

Committee Agenda



**Epping Forest
District Council**

DISTRICT DEVELOPMENT CONTROL COMMITTEE Tuesday, 1st November, 2005

Place: Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Democratic Services Officer Simon Hill, Research and Democratic Services
Tel: 01992 564249 Email: shill@eppingforestdc.gov.uk

Members:

Councillors Mrs A Grigg (Chairman), Mrs M Boatman (Vice-Chairman), Mrs D Borton, M Colling, Mrs R Gadsby, A Green, D Kelly, A Lee, F Maclaine, L Martin, Mrs P Richardson, B Sandler, Mrs P Smith, Ms S Stavrou and K Wright

PLEASE NOTE THAT A CHAIRMANS BRIEFING FOR THIS MEETING WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE EVENING OF THE MEETING – GROUP REPRESENTATIVES ARE INVITED TO ATTEND THIS MEETING

1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

2. MINUTES (Pages 7 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 27 July 2005 (attached).

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

5. DECLARATIONS OF INTEREST

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. PLANNING APPLICATION EPF/1100/05 - ERECTION OF NEW TWO STOREY HOUSE LAND ADJACENT TO 91 MONKSWOOD AVENUE, WALTHAM ABBEY (Pages 15 - 22)

(Head of Planning and Economic Development) To consider the attached report.

8. PLANNING APPLICATION EPF/1480/04 - ONGAR MOTORS & TRANSPORT CO, THE BOROUGH, GREENSTED ROAD, ONGAR (Pages 23 - 42)

(Head of Planning and Economic Development) To consider the attached report.

9. EXCLUSION OF PUBLIC AND PRESS

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the

completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

This page is intentionally left blank

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee. A map showing the venue will be attached to the agenda.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforesdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers presentations. The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

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

This page is intentionally left blank

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 27 July 2005

Place: Civic Offices, High Street, Epping **Time:** 8.30 - 9.40 pm

Members Present: Mrs A Grigg (Chairman), Mrs M Boatman (Vice-Chairman), Mrs D Borton, M Colling, A Lee, F Maclaine, L Martin, Mrs P Richardson, Ms S Stavrou, K Wright, Mrs M McEwen, D Stallan and J M Whitehouse

Other

Councillors: Mrs D Collins, R Glozier, A Green, J Knapman, Mrs S Perry, Mrs P K Rush, B Scrutton and C Whitbread

Apologies: Mrs R Gadsby

Officers Present: B Land (Assistant Head of Planning and Economic Development), T Carne (Public Relations and Marketing Officer) and S G Hill (Senior Democratic Services Officer)

7. INTRODUCTION AND WELCOME

The Chairman welcomed the members of the public to the meeting and introduced the Committee and Officers present. The Chairman also outlined the procedure for speakers addressing the Committee.

8. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 5 July 2005 be taken as read and signed by the Chairman as a correct record.

9. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Committee was advised that Councillor Mrs M McEwen was substituting for Councillor Mrs P Smith, Councillor D Stallan was substituting for Councillor B Sandler and Councillor J Whitehouse was substituting for Councillor D Kelly at the meeting.

10. DECLARATIONS OF INTEREST

(a) Pursuant to the code of member conduct, Councillor D Stallan declared a personal interest in agenda item 6 (St Johns School, Tower Road, Epping – Planning application EPF/1400/04 for a new secondary school and residential development) by virtue (i) his son was due to attend the school in September 2005; and (ii) that he was a governor of a feeder school (St Andrews Primary School), the Head Teacher of which had expressed support for the scheme. The Councillor indicated that he had not been involved in the decision of the school to support the scheme. The Councillor had therefore determined his interests were not prejudicial and indicated that he would remain in the meeting during the consideration and voting on that item.

(b) Pursuant to the code of member conduct, Councillor J M Whitehouse declared a personal interest in agenda item 6 (St Johns School, Tower Road, Epping – Planning application EPF/1400/04 for a new secondary school and residential development) by virtue of being an Epping Town Councillor. The Councillor had therefore determined his interest was not prejudicial and indicated that he would remain in the meeting during the consideration and voting on that item.

11. ST JOHNS SCHOOL, EPPING - PLANNING APPLICATION FOR NEW SECONDARY SCHOOL AND RESIDENTIAL DEVELOPMENT (EPF/1400/04)

The committee gave consideration to an outline application for:

- (i) the erection of a new, 6 Form Entry, secondary school on land comprising the western side of the St Johns School playing fields, Epping.
- (ii) residential development largely located on the site of the existing school buildings
- (iii) an area of open amenity space between the new school and the new housing to provide a landscaped link between Lower Bury Lane and the Swaines Open Space, to be transferred to the District Council to ensure public access.

Application Background

The committee received a presentation of officers giving the background to the application which included those matters of Essex Replacement Structure Plan and Adopted Local Plan policy which were considered to be applicable. These were:

Essex Replacement Structure Plan:

- CS1 – encouraging a range of facilities to support urban areas,
- CS2 – safeguard and enhance the character of urban and rural environments,
- C1 – no alterations to the boundaries of the green belt,
- C2 – limited, appropriate development within the green belt,
- NR1 – conserving the landscape of rural areas.

Adopted Local Plan:

- GB2 – limited, appropriate development with the green belt,
- H4-6 and Supplementary Planning Guidance – the provision and extent of ‘affordable housing’,
- DBE1 & 2 – design of new development and impact upon surrounding areas,
- DBE7 – provision of open space within new residential development,
- LL2 – protect the landscape from inappropriate development, and
- T17 – traffic implications.

It was considered by officers that the major issues raised by the application were:

- (i) the development of a new school in the Green Belt;
- (ii) the development of housing to replace the existing school buildings;
- (iii) the development of housing in the Green Belt;
- (iv) the provision of affordable housing;
- (v) the traffic implications; and
- (vi) the impact upon surrounding residents.

The Committee were reminded that the Council had received a large number of individual letters of objection to the proposals together with representation from the Town Council, residents of Lindsey Street and adjacent roads, the Conservators of Epping, St John's Development Consultation Group, the Campaign to Protect Rural Essex, the Epping Society, and the Friends of Epping Forest. Individual letters of support had been received from nearby residents and the six Head Teachers of the local Primary Schools in the vicinity.

Progress since the last meeting

At the last meeting of the Committee on 7 July 2005, The Planning Officers had been requested to seek further negotiations with the applicants to:

- (i) seek improvements to the traffic/highway related plans; and
- (ii) seek a better package of proposals on use of green belt land and affordable housing percentage.

Officers had subsequently held a meeting with the applicants who had made the following revisions to the scheme:

- (i) the extent of the housing had been reduced by 0.33 of a hectare to 3.67 hectares with a consequent increase in the area of public open space to be provided to 1.77 hectares;
- (ii) the affordable housing had remained at 10% but the applicants had agreed to provide a sum of £100,000 to the District Council to be used for financing affordable housing provision elsewhere in the district; and
- (iii) a revision had been made to the traffic related elements by providing a drop-off point within the site as part of the overall access/car park management strategy.

Extent of Housing

The planning officer commented that the applicants had made revision to the area of the proposed housing by reducing it to an area that equated to the current footprint of the school development.

