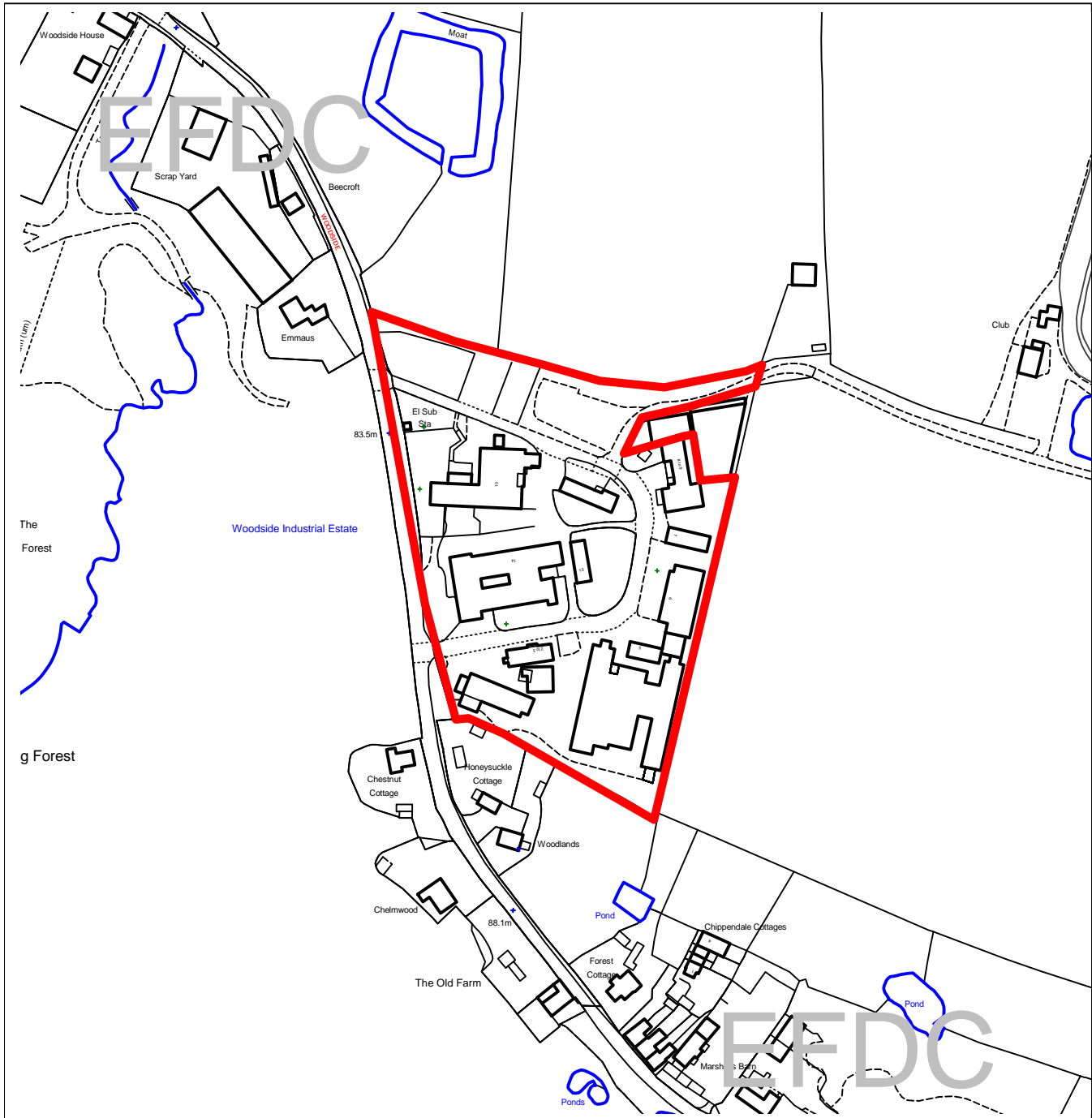




Epping Forest District Council

Agenda Item Number 1



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

Report Item No: 1

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

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=581440

CONDITIONS

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

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

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

follows]

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

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

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

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

Description of Site:

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

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

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

Description of Proposal:

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

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

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

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

Relevant History:

