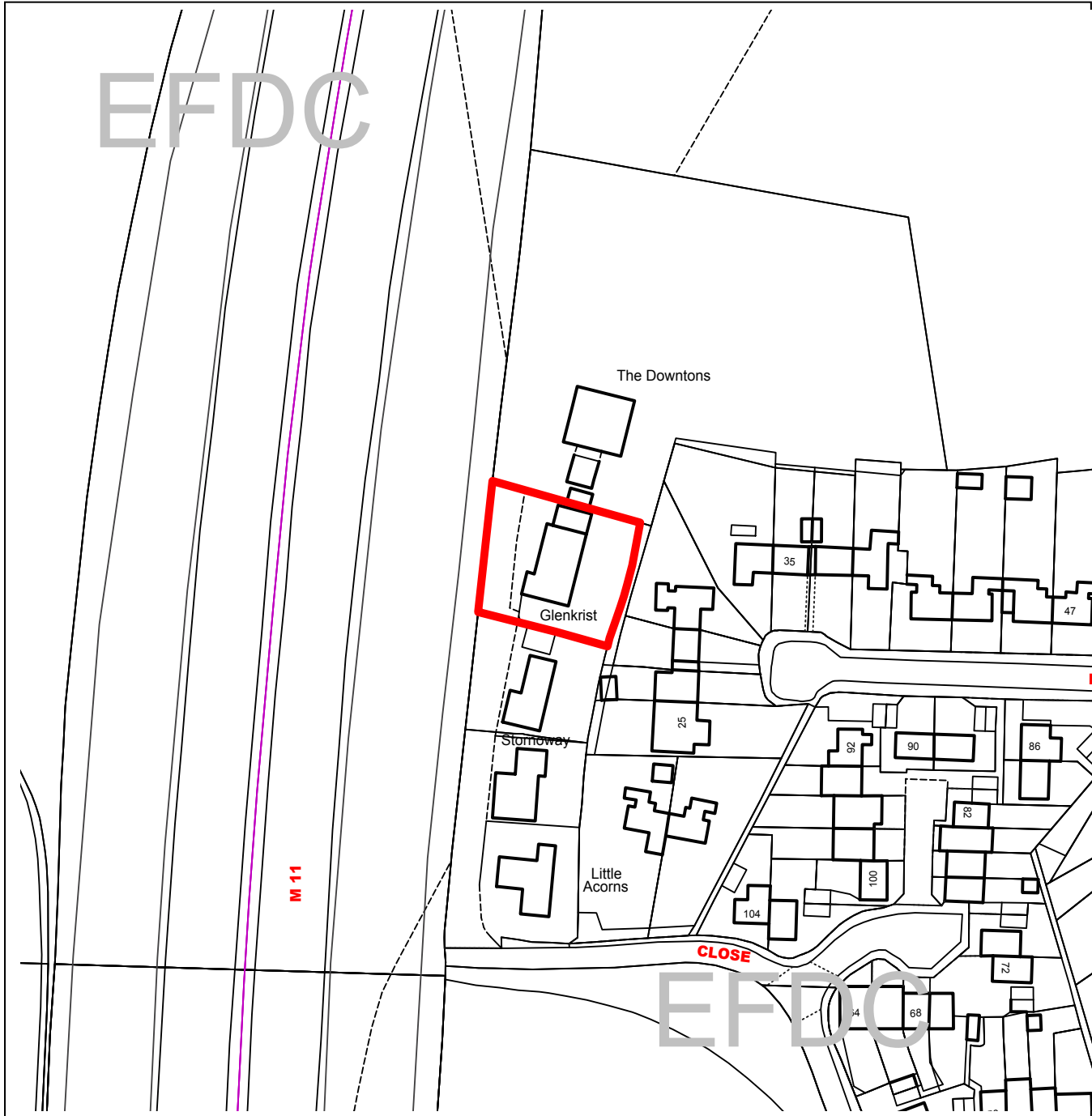
***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

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



# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/2089/16
Site Name:	Glenkrist, 112 Crown Close, Sheering, CM22 7NE
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2089/16
<b>SITE ADDRESS:</b>	Glenkrist 112 Crown Close Sheering Hertfordshire CM22 7NE
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Robert Matthew
<b>DESCRIPTION OF PROPOSAL:</b>	Convert garage to one bedroom annex with small ground floor extension. Dormer window in roof.
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**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=586379](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586379)

**REASON FOR REFUSAL**

- 1 By reason of its excessive width, mass and bulk and its prominent position the proposed dormer window will appear visually dominant and incongruous in relation to the existing building. As a result the development fails to respect the character and appearance of the area and is therefore contrary to policies DBE1, 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 Waller (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 Crown Close which is in the settlement of Sheering. Currently on site is a relatively large detached property situated within the middle of a large plot. There is a small outbuilding to the south end of the site which abuts the neighbouring curtilage. 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 to convert the outbuilding to an annexe, erect a small extension to the existing outbuilding and also to erect a dormer window.