Affordable Housing

The planning officer stated that the Head of Housing Services had commented that he would have still wished a higher percentage of affordable housing on the site but that the proposal of the applicants was preferable to no affordable housing at all. The offer of £100,000 by the applicants equated to the build costs of about three houses. In the event of the permission being granted however, this sum would be used to secure the future of another affordable housing scheme within the district which might otherwise be threatened by under funding from the Housing Corporation.

Traffic Related Elements

The planning officer commented that the applicants had now included a formal drop off and pick up point within the site which the applicants contended addressed the safety concerns. The applicants had agreed that a condition could be incorporated within any permission. Essex County Council Highways were not objecting to the scheme on safety grounds but maintained a policy objection as they did not encourage drop off points at schools as this encouraged parents to use vehicles to

bring children rather than walking to school. There was provision in the scheme to include a footpath to Epping Cemetery on Bury Lane although the implementation of this scheme would need the consent of the Conservators of Epping Forest as it crossed verge owned by them. No measure had been introduced to meet local concerns about rush hour traffic on the High Road/Bury Lane junction.

The Committee heard representations from an objector, representing the local residents objecting to the proposals, the Town Council and an agent for the applicant.

Town Councillor Dunseath expressed the concerns of Epping Town Council that they had not been consulted in a proper manner on the new proposals, that the Town Council had only just received details and they had not been able to convene a special meeting to consider them. The Councillor reiterated the Town Council's objections to the original scheme.

In response the Chairman apologised that the Town Council had only just received details of the proposals but stated that the convening of a special meeting of the District Development Control Committee had been requested at the last meeting and it had been felt that the matter should be dealt with prior to the holiday period to avoid criticism.

Members of the Committee then discussed the application. Members considered and rejected a proposal to seek 20% affordable housing on the site and that the contribution of £100,000 be taken into account.

During the debate members expressed varying views upon the revised application. In summary views expressed included:

- (i) That any increase in the affordable housing element would affect the overall size of the built development and extent within the Green Belt;
- (ii) That the need for a new school in Epping was not disputed;
- (iii) That some of the highways issues could not be resolved by the application;
- (iv) That the new proposals further restricting the built area, were more coherent and gave more community benefit;
- (v) That any agreed scheme would need to be a compromise solution;
- (vi) That any significant increase in the requirement for affordable housing would increase the requirement for capital funding from Essex County Council which, in turn may threaten the viability of the scheme.

The Committee, having debated the issues, considered a motion to grant permission for the scheme based upon the new proposals of the applicants together with associated conditions and an agreement under section 106 of the Town Country Planning Act 1990 to secure elements of the scheme. This was carried by the committee.

RESOLVED:

- (1) That outline planning permission EPF/1400/04 for the erection of a new six form entry secondary school; 3.67 hectares of residential development plus open amenity space on the site of St Johns School, Epping

be granted subject to conditions as attached at appendix 1 to these minutes and to a legal agreements under section 106 of the Town and Country Planning Act 1990 to secure:

- (i) affordable housing as 10% of the total number of units as general needs housing for rent;
 - (ii) an affordable housing contribution of £100,000;
 - (iii) the provision with appropriate landscaping and footpaths of 1.77 hectares of open amenity space with subsequent transfer to the Council with an agreed commuted sum for future maintenance;
 - (iv) the stopping up of Lower Bury Lane and provision of a turning head and pedestrian/cycle access into the site. The breaking out, removal of highway rights and landscaping that part of Lower Bury Lane made redundant by the stopping up;
 - (v) traffic calming/ management measures in Lower Bury Lane between its junction with High Road and the proposed turning head;
 - (vi) the bringing up to current standards two bus stops in the vicinity with shelters, raised kerbs and telematics;
 - (vii) the provision of tactile paving at three specified road junctions in the vicinity;
 - (viii) a school travel plan;
 - (ix) a public transport promotion and marketing campaign for the occupiers of the new residential development; and
 - (x) a bellmouth priority junction in Bury Lane to provide direct access to the new school to include two kerbed radii and 120m x 4.5m x 120m visibility splays. Also to include yellow-backed side road ahead warning signs on both approaches, 'SLOW' markings before and after each warning sign and centre hazard lines to a minimum width of 150mm for a minimum distance of 100m either side of the new junction; and
- (2) That the application be referred to the Government Office for their consideration.

12. ANY OTHER BUSINESS

It was noted that there was no further business to be considered at the meeting.

CHAIRMAN

This page is intentionally left blank

Appendix

Minutes of District Development Control Committee 27 July 2005

Conditions of Planning Permission EPF/1400/04 – St Johns School, Epping

1. Submission of details within 3 years and standard time limit for commencement.
2. Development to be carried out in accordance with detailed drawings to be submitted.
3. The extent of the elements of the development and the principles upon which the detailed drawings are to be based are those of the approved drawing numbered 5563/04B.
4. No commencement of the residential development shall take place until such time as two or more separate foot/cycle paths to the new school from Tower Road and Lower Swaines via the residential development site have been provided.
5. Foul and surface water drainage details to be agreed.
6. Surface water source control measures shall be carried out prior to occupation in accordance with details which shall have been submitted to and approved by the local planning authority before development commences.
7. The proposed access in Bury Lane shall be for vehicular use only (no pedestrians or cyclists). An access/car park management strategy shall be submitted to and approved by the local planning authority prior to first occupation of the school.
8. Prior to commencement of development, details of a drop-off/pick-up point within the school site shall be submitted to and approved by the local planning authority and its use shall be controlled as part of the access/car park management plan. The drop-off/pick-up point shall be constructed prior to first occupation of the school.
9. The internal layout of the residential development shall be designed in accordance with the highway requirements of the Essex Design Guide for Residential & Mixed Use Areas 1997.
10. Wheel washing equipment to be installed.
11. Retention of existing trees and shrubs.
12. Tree protection measures to be agreed and implemented.
13. Landscaping scheme to be agreed and implemented.
14. The parking facilities for the school shall be submitted to and approved by the local planning authority, shall include parking for the disabled and secure

cycle and motorcycle parking and shall be provided in accordance with the approved details prior to first occupation.

15. Materials of construction to be agreed.
16. Details of screen walls and fences to be agreed.
17. Construction work (which includes deliveries and other commercial vehicles to and from the site) shall only take place on site between the hours of 0730 to 1800 Monday to Friday & 0800 and 1300 Saturdays and not at all on Sundays and public holidays.
18. There shall be no external lighting of the school playing fields or hard courts without the prior approval of the local planning authority.

Report to District Development Control Committee

Date of meeting: 1 November 2005



**Epping Forest
District Council**

Subject: Planning Application EPF/1100/05 – Erection Of New Two Storey House With Parking At Land Adjacent To 91 Monkswood Avenue, Waltham Abbey

**Officer contact for further information: B land
Committee Secretary: S H 4249ill Ext**

Recommendations/Decisions Required:

That the Committee considers planning application EPF/1100/05 for the erection of a new two-storey house, referred by Area Plans Sub Committee D without a recommendation.

Report:

Background

(Head of Planning Services) This application has been referred to this Committee by the Area Plans Sub Committee D, so that the issues involving the Human Rights of the occupants of the property could be considered by the Legal Section and then further debated.