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

EPF/1204/88 - Outline Application for 17 detached houses – refused 26/08/88 (dismissed on appeal lodged 26/6/89)
EPF/0242/90 - Revised application for a replacement storage building with ancillary offices. Unit 2 – approved/conditions 04/06/90
EPF/0508/97 - Single storey extension to office building. Unit 1 – approved/conditions 14/07/97
EPF/0235/98 - Demolition of existing commercial buildings and lean to and replacement with single detached commercial building. Unit 2 – refused 21/04/98
EPF/0926/98 - Demolition of existing buildings and erection of single replacement office and store building. Unit 2 – refused 05/10/98
EPF/0016/99 - Demolition of detached building and erection of new pitched roof single storey building for use as workshop and store. Unit 2 – approved/conditions 16/04/99
EPF/1137/00 - Change of use of industrial/storage unit to childrens day nursery – approved/conditions 15/11/00
EPF/0432/02 - Extension to unit No. 8 and provision of additional unit between unit Nos. 7 and 8 for Class B1/B2/B8 use – refused 31/05/02
EPF/1947/02 - Extension to unit No.8 and additional unit between unit Nos.7 & 8 for B2 use – refused 22/11/02
EPF/0975/03 - Proposed change of use and replacement of pitched roof with flat roof to covered area and small extension to accommodate day nursery. Units 15/15A – approved/conditions 25/07/03
EPF/0169/04 - Erection of first floor extension on existing flat roof storage area. Formation of car park to side of property. Unit 1 – approved/conditions 28/05/04
EPF/0954/05 - Retrospective application for security fencing to vehicle compound – approved/conditions 17/08/05
CLD/EPF/1318/05 - Certificate of lawfulness for use of units 15A & 15B for lorry van, and car parking and storage – lawful 25/10/05
EPF/1805/06 - Security fencing over 2 metres high for security of parking cars, vans and lorries and storage container with temporary roof – refused 23/08/07 (allowed on appeal 04/04/08)
EPF/0170/13 - Demolition of existing store and erection of office building. Unit 9 – approved/conditions 22/03/13

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP6 – Achieving Sustainable Urban Development Patterns
CP8 – Sustainable Economic Development
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE9 – Amenity
NC4 – Protection of Established Habitat
LL10 – Retention of Trees
LL11 – Landscaping Schemes
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking

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

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

Consultation Carried Out and Summary of Representations Received:

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

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

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

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

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

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

6 BRICKFIELD COTTAGES, HIGH ROAD – **Object** as the ECC Highways comments raise no objection on the basis that there would be no increase in use, however there would be 3,219m² net additional floorspace. This will inevitably result in increased traffic and parking requirements. Also the proposal would impact on biodiversity of the adjacent SSSI site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Main Issues and Considerations:

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

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

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

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

Principle of development in the Green Belt:

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

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

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

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

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

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

Highway safety/parking:

One of the key concerns of surrounding neighbours is regarding highway safety and traffic impacts. The application has been assessed by Essex County Council Highways who have responded stating that "*from a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan*".

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

highway impact' (my emphasis). However as is evident in the proposed submission there will be some 3,219m² of additional commercial space added to the site. Following these comments a discussion was held with the Highways Officer highlighting that there would be additional commercial units provided on site. Nonetheless, given the existing one way system and quality of the existing access points to the site it is still considered that the proposal would not raise any objections in terms of highway safety or the free flow of traffic on Woodside.

The Essex County Council Vehicle Parking Standards recommends a maximum of 1 space per 30m² for B1 use buildings and 1 space per 150m² for B8 use buildings. Since the proposal would result in an undefined net increase of 3219m² the maximum parking provision for the site would range from between 22 to 108 off-street spaces. It is proposed to provide an additional 63 spaces, which raise the existing 66 parking spaces that currently serve the 3420m² of existing B1/B8 use on the site to 129 spaces.

As can be seen above the current off-street parking provision on the site is 1 space for every 51.8m² of B1/B8 use and the proposed development would largely retain this by providing 1 space for every 51.5m² of B1/B8 use. Since this figure lies between the two stated recommendations, both of which are maximum standards, it is considered that the level of off-street parking provision proposed is acceptable in this instance.

Neighbouring Amenity:

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

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

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

Design:

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

Landscaping:

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

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

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

Ecology:

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

Other considerations:

Land Drainage:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. Therefore a flood risk assessment is required, which can be dealt with by way of a condition. The applicant is proposing to dispose of surface water by main sewer however the Councils records do not indicate a surface water sewer at this location. Therefore further details are required regarding surface water drainage, which can be dealt with by condition.