## **Relevant History**

EPF/2536/07 - Conversion and extension of detached garage to granny annexe. – Refused

## **Policies Applied**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design

DBE9 – Impact on amenity

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

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

4 Neighbours consulted –

111 Crown Close – OBJECTION – The proposed conversion is far too close to our property and will cause significant disturbance and overlooking.

Sheering Parish Council – NO OBJECTION

## **Issues and considerations**

This is a revised application following a previous refusal of planning permission (EPF/1133/16) within which the officer considered that:

*This application bears particular similarity to a previously refused proposal in 2007 (EPF/2536/07) which was refused for the following reasons:*

- *The proposed development would, by the increase in its height, appear as an unacceptable visually intrusive and dominating feature within the streetscene that is harmful to the surrounding area contrary to policies DBE1 and DBE2 of the adopted Local Plan and Alterations.*
- *The proposed dormer window would, by reason of its width, bulk and mass, appear out of scale with the building and materially harmful to the character of the area contrary to policy DBE10 of the adopted Local Plan and Alterations.*
- *The proposed development would by reason of its position and proximity to neighbouring properties cause overlooking and a loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers contrary to policy DBE9 of the adopted Local Plan and Alteration*

*Given the similarity of this previous refusal to this application, the main issues to consider are whether these reasons for refusal have been overcome.*

*Firstly, it is important to note that the National Planning Policy Framework (NPPF, CLG, 2012) has been introduced as national policy since this previous refusal. The NPPF has introduced a general presumption in favour of sustainable development, however it is required that new development has high quality design and is respectful of its location and that neighbours should not be significantly harmed due to development. As such the policy position has not changed significantly from the previous application.*

*With regards to the first reason for refusal, the applicant does not propose an increase in height to the outbuilding and therefore this reason for refusal has been overcome.*

*Turning to the second reason for refusal, the previous officer considered that:*

*The proposed dormer window would result in the building appearing as a dominant and visually intrusive feature within the street scene and to adjoining properties; it would appear bulky, large in scale and would cause material detriment to the surrounding area.*

*The dormer window within the previous application is smaller in terms of its bulk and massing than the dormer proposed in this application. The result of which is that this proposed dormer effectively engulfs the majority of the roof slope and as such will appear visually dominant in relation to the existing building and will give it a somewhat unbalanced appearance. Furthermore the flat roof design of the dormer window emphasises its bulky and dominant position in the roof slope. Therefore the dormer window fails to respect the character and appearance of the existing building or the locality and therefore it fails to comply with DBE1 and CP2(iv) of the adopted Local Plan and Alterations.*

*With regard to the final reason for refusal, in the last application first floor windows were proposed which would overlook the neighbours to the immediate south. These windows have been removed within this application and therefore will not overlook the neighbours. The dormer window will not front onto any neighbours and therefore will not cause harm to any living conditions.*

This application was subsequently refused planning permission for the following reason:

*By reason of its excessive width, mass and bulk the proposed dormer window will appear visually dominant and incongruous in relation to the existing building. As a result the development fails to respect the character and appearance of the area and is therefore contrary to policies DBE1, CP2(iv) of the Adopted Local Plan and Alterations and with the objectives of the National Planning Policy Framework.*

This assessment will consider whether or not this reason for refusal has been overcome by the revisions in this application.

The previous application proposed a flat roof dormer window 4m in width. This revised application has reduced this to 2.7m in width which somewhat reduces its bulky and dominant appearance on the roof. However it remains poorly proportioned in relation to the existing roof slope and its flat roof design emphasises its significant top heavy appearance, which gives distinct unbalance to the building. Furthermore given that the building is overtly visible from public areas of the street scene, it is considered that this revised application will still cause significant harm to its character and appearance. The proposal therefore fails to comply with DBE1 and CP2(iv) of the adopted Local Plan and Alterations or with the objectives of the NPPF.

## **Conclusion**

This revised application has failed to overcome the previous reason for refusal and therefore it is 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](mailto:contactplanning@eppingforestdc.gov.uk)