The application was reported to the Area Plans Sub Committee on 31 August 2005 with a recommendation that planning permission be granted and a copy of that report is attached as Annex 1 to this report

Planning Issues

The main issue in determining the application is whether this development causes harm to the occupiers Human Rights.

This property is owned by the applicant and occupied by tenants, who will see the loss of a single storey side extension and the change for their property from a semi detached house to a mid terrace house. These tenants are understandably concerned over these proposals. However the applicant has stated that if permission were received then internal works would be carried out in the existing house to replace facilities lost in the demolition. It is the case that it is a matter for the owner to liaise with the tenants, who will have recourse in other legislation should they be aggrieved by the applicants actions. In planning terms there is no basis for this issue to result in a refusal.

The Head of Planning Services has sympathy with the tenants at 91 Monkswood, but does not agree that their situation can be taken into consideration on the planning merits of this case.

On the request of Councillors a legal opinion has been obtained from Legal Services on the issue of the potential for the development to harm the human rights of the occupants. Legal Services have commented that:

(1) The tenants' objections to the work to be carried out as indicated in the report to Committee are really a matter between themselves and their landlord. What remedies the tenant may have is dependant on the terms of the tenancy/lease agreement.

(2) Generally speaking landlords as owners of property are entitled to carry out works on their properties and provided they act in accordance with the law and the tenancy/lease agreement (minimise disruption, give reasonable notice of commencement of works, provide alternative accommodation if necessary during the works etc) they are within their rights. If, on the other hand, they are in breach of the law or the agreement, the tenants' remedy is through private legal action.

(3) If, as in this case, the works require permission then the Local Planning Authority's obligation is to apply the usual material considerations in making its decision - the fact that the occupying tenants are objecting to the works can be taken into account as with all other objections but if the balance of considerations is in favour of granting the planning permission the LPA is entitled to make that decision.

(4) The Human Rights Act (HRA) does not regulate relations between private individuals including those between a private landlord and its tenant.

(5) The HRA is aimed at public authorities and the general legal presumption is that as long as the public authority is acting in accordance with national legislation (in this case the Town and Country Planning Act 1990 as amended) then it is acting in accordance with the HRA, and in exercising its planning functions the LPA can only apply the principles laid down in the planning legislation in making its decisions.

(6) The conclusion therefore is that Human Rights issues in this case do not impact on the Committee decision.

Conclusion

For the foregoing reasons this application has been put forward for consideration of the issues by the Development Committee. Nevertheless, the Head of Planning Services is of the opinion that the proposal is acceptable on design and amenity and Human Rights issues do not apply, and his recommendation that permission be granted still stands. It is his view that a refusal of permission could not be successfully defended at an appeal.

APPLICATION No: EPF/1100/05

Report Item No: 3

SITE ADDRESS: **PARISH:** Waltham Abbey
LAND BETWEEN 91 & 93, MONKSWOOD AVENUE, WALTHAM ABBEY

APPLICANT: St Ermins Property Co Ltd

DESCRIPTION OF PROPOSAL:

Erection of new dwelling with garden and parking, attached to No.91 with redefined boundary to No.93.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials shall match existing.
3. No further side windows without approval
4. Submission of flood risk assessment
5. Prior to the commencement of the development, details of the proposed surface materials for the driveway shall be submitted to and approved by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
6. Prior to commencement of the works hereby approved pedestrian site lines for the access to the new dwelling and parking spaces shall be submitted and approved in writing by the Local Planning Authority and thereafter maintained.

Description of proposal:

Erection of a new two storey dwelling, with garden and parking, attached to the eastern flank of No 91 Monkswood Avenue, with a redefined boundary to No 93 Monkswood Avenue.

Description of Site:

The area is residential and consists largely of terraced and semi detached houses, with some detached houses. The new house would be built on the side elevation of No 91 Monkswood

Avenue. This is a semi detached dwelling with single storey flat roof extension on the eastern elevation. The two pairs of houses (No.89 & 91, and 93 & 95) are staggered with No 93 being some 8m forward of No 91. The site is on a gentle slope, which falls away to the south. Both properties have large front gardens, which are 8m deep. It should be noted that the applicant owns both properties.

Relevant History:

EPF/170/04 Erection of new two storey house with parking - Refused.
Appeal re above - dismissed.

Policies Applied:

Structure Plan

CS1-Sustainable Urban Regeneration
BE1-Urban Intensification

Local Plan

DBE1 - Design of new buildings
DBE2 - Amenity of new buildings
DBE8 - Amenity Space
DBE9 - Amenity
T17 -Traffic Criteria
LL11 -Landscaping

Issues and Considerations:

The main issues in this application are whether the design of the proposed building is acceptable, whether there is any adverse effect on the amenities of the area and neighbours, and whether it overcomes the previous reasons for refusal, which were the adverse effect on the street scene and amenities of No 91 and 93.

It should be noted that the Inspector who determined the Appeal stated that he did not find the effect on the street scene of the proposal inconsistent with local plan policy, but that the overshadowing and overbearing impact of the building would have harmed the amenities of the neighbouring properties. He also noted that he had not been presented with any convincing evidence to "demonstrate inadequate private garden space or living accommodation would remain available to the occupiers of the existing properties".

Building in Context:

The proposal will see the erection of a single end of terrace

two storey, three bedroom house on the site. The pitched roof will have a gable end, and the ridge line will continue that of No 91. There will be a gap of 1m to the new eastern boundary. To accommodate this dwelling the single storey side extension of No 91 will be demolished and part of the side & rear garden hived off to make a new rectangular plot. Part of the rear/side garden (a strip some 1.5m x 26m) of No 93 will be incorporated into this plot.

It is the case that a very similar design has been allowed in 2004 at 87 Monkswood Avenue, which turned a semi detached pair into a terrace as would be the case here. Therefore a precedent has already been set in this area. However each proposal must be judged on its own merits. It is considered that this proposal will have no adverse effect on the street scene due to its sympathetic and integrated design, and the staggered positioning of the pairs of houses, together with the gap to the new boundary.

This design is considered acceptable in this urban area, and is in keeping with Government advice and Essex Structure plan Policies on best utilisation of urban land.

Amenity & Impact on Neighbours:

The proposal has been designed to take into account the Appeal Inspectors comments with regard to the impact of the new house. The side elevation would have two windows, one at ground and one at first floor serving a bathroom and landing respectively, both of which will be obscure glazed. They will break up the expanse of brickwork when viewed from No 93 and avoid overlooking.

The applicant has also provided a detailed analysis of the effect of the proposal on loss of sunlight of the two existing gardens and it is accepted that this proposal would not result in any significant further loss of sunlight.

The neighbours to the north are over 30m distant, and there is a partial screening of the site by existing 4-5m high trees on the northern boundary. With this distance it is considered that there will be no adverse effect on their amenities. It should be noted that there is no 'right to a view', and whilst this proposal will infill a gap in the street it will not result in a continuous terraced effect. The neighbours to the south are 25m away, and as these are front elevations it is considered that there will be no major loss of light or overlooking caused to these properties.

The new dwelling has an acceptable amount of amenity space at both the front and rear, and both of the adjacent properties will also both retain an adequate area.