Contaminated Land:

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

Conclusion:

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

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

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

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

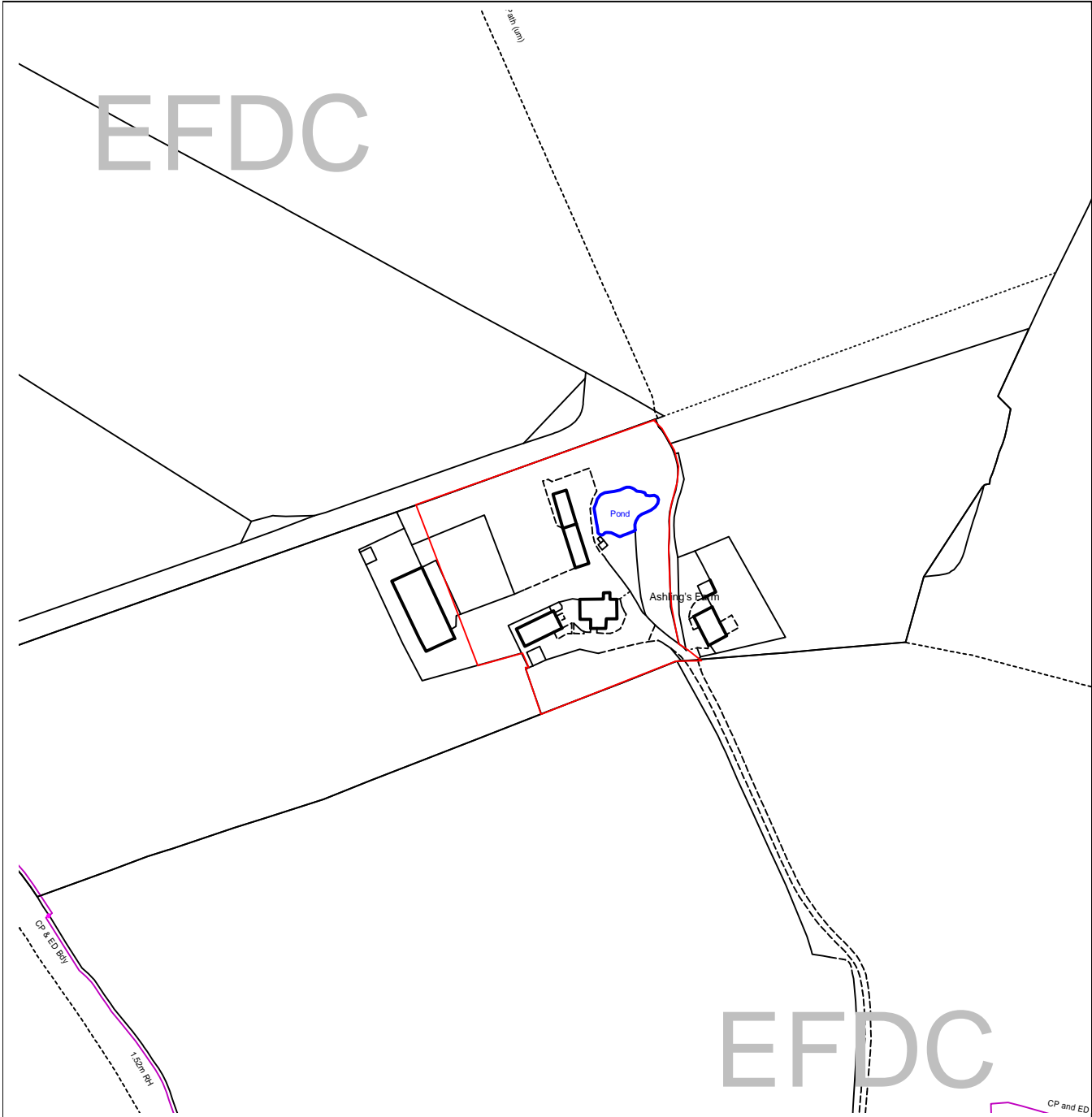
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 2



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

Report Item No: 2

APPLICATION No:	EPF/2235/16
SITE ADDRESS:	Ashlings Farm House Ashlings Farm Lane High Ongar Ingatestone Essex CM4 0JU
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	John McHale
DESCRIPTION OF PROPOSAL:	Application for variation of condition 18 on planning application EPF/2066/15 (Demolition of existing residential use buildings on site and erection of 3 no. new dwellings with associated new landscaping)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586720

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FLV_: 100A, 101, 300A, 301A, 310 Rev B and 311 Rev B, FLV_350
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 The hard and soft landscaping scheme as agreed in writing by EPF/2731/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.
- 8 The Tree protection scheme as agreed in writing by EPF/2731/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.
- 9 The hard and soft landscaping scheme as agreed in writing by EPF/2275/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.
- 10 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 11 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation

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

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

- 12 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 13 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15 The public's rights and ease of passage over public bridleway no.6 High Ongar shall be maintained free and unobstructed at all times.
- 16 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 17 The habitat scheme as agreed in writing by EPF/2731/16 of the original consent (EPF/2066/15) shall be carried out in accordance with these approved details.