This is a slightly unusual case as one property will lose its side extension and both will lose part of their gardens under

this proposal. Both sites are in owned by the applicant with the occupiers being tenants. The alterations to the internal arrangement of No 91 caused by the loss of its extension and attachment to an additional house would be significant. This would amount to the loss of ground floor rooms, 1st floor windows on the eastern flank, part of the garden, and external access between the front and rear gardens. The loss of floorspace would result in a loss of amenity to the occupants of No 91 but even so it would not leave that house with an unacceptable standard of accommodation. Specifically, despite the reduction in floor area the house would continue to have an adequate amount of habitable floorspace (approximately 98 square metres) and would continue to enjoy very generous usable private garden space. The loss of amenity is therefore not considered to be excessive and so is not sufficient to justify refusal.

The comments of the occupants of 91 and 93 Monkswood Avenue do reveal there are issues between the landlord and tenants related to the proposal. Whilst officers have every sympathy with the concerns of the tenants, this proposal can only be assessed having regard to the planning merits. It is the case that the occupiers can also pursue their concerns by use of other avenues, including Landlord/Tenant legislation, which they have been advised to investigate.

Highways:

The proposal provides two off road parking spaces, one for No 93 and one for the proposed new property, which meets the current parking standards. The applicant will need to provide sight lines but this can be dealt with by condition.

Other Issues:

A number of objectors have referred to the strain this proposal would put on the sewerage system. Thames Water has stated that they have no objections to this proposal.

Conclusion:

Whilst it is acknowledged that there will be adverse effects on the occupiers of No 91, that house would continue to have an adequate standard of accommodation with generous amenity space. It is considered that this application has overcome the Councils and Inspectors concerns regarding the original scheme and it is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL - Object, over development of site and at odds with existing street scene.

89 MONKSWOOD AVENUE - Object, will create a terrace which will cause a deterioration in the value of my property.

91 MONKSWOOD AVENUE - Object, sketch is inaccurate re parking

space, what the Landlord is doing is immoral, will have to take lawn mowers through the house to get access to gardens.

This will make it a terraced house not a semi-detached house.

If this goes through we wont have a life. Our house and garden is everything to us, We have worked hard to keep it nice.

91 MONKSWOOD AVENUE (2ND LETTER) - Object, more shocked than last time, he still wants to knock down a major portion of my home of 34 years. We will lose our utility room, downstairs toilet and storage space. Total loss of the eastern house of the garden will hurt very much especially as no external access between the gardens. Will place a burden on the sewers. Landlord has no respect for us.

93 MONKSWOOD AVENUE - Object. Loss of amenity, loss of natural light up to 40%, inconvenience and upheaval, in conclusion we would like it placed on record that we consider this revised application could be construed as harassment and to this end we intend to seek advice as our Landlord appears absolutely intent on revising the plans until such time as the Council accepts one of their alternative proposals and in the process of so doing making our lives a misery.

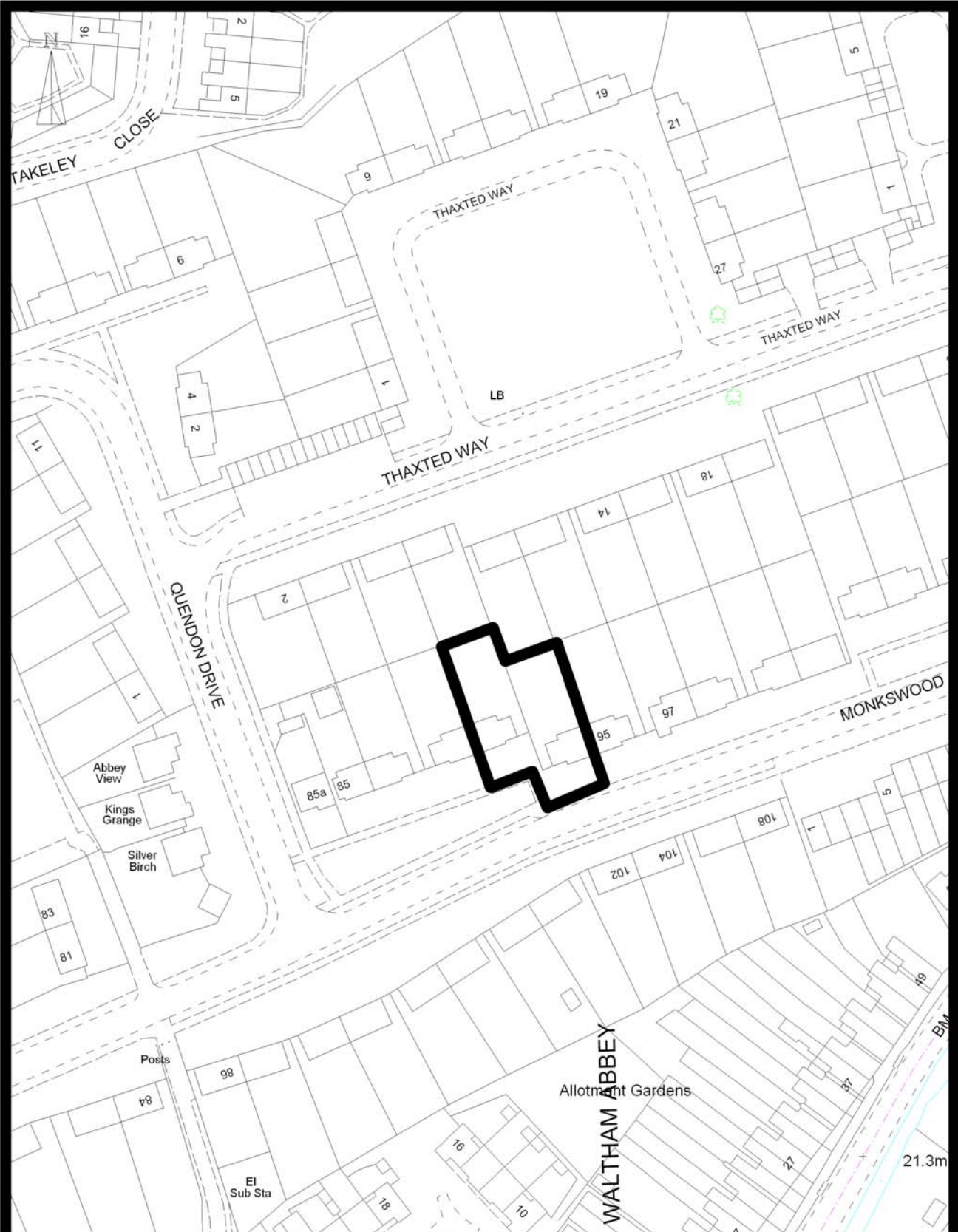
95 MONKSWOOD AVENUE - Object, estate is losing its charm and desirability. The proposal will affect natural light and privacy in my garden. Any building slotted in here will put the safety of my children and other children at risk as cars will drive blindly over the pavement. Sewers cannot cope with any more demand.

98 MONKSWOOD AVENUE - Object, the family at 91 will lose part of their garden and home including side windows, this will put strain on the sewerage system.

100 MONKSWOOD AVENUE - Object, will detract from the open space, and would alter the character of the estate.

102 MONKSWOOD AVENUE - Object, same objections as previous application.

106 MONKSWOOD AVENUE - Object, wrong that companies/people are trying to change the area from semi detached into the appearance of rows of terraced housing. Will put extra strain on the sewage system.



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No: 03
Scale: 1:1250



Report to District Development Control Committee

Date of meeting: 1 November 2005

Subject: Planning Application EPF/1480/04 – The Lorry Park, The Borough, Loughton, Essex

**Officer contact for further information: B Land ext 4110
Committee Secretary: S G Hill Ext 4249**



Recommendations/Decisions Required:

That the Committee considers a recommendation of Area Plans Sub-Committee C that planning permission be granted for the erection of a Medical and Day Care Centre with associated parking facilities together with an associated Section 106 legal agreement.

Report:

Background

1. This application has been referred to this Committee by Area Plans Sub Committee C with the recommendation that planning permission be granted.
2. The application was reported to Plans Sub Committee C on 21 September 2005 with a recommendation that planning permission be refused and a copy is attached as Appendix 1.

Planning Issues

3. The main issues in determining the application are set out in the report at Appendix 1. Officers accepted that the development was acceptable in the Green Belt terms and that a community facility building within a built up area would not harm its openness or be out of keeping with its surroundings. Officers also accepted the loss of the lorry park as it is surplus to highway requirements and not used to a level justifying retention. The scale, design and appearance of this large building was also considered to be appropriate for the site and surrounding area, and that existing residential properties in the vicinity would not be unduly harmed to justify a refusal. Highway Officers are satisfied with the development on traffic and safety grounds subject to a number of highway improvements. The Council's arboriculturist accepted the removal of existing mainly Poplar trees to be replaced by a more positive planting scheme, as an addition to the retention of larger specimen trees on the site boundary with High Street.
4. However, the site is in a flood plain and the Environment Agency have objected to the development because it is a site at risk from flooding from Cripsey Brook, which lies adjacent, east of the site, and the building was too close with no adequate buffer zone. Despite the applicants suggestions of ways of instigating the damage and risk to life from a 1:100 year flood by, for example, designing the building on stilts and allowing open void areas underneath such that it would be approximately 1.2m above natural ground level, the Environment Agency maintained their objection.

5. Officers, on balance, concluded that despite the proposal being an acceptable form of development in most respects, the objection from the Environment Agency that it would increase flooding to adjacent sites and be a threat to the future occupiers and users of the site, was the determining factor in recommending refusal.
6. The Committee, however, considered that the benefits of a health care facilities in a purpose built building, much needed to serve the population of Ongar, outweighed the threats of flooding.
7. Officers accept the view of the Committee, because in recommending to refuse planning permission, officers considered this was a balanced report of issues. It was on their basis of flooding that a recommendation for refusal was put forward as it would be contrary to policies U2 and U3 of the adopted Local Plan, as well as Government Guidance as contained in PPG25 (Development and Flood Risk).

Conclusion

8. Should the Committee be minded to grant permission for this development then it is suggested that this be subject to the following SECTION 106 LEGAL AGREEMENT and the conditions attached as Appendix 2.

SECTION 106 LEGAL AGREEMENT

1. To ensure that at all times the void underneath the proposed building is not used for storage purposes.
2. The applicant/owner carry out regular inspections of the void underneath the whole of the proposed building and the metal mesh grilles surrounding the void are free of any natural or manmade debris that would block and/or impede and therefore displace the flow of flood waters.
3. Should any natural or manmade debris occur because of a flooding event, then the applicant/owner must clear this immediately and before the building or that part of the building affected is re-occupied.
4. The building is not used between the hours of 10pm until 6am the following day in order to avoid persons being on site overnight.
5. The provision of 4 No. uncontrolled crossings each with a dropped kerb/tactile paving at the A128 High Street/The Borough Road junction.
6. The bringing up to current Essex County Council standards of both bus stops located at the same junction.
7. A financial contribution to cover the cost of providing a foot/cycle path along the alignment of Footpath 14 (located adjacent the north and northeast boundary of the site that links Rodney Road with the High Street).
8. A contribution towards an A128 Route Study (incident black spots, pedestrian safety etc).
9. A Travel Plan.
9. The Environment Agency have been informed of Area Plans Sub Committee C recommendation, but maintain their objection. Furthermore they state that they are not in favour of using stilts and voids by way of providing mitigation for loss of flood plain flows and flood plain storage. Stilts are not a flood defence structure in the same

way that embankments or walls are and are not a method of flood resistant construction. They conclude by stating that stilts are not an acceptable means of allowing new development in unsustainable locations.

This page is intentionally left blank

APPLICATION No: EPF/1480/04

Report Item No: 2

SITE ADDRESS:

PARISH: Ongar

ONGAR MOTORS & TRANSPORT CO, THE BOROUGH,
GREENSTED ROAD, ONGAR

APPLICANT: General Practice Investment Corporation

DESCRIPTION OF PROPOSAL:

Erection of medical and day care centre with associated parking facilities.

RECOMMENDED DECISION: Refuse

1. The proposal would result in an increased risk of flooding on this and adjacent sites in a Flood Zone 3 floodplain as defined in Government Guidance PPG25 and modelled by the Environment Agency to be within a 1 in 100 year flood event. The mitigating measures put forward by the applicant do not adequately or appropriately prevent such a flood measure occurring and therefore the proposal will be contrary to policies U2 and U3 of the adopted Local Plan and Government Guidance PPG25 (Development and Flood Risk).
2. The proposal includes development in close proximity to an ordinary watercourse. This will prejudice the environmental obligations of the Environment Agency and preclude the provision of an adequate buffer zone, contrary to policy U3 of the adopted Local Plan.

Description of Proposal:

`L'-shaped large, part two, part single storey building with hardstanding on three sides providing access road from southern boundary as currently exists and 60 space car park. Proposal to provide group practice doctors' surgeries and elderly person day care centre, plus other community health service related facilities (clinics, optician, dentist, pharmacy etc) totalling 2,140 square metres of floor space on a footprint of about 1,200 square metres.

The building will have a shallow curved roof profile at a maximum height of 9.5m and externally composed of a mix of contrasting brick and render, with a pitched roof centrally glazed area as the main entrance to the building.

Description of Site:

A 0.55 ha irregular shape site currently leased to Epping Forest District by Essex County Council for use as a lorry park, with access off The Borough. There is a belt of trees on the eastern boundary, which Cripsey Brook and a footpath runs through, north to south. On the western boundary are 5 residential properties; to the north is open land.

The site is in the Metropolitan Green Belt and adjoins a Conservation Area to the northeast.

Relevant History:

Long history of use of land for parking of lorries since 1950s. In 1978 planning permission was granted for a car and lorry park, which was renewed in 1984.

Policies Applied:

Structure Plan - C2 (Green Belt constraint), BE1 (re-use of urban sites), T12 (vehicle parking).

Local Plan - GB2 (Green Belt restraint), HC6 (affect on Conservation Area), CF2 (location of health care centres), CF9 (access available for all user groups), U2 (resist development in areas at risk from flooding), U3 (resist development resulting in increase risk of flooding), DBE1 (scale and appearance of building), DBE2 (detriment to neighbouring property), DBE4 (new buildings in the Green Belt respect surroundings), DBE9 (residential amenity of neighbouring properties), LL10 (retention of trees), LL11 (provision for landscaping), T12 (resist loss of lorry park), T14 (adequate on-site parking), T17 (traffic accessibility, congestion and highway safety).