- 18 The buildings shown to be removed on drawing FLV_350 shall be demolished and removed from the site within three months of the first occupation of any of the new dwellings on plots 1, 2 or 3.

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

Description of site

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

Description of proposal

The proposal is to vary condition 18 on planning application EPF/2066/15, which proposed the demolition of existing buildings on the site and the erection of three new dwellings.

Relevant history

EPF/1304/85 - Outline application for erection of farm workers dwelling. – Approved

EPF/1393/87 - Two storey extension and renovations of existing house. – Allowed on appeal

EPF/0401/92 - Retention of dwelling without complying with agricultural occupancy condition (cond 3 of EPF/1304/58) and to discharge the condition. – Refused

CLD/EPF/0836/98 - Certificate of lawful development for swimming pool building. – Lawful

CLD/EPF/1153/99 - Certificate of lawfulness application for proposed stable block. – Lawful

EPF/0071/05 - Retention of dwelling without compliance with agricultural occupancy condition and, being tied to the holding. – Approved subject to legal agreement

EPF/0466/10 - Continued use of stable building as a 'granny annexe' to Ashlings Farmhouse. – Approved subject to legal agreement.

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

Policies Applied

GB2A – Development in the Green Belt

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

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

Consultation carried out and summary of representations received

9 Neighbours consulted – NO COMMENTS RECEIVED

High Ongar Parish Council – NO COMMENTS RECEIVED

Issues and considerations

Condition 18 on the original planning consent required that:

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

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

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

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

The buildings shown to be removed on drawing FLV_350 shall be demolished and removed from the site within three months of the first occupation of any of the new dwellings on plots 1, 2 or 3.

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

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

Conclusion

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

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

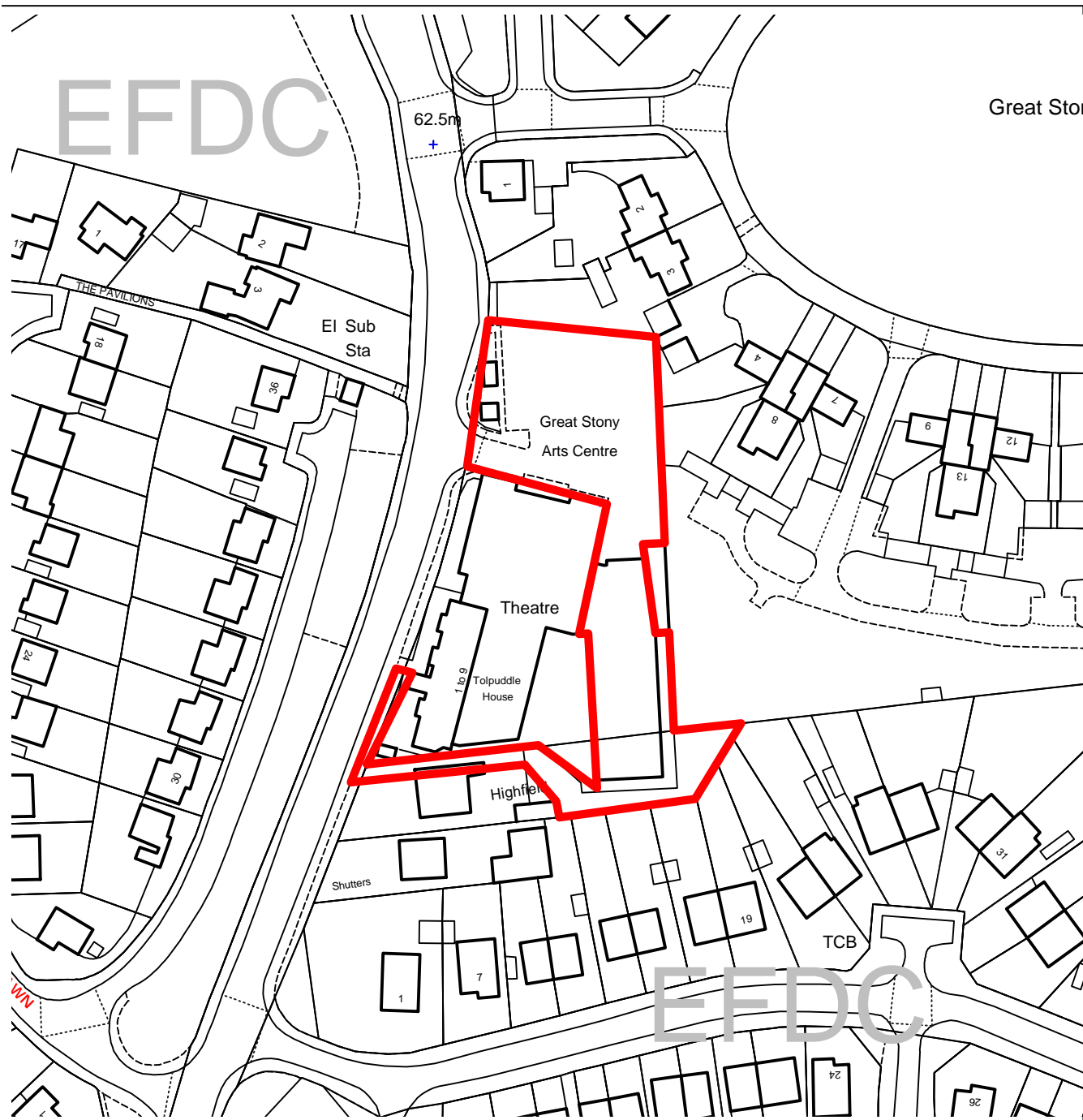
***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Agenda Item Number 3