Issues and Considerations:

The main issues in this case are:

1. whether development within the Green Belt in this case will be harmful to its openness;
2. acceptability of losing a lorry park;
3. relationship to the surrounding area;
4. impact upon the amenities of occupiers of adjacent residential properties;
5. highway issues;
6. trees and landscaping issues; and
7. development within a flood plain.

Background

The applicants state the doctors surgeries in Basons Lane and The Ongar Surgery in the High Street are sub-standard and do not meet the needs of a modern health service or the requirements of the Disability Discrimination Act 1995. The practices have been searching for a suitable alternative building or site in Ongar and consider this to be the only available site of this size and location. In addition, under a NHS initiative, Primary Care Trusts have been advised to bring their community services, which may include GP services, pharmacy, dentistry, optical services, minor surgery and social care services together under one roof in new-build projects with primary health care moving out of hospitals and into community care centres. A new health centre will provide these facilities as well as other community care services (child health, chiropody, health visitors, school nurses etc).

Essex County Council have also been looking for a suitable location for a replacement facility for Day Care for Older People, currently provided at the Ongar War Memorial Hospital, which again does not meet operational standards.

A twenty place day care centre, together with expanded surgery facilities and community care staff into a new purpose built building has resulted in the proposal of this size and floor area to serve its community. The existing doctors' surgeries in Ongar do not have the facility or site area to provide the facilities now required in primary care. The proposed new building would provide 10 consulting rooms, nurse clinics and treatment room, dispensing area and administration/waiting rooms on the ground floor. The rest of the ground floor (350m²) will be the day care centre dining/sitting room, treatment room and administration plus a conservatory. Community health service facilities will be located on the first floor (physio, chiropodist x 2, child health, nurse treatment room, minor injuries rooms, speech therapist office, training room/meeting room and other offices).

1. Metropolitan Green Belt

There is an assumption against inappropriate development in the Green Belt. Only a few developments are appropriate as defined in Government advice, Structure Plan and the Local Plan. This is not one of those few developments.

However, should very special circumstances outweigh the harm to the openness of the Green Belt then there can be a justification for building in the Green Belt.

In considering this, it should be noted that the site does not add positively to the openness of the Green Belt. It is predominantly made up of a large hardstanding and in the past

has been occupied by large lorries for overnight stay and storage purposes. There is built development immediately adjacent to it and that part of the site containing Cripsey Brook and footpath will retain its vegetation where necessary, although replacement tree planting is considered necessary.

The other main point to consider is the need for the facility. This has been outlined above and the main difficulty has been in finding a suitable, sustainable location for a catchment area that not only includes Chipping Ongar, but outlying villages and rural areas. In this part of the town it is close to the southern end of the town centre, a large residential area and close proximity to public transport (bus stops). There is difficulty in finding a similar size, suitable site which is also available in Ongar and not in the Green Belt.

In summary on this point, it is felt that the very special circumstances do outweigh the harm to one of the main functions of the Green Belt, i.e. its openness, and furthermore, the site is hemmed in by built development, such that losing this part of the Green Belt to a community facility building of benefit to its population, would not be so out of keeping with its surroundings. It therefore complies with Structure Plan policy C2 and Local Plan policy GB2. The Parish Council is, however, also concerned with the use of land north of the application site as a potential Nature Reserve. This development may jeopardise any future provision, but a judgement of priority need has to be made based on what is best for the community.

2. Loss of Lorry Park

Policy T12 of the Local Plan states that the Council will resist the loss of the existing lorry park until an adequate, suitably located alternative is available. This policy is somewhat dated, having been drawn up some 10 years ago and the County Council have declared the land surplus to highway requirements, and whilst daytime parking does take place, the number of lorries present are few overnight. The County Council have no plans to continue to lease this to Epping Forest for this purpose. Furthermore, this is not neighbourly development set as it is immediately adjacent residential properties.

The loss of the lorry park therefore is accepted in this case, given the greater community benefits derived from a health and day care centre than an under-used lorry park.

3. Scale, Design and Appearance

Whilst the footprint of the building would be large, its height has been stepped down and the roof broken to reduce its bulk and massing. Contrasting external materials would add interest to its overall design and its height would be a little higher than the average house ridge level adjacent the site (which are about 8-8.5m). The site will be opened up to the High Street,

and in general the new building would have a positive, albeit a dramatic changeable impact upon the visual amenities of the street and on the adjacent Conservation Area.

The proposal therefore complies with policy DBE1 and HC6 of the Local Plan.

4. Living Conditions of Adjacent Residential Occupants

The building is large compared with adjacent residential properties to the west, which include a pair of bungalows at 6 and 7 Oakland Mews alongside parking off the entrance road, and larger two storey timber-clad homes at No's. 18 and 19 Turners Close. The building, however, will primarily be located on the opposite side of the site towards Cripsey Brook and being in the northern part of the site, it would not extend as far as the bungalows.

The residents of No. 18 Turner Close, and to a lesser extent, No. 19, will be most affected by the development. This is where the proposal will be closest at a distance of about 10m from the main rear wall of their house. Dense undergrowth will also be removed from here to provide vehicular access to parking at the rear end of the site. However, that part of the proposal in direct view from these two houses would be single storey at this point and in conclusion, the proposal would not be overbearing or visually intrusive to these occupiers.

Windows on the facing elevation will serve treatment rooms and clinic rooms, but the use of obscure glazing there would safeguard against overlooking and possible loss of privacy. Other windows facing on the far side limb of the building are more than 30m away, which is a significant distance of separation to not cause undue loss of amenity.

The proposal therefore complies with policies DBE2 and 9 of the Local Plan.

5. Highway Issues

Parking provision is commensurate for a building of this content and in this location. It is close to a residential area, in walking distance for many of its residents. Bus stops are also close by. The amount of activity at the site, including vehicles coming and going are likely to increase, however, this is compared with the low use of a lorry park, which potentially could be a greater source of nuisance from large vehicle movements if used to its full capacity.

The Highway Authority have withdrawn their initial objection and are satisfied that the development can proceed without harm to traffic and pedestrian movement, following the applicants submission of a highway capacity and safety assessment. However, this will be subject to the developers funding access improvements at the road junction between The Borough and

the A128 High Street.

Highway officers have also recommended the following:-

- the provision of 4 uncontrolled crossings each with a dropped kerb/tactile paving at the A128 High Street/The Borough junction,
- the bringing up to current Essex County Council standards of both bus stops located at the same junction,
- a financial contribution to cover the cost of providing a foot/cycle path along the alignment of Footpath 14 (located on the north and north-east boundary of the site which links Rodney Road with the High Street),
- a contribution towards an A128 Route Study (incident black spots, pedestrian safety etc)
- a Travel Plan.

The applicant's have agreed to these highway improvements and should Members recommend that planning permission is granted, it would be subject to a Section 106 Agreement covering these points.