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

Report Item No: 3

APPLICATION No:	EPF/2357/16
SITE ADDRESS:	Zinc Arts High Street Ongar Essex CM5 0AD
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Zinc Arts
DESCRIPTION OF PROPOSAL:	Change of use of 'overnight stay' block to non-self contained studio flats with use of facilities shared with community arts centre.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587393

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1720/1 - 4 inclusive, 5A, 6 and 7A
- 3 At least one of the residents communal rooms shown on the approved plans shall be available solely for residents use upon first occupation of the accommodation hereby permitted. The second communal room shall thereafter be provided, along with the external link canopy within 6 months of first occupation, unless otherwise agreed in writing by the Local Planning Authority. Communal facilities shall thereafter be retained in accordance with the approved details for the duration of the use.
- 4 Residents parking bays indicated on drawing 1720/7A shall be marked with resident parking signage prior to first occupation and shall thereafter be maintained as such for the duration of the use.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

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

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

Description of Proposal:

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

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

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

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

Relevant History:

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

Applications specifically relating to the arts centre use comprise:

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

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

Policies Applied:

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

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

Consultation Carried Out and Summary of Representations Received

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

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

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

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

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

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

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

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

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

Main Issues and Considerations:

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

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

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

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

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

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

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

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

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

Conclusion:

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

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

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

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

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

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

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

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

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Epping Forest District Council

Agenda Item Number 4



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

Report Item No: 4

APPLICATION No:	EPF/2368/16
SITE ADDRESS:	Land and garages adjacent 25 Colvers Matching Green Essex CM17 0PX
PARISH:	Matching
WARD:	Moreton and Fyfield
APPLICANT:	East Thames
DESCRIPTION OF PROPOSAL:	2 affordable homes with 10 parking spaces
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587473

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 612 084 PL01 A, 612 084 PL02, 612 084 PL03 C, 612 084 PL04, 612 084 PL05 A, 612 084 PL06 A, 612 084 PL07 A, 612 084 PL08 B, 612 084 PL09 A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 Prior to first occupation of the development the vehicular access to the proposed parking off of Colvers shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped

kerb vehicular crossing of the footway.

- 7 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 8 There shall be no discharge of surface water onto the Highway.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

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

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

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

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

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

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

Description of Site:

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

Description of Proposal:

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

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

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

Relevant History:

None

Policies Applied:

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

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

Consultation Carried Out and Summary of Representations Received:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Issues and Considerations:

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

Green Belt:

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

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

- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

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

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

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

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

Given the existing use of the site this clearly constitutes previously developed land as defined in Annex 2 of the NPPF. The existing garages have a footprint of some 245m². Whilst the proposed new dwellings would be two storey dwellings and would be higher than the garages which they would replace the overall floor area of these dwellings (across both storeys) would measure 192m², which would be a 21% reduction in floor area. Therefore the proposal would meet this exception to inappropriate development.