6. Trees and Landscaping

A tree survey and planting schedule has been submitted with this application. There will be a fairly dramatic change to the eastern boundary. The current footpath and brook will not be affected, but around 13 Poplar trees are proposed to be removed because of the close proximity of the proposed building. Whilst these are visually important, they are short lifespan trees, which are too closely located to each other to develop properly. Many are structurally unsound and diseased and there is evidence of gale damage.

The Council's arboriculturist has advised that a more positive planting scheme be submitted showing replacement planting for the Poplar trees and new hedge/shrub/tree planting to soften the extent of the large area of car parking. Larger existing specimen trees also along this boundary are shown to be retained.

It is considered that whilst the removal of the Poplar trees will open up the boundary, it has the benefit of the building being partially viewed from the High Street. Overall the proposal complies with policies LL10 and LL11 of the Local Plan.

7. Flooding

The site is located in a floodplain and the Environment Agency have objected to the development because it is at risk from flooding from Cripsey Brook. It lies within a Flood Zone 3 as defined in Government guidance PPG25 and modelled to be within a 1 flood in 100 year event or, to put another way, has 1% chance each year of being flooded. It also has a history of

flooding. It is a previously non-developed site, possibly because of this. Also, because it is a building designed to attract the public, especially for young children and old people, it can also be considered as development for vulnerable occupancy. In the event of a 1:100 year flood, flooding could potentially be to a depth of 0.5m - 0.7m.

The applicants, aware that the site is in a floodplain, have designed the building to be on stilts and voids and submitted a flood risk assessment document. The design of the proposed building does show the ground floor of the building raised by approximately 1.2m from natural ground level and infilled by grilles to allow water to move through with access to the building via long ramps.

However, the Environment Agency maintain their objection. They do not find this method acceptable and there are risks of the grilles becoming blocked, therefore impeding flood flow. This would affect flood storage volume and there is the risk of flooding, as a result, occurring to other residents in the area. Also the proposed building is too close to Cripsey Brook and an adequate buffer zone cannot be provided alongside this watercourse. The scale of the building and/or its siting is not acceptable in respect of this issue.

The frequency of flooding may be low but the Government Agency, taking advice of PPG25, state that when it occurs more people are generally affected by rarer floods, with potentially greater risk to life to those frequenting the proposed development, particularly the very old, infirm, disabled and long-term sick, which is likely to be more common in association with this than other types of development.

The Environment Agency believe the site to be wholly inappropriate for the development proposed. Officers feel uneasy about taking an opposite view, in view of recent flood events across the country, despite the mitigating measures proposed by the applicant, which includes a willingness to enter a legal agreement/planning conditions undertaking the regular inspection of the void area underneath the whole of the proposed building, keeping the area clear and not used for storage purposes and an hours of use control (no person on the site between 10pm and 6am).

Policy U2 of the Local Plan aims to safeguard against the risk of flooding either on site or elsewhere. The clear advice from the Environment Agency is that there is a fear that flooding may occur as a result of the development on neighbouring residential sites.

Policy U3 also states that the Council will not permit development resulting in an increased risk of flooding unless it is satisfied that there are adequate and appropriate attenuation measures to minimise this risk. Given the Environment Agency guidance, the suggested mitigating measures

will be inadequate and extremely difficult to enforce in order to ensure against the risk of flooding.

Summary

In most respects this is an acceptable form of development. This appears to be the best possible provision of health care related facilities in a purpose built building and on an available site in Ongar, which has so far proved difficult to locate elsewhere and still be available generally for the public community it will serve. The Epping Forest Primary Health Trust is supportive of the new location and there is no available alternative similar size site in a more central location in Ongar.

However, Officers conclude that despite these plus factors, building in the floodplain where no building previously existed would increase flooding to adjacent sites and be a threat to the future occupiers and users of the site. On balance, therefore, the application is recommended for refusal on this point and secondly, because of being too close to Cripsey Brook without an adequate buffer zone.

Should the Committee support the planning application, as it is contrary to flooding policy, it would need to be reported to District Development Control Committee for a final decision.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object, support the notion of this development, but object on the following grounds:- Development is too large due to inclusion of the day care facility, will lead to increased traffic and hazard for pedestrians. Increase traffic volumes and site is some distance from the population base with the most requirement for this facility, i.e. the Shelley area, and will increase traffic flow through Ongar, Need to redesign the access of the road junction to Greensted Road to improve site access, Parish Council have been long committed to develop the area north as a Nature Reserve and therefore require clarification as to the effect of this scheme on these longer term issues. The existing footpath within the site boundary should remain and there are serious concerns as to the inadequacy of parking given the inclusion of the day centre within the plans, soft landscaping details are insufficient to allow this building to be adequately screened.

4 THE SPINNEY - Location on this site in this part of Ongar will be a wonderful asset and remove the ugly eyesore of the current site.

VINE HOUSE, ONGAR - No general objection, worried that if an alternative lorry park site is not found that traffic will start parking in lay-bys and on the street, Jewsons use the site for lorry to wait until their warehouse is ready, hope parking is for all and not to be charged, site will be

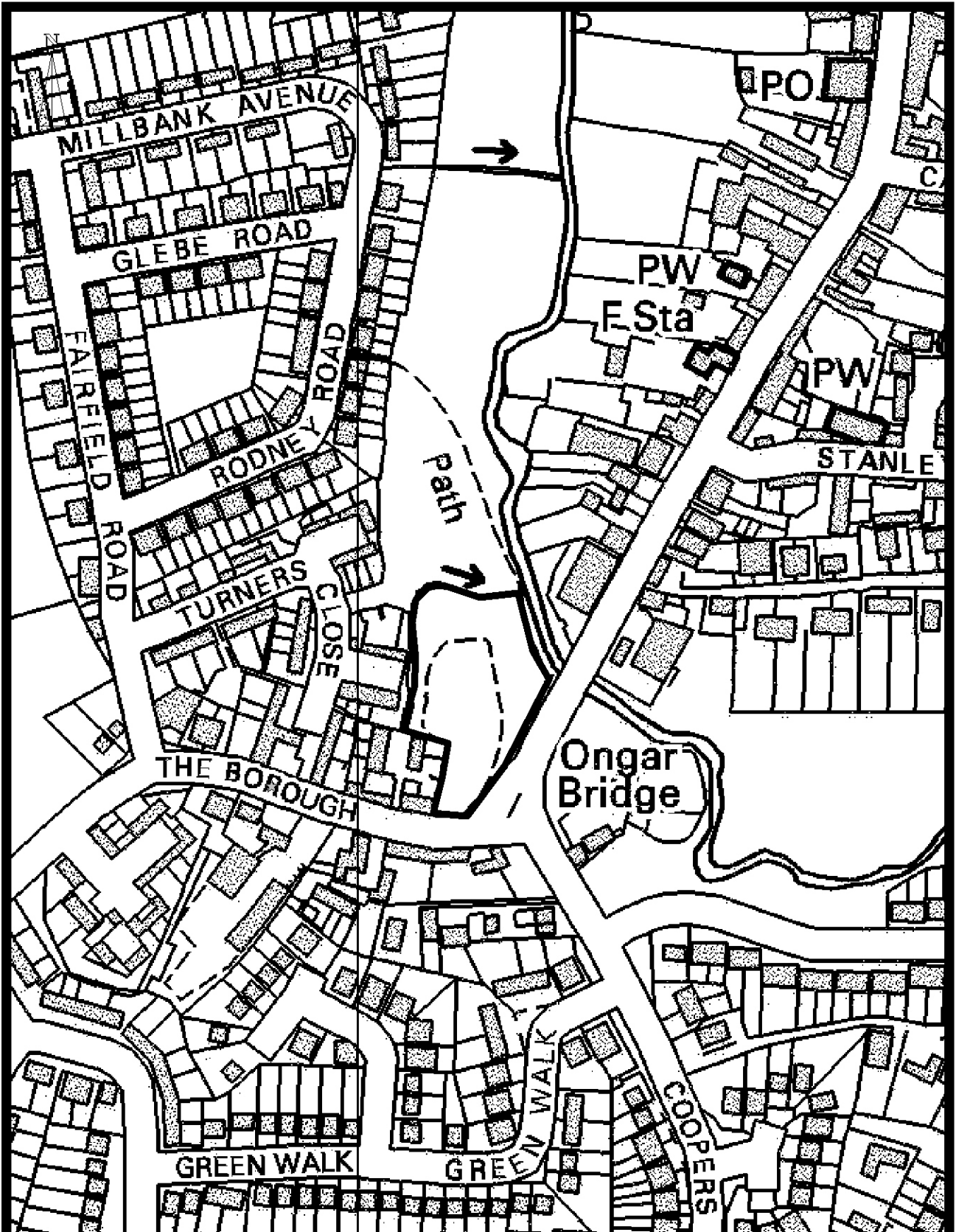
contaminated, site access not good near a traffic island between the High Street and The Borough.