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

Principle of the Development:

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

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

Affordable Housing:

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

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

Highways/Vehicle Parking:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Design:

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

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

The level of private amenity space for the proposed dwellings would be 73.4m² for one property and 113.8m² for the other. The recommended levels of amenity space for each dwelling would be 60m² and as such both dwellings would have well in excess of the recommended levels.

Neighbouring Amenity:

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

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

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

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

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

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

Other considerations:

Land Drainage:

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

Contamination:

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

Refuse Collection.

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

Trees

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

Conclusion:

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

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

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

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

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

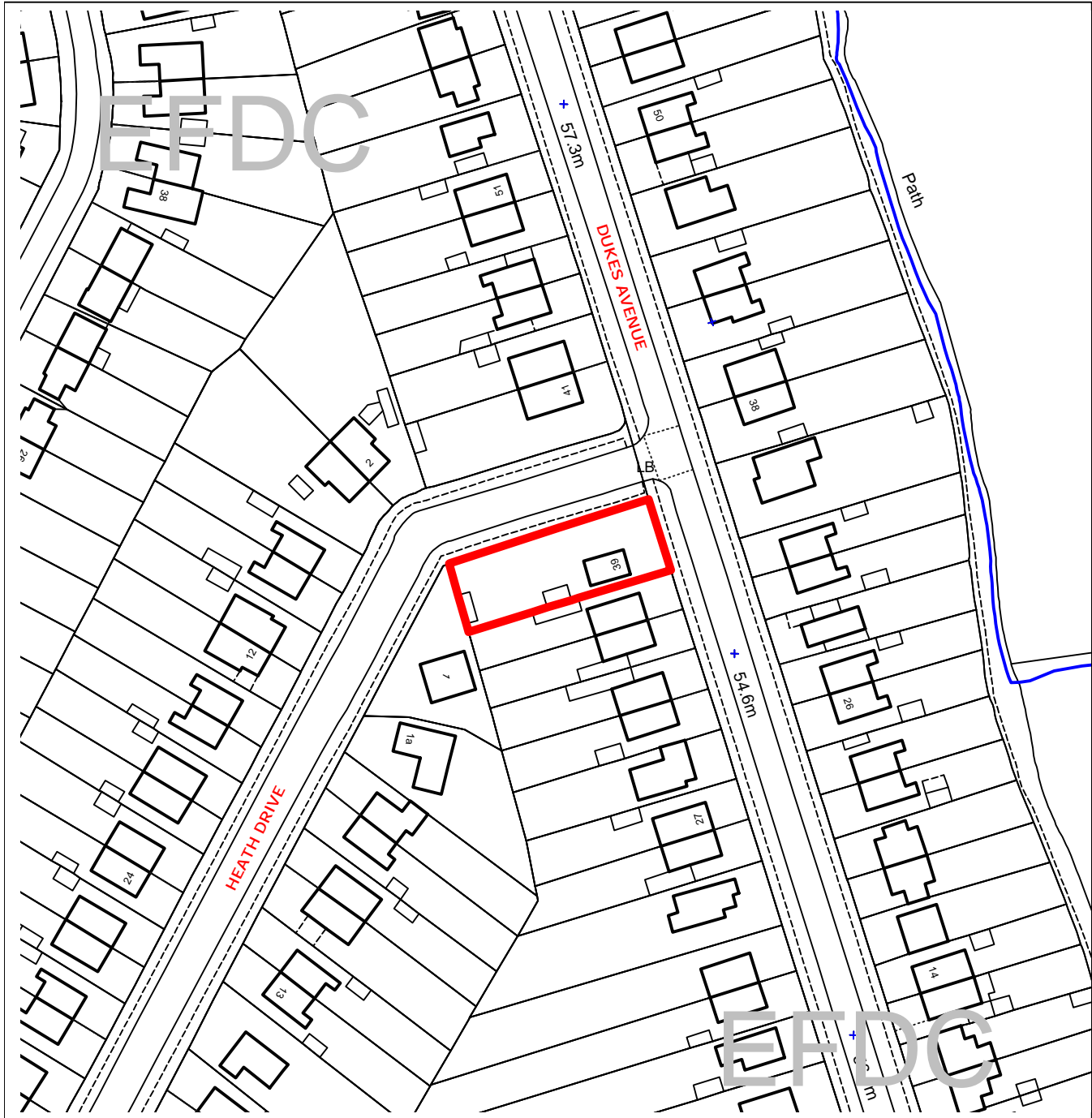
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 5



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

Report Item No: 5

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

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

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 39DATB/16/P/001 Rev A, 39DATB/16/P/002 Rev A (Received 21/11/2016), 39DATB/16/P/003 Rev A and 39DATB/16/P/004 Rev A
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any

replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

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

Description of Site:

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

Description of Proposal:

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

Relevant History:

EPF/1667/13 – Erection of two storey side extension and single storey rear extension and double garage. Recommended for approval but refused at committee for the following reason- “The proposed side addition, due to its overall width and bulk, and proximity to the boundary of the property with Heath Drive will be overdominant in the streetscene and harmful to the character of the area, contrary to policy DBE10 of the adopted Local Plan and Alterations.”

EPF/0073/14 - Erection of two storey side extension and single storey rear extension. Demolition of existing single garage and erection of double garage – App/Con (not implemented)

EPF/2522/14 - Proposed new house to rear garden and demolition of existing garage and shed. Proposed new vehicular access to existing dwelling – Refused and dismissed at appeal

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H4A – Dwelling Mix
LL10 – Adequacy of provision for landscape retention

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

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – Objection

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

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

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

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

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

19 Neighbours consulted:

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

Issues and Considerations:

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

Design

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

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

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

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

Neighbouring Amenity

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

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

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

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

Parking

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

Landscaping

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

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

Conclusion:

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

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

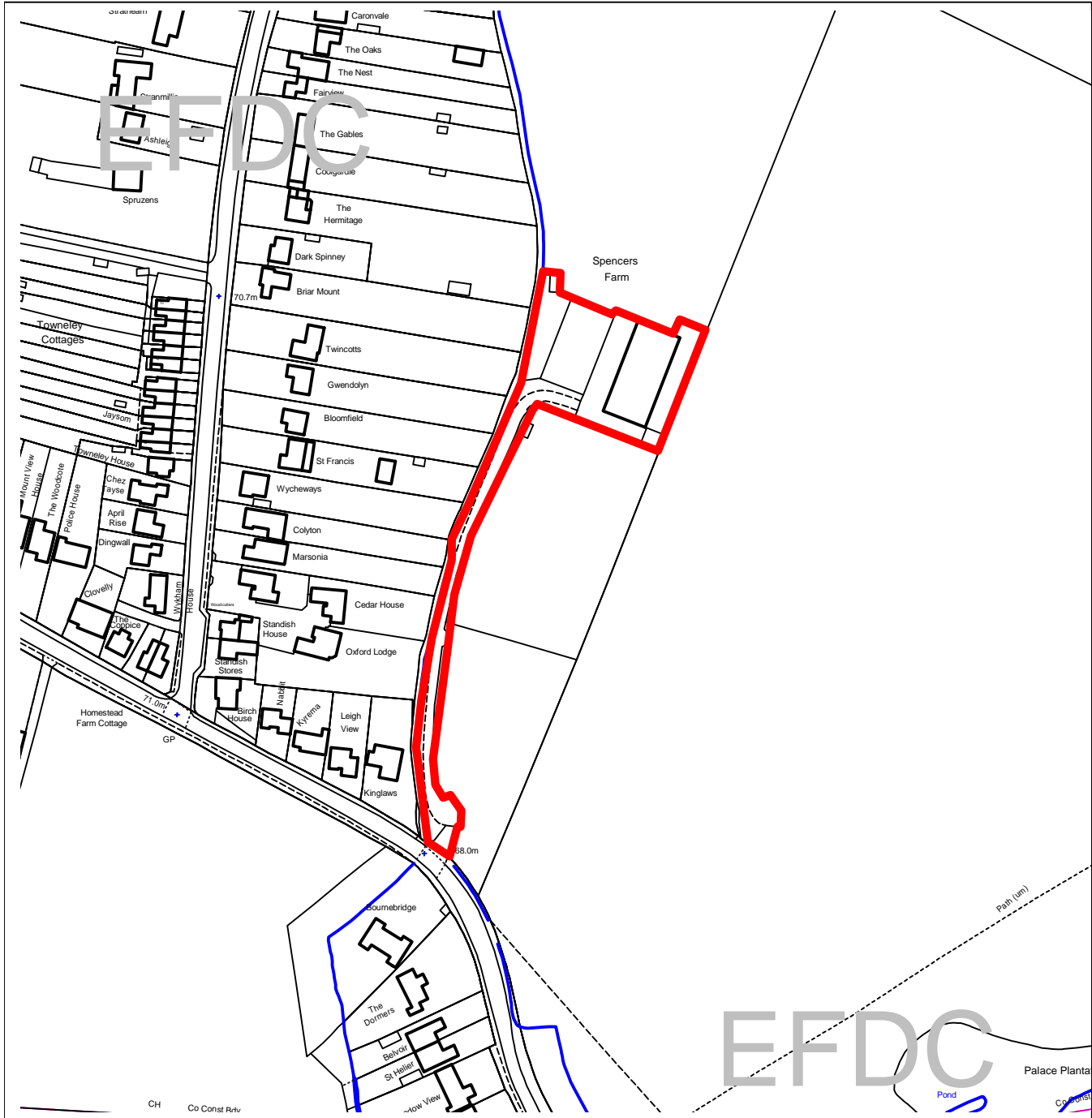
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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



Epping Forest District Council

Agenda Item Number 6



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

Report Item No: 6

APPLICATION No:	EPF/2484/16
SITE ADDRESS:	Spencers Farm Oak Hill Road Stapleford Abbots Romford Essex RM4 1JH
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Miss Lisa Lane
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings, erection of four detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft landscaping.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587834

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan, 1911.2, 1911.3A, 1911.3B, 1911.4, 1911.5 (Plots 1 & 3), 1911.5 (Plots 2 & 4) 1911.6, 1911.8 and 1911.1755calc
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor window openings in the flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be

converted into a room or used for any other purpose.

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

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

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

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 17 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 18 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 20 No demolition shall take place between 1st March and 31st August (inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird nests immediately before demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. Any such written confirmation shall be submitted to and agreed by the local planning authority prior to commencement of any demolition.

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

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

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

Description of Proposal:

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

Relevant History:

Various applications – none relevant

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety
ST6 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
GB2A – Development within the Green Belt
GB7A – Development conspicuous within or from the Green Belt

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

Summary of Representations:

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

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

32 Neighbours Consulted and a Site Notice posted:

6 Objections received from:

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

The comments can be summarised as follows:

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

Issues and Considerations:

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

Principle of the Development/Green Belt

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

The removal of the large main building and small outbuilding and replacement with 4 dwellinghouses results in a significant reduction in volume from 3,387m³ to 2,548m³ which results in a 25% reduction in volume of buildings on the site and therefore it is considered to result in an increase in openness of the Green Belt. In addition the proposed dwellings will be located on the footprint of the large building so not introducing any built form in an alternative location. The proposed houses are also 0.3m lower than the existing main barn.

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

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

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

Affordable Housing

Since the proposed development is for 4 no. detached houses, which have a combined gross internal areas (GIA's) totalling less than 1001m², which is less than the threshold for affordable housing, given national planning changes on affordable housing within the last year, the Council is not in a position to seek the provision of any affordable housing within this development.

Design and Layout

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

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

Amenity

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

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

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

Trees and Landscaping

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

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

Highways/Parking

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

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

Contaminated Land

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

Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. In addition the Council's Land Drainage team have requested conditions requiring details of foul and surface water drainage and as part of this condition, there is opportunity for neighbour concerns regarding flooding to be addressed.

Ecology

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

Refuse Storage

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

Conclusion:

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

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

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

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



Epping Forest District Council

Agenda Item Number 7



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

Report Item No: 7

APPLICATION No:	EPF/2550/16
SITE ADDRESS:	17 Hemnall Street Epping Essex CM16 4LS
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr I Pinkus
DESCRIPTION OF PROPOSAL:	Replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 no. one-bed flats and 3 no. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588015

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 16019_001, 16019_002 Rev: A, 16019_003, 16019_004 Rev: A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

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

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

Description of Site:

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

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

Description of Proposal:

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

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

Relevant History:

None

Policies Applied:

CP1 – Achieving Sustainable Development Objectives

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

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

Consultation Carried Out and Summary of Representations Received:

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

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

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

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

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

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

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

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

Main Issues and Considerations:

The main issues that arise with this application are:

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

Principle of development:

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

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

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

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

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

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

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

Design and impact on the surrounding area:

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

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

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

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

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

Impact to neighbouring amenity:

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

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

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

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

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

Parking:

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

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

Other matters:

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

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

Conclusion:

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

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

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

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

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

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

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