10 KETTLEBURY WAY - Site is contaminated (can smell gas), in a flood plain and having lived here for 40 years I have known the site to flood at least 3 times, cutting down trees will make the area less stable and remove the beautiful screening, proposed building is out of keeping, a more central site is required because this is located at one end of the town.

6 OAKLAND MEWS - Proposal will add to the drainage problems that exist in the area, should provide increased capacity for foul and surface water drainage, concern this will become a 24 hour, 365 days of the year facility which is inappropriate for a residential area, hours of use condition is required, headlights of cars disturb local residents entering the car park, traffic movement will seriously affect access to Oakland Mews and other residencies around The Borough, controls on lighting and signage.

7 OAKLAND MEWS - Low rise building which will not adversely affect our property, improve the area which is currently a dump for untaxed vehicles, overnight parking, fly tipping. car parking will be against the rear wall of our garden and concerned over noise pollution, would want a planted garden against this wall.

9 OAKLAND MEWS - Not sure this is the right site, should be attached to St Margarets Hospital in Epping or the War Memorial Hospital in Ongar or expand Basons Lane surgery and make better use of other sites. Residents and traders use the site for parking and need rear access to their houses. Is alternative lorry parking to be made? Site is in a flood plain.



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. EFDC licence No.100018534

Item No: 02
Scale: 1:2500



Suggested Conditions for EPF/1480/04

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

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity.

3. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority shall be erected before the occupation of any of the dwellings hereby approved, and maintained in the agreed positions.

Reason: In the interests of visual amenity.

4. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety.

5. Upper floor windows on west elevation (shown to be serving 'Physiotherapist' on approved Drawing No. 0172 P (O)003.C) shall be fitted with obscure glazing in fixed frames and shall remain obscure glazed thereafter.

Reason: To safeguard against overlooking and loss of privacy to the amenities of neighbouring residential property.

6. Car parking spaces shall be provided within the proposal site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be maintained thereafter free of any impediment to its designated use, further, in order to allow all vehicles to enter and leave the highway in forward gear.

Reason: In the interest of highway safety.

7. 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 (staff) and visitors vehicles.

Reason: In the interests of highway safety.

8. Details of secure covered cycle and motorcycle parking shall be agreed in writing by the Local Planning Authority and provided in accordance with the Essex Planning Officers Association Vehicle Parking Standards as adopted by this Council.

Reason: In the interest of highway safety.

9. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 1990) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The Arboricultural Method Statement shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

10. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees and to ensure a satisfactory appearance to the development.

11. The development, including site clearance must not commence until a statement of the methods of the implementation of the approved submitted landscape scheme as shown on Drawing No. 645/01A has been submitted to the Local Planning Authority and approved in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complimentary, and to ensure a satisfactory appearance to the development.

12. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to safeguard the visual amenity to be provided by the new landscaping and to ensure a satisfactory appearance to the development.

13. Prior to the commencement of the development details of the proposed surface materials for the car parking and access road shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason: To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

14. Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the local planning authority and the completed phase 1 investigation shall be submitted to the local planning authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the local planning authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the local planning authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the local planning authority for approval prior to first occupation of the completed development.

Reason: since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

15. Details of the siting, size and appearance of the storage of refuse housing shall be submitted to and approved by the Local Planning Authority. The scheme as agreed shall be carried out and thereafter retained at all times.

Reason: To protect the amenity of the surrounding area.

16. All construction/demolition works and ancillary operations (which include deliveries and other commercial vehicles to and from the site) shall only take place on site between the hours of 07.30 to 18.30 hours Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of noise sensitive properties.

17. Deliveries and collections to and from the premises should be restricted to between:

07.30 – 18.30 hours Monday to Friday
08.00 – 14.00 hours Saturday
and not at all on Sunday or Bank Holidays.

18. Development shall not commence until details of on site drainage works have been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

19. Surface water drainage works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To prevent the increased risk of flooding.

20. No development approved by this permission shall be occupied or brought into use until appropriate signage is clearly displayed in both the amenity area and the visitor car parking area, to warn users that these locations may be at risk of flooding to depths in excess of 0.7m.

Reason: To inform residents/visitors of the possible flood risk in the low lying areas of the site.

21. No part of the open areas beneath the building(s) shall be enclosed or obstructed.

Reason: To ensure that the flood storage capacity of these areas is not reduced.

22. Details of flood plain compensation works shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site.

Reason: To ensure that flood storage capacity at the site is not reduced as a result of the development.

23. A 5 metre vegetated buffer zone shall be provided alongside the ordinary watercourse to the north of the site that feeds into the Cripsey Brook. This buffer zone shall be measured from the top of the bank and shall be free of structures, hard standing, fences and landscaped gardens. Any planting shall comprise locally native plant species, of UK genetic provenance.

Reason: To maintain the character of the watercourse, provide undisturbed refuges for wildlife using the river corridor, maintain the region's natural balance of flora and prevent the spread of invasive plants in the region.

24. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The landscape management plan shall be carried out as approved.

Reason: To protect/conservate the natural features and character of the area.

25. External artificial lighting within 8m of any watercourse on or adjacent to the site shall be directed away from the watercourse and shall be focused with cowlings, to minimise light spill from the new development into the watercourse or adjacent river corridor habitat.

Reason: Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. The corridor adjacent to a watercourse provides important habitat for the terrestrial life stages of many aquatic insects. For this river corridor to benefit wildlife it should remain undeveloped and in a natural state.

26. There shall be no storage of materials related to the development within 8 metres of any watercourses on or adjacent to the site. This area must be suitably marked and protected during development and there shall be no access within the area during development. There shall be no fires, dumping or tracking of machinery within this area.

Reason: To reduce the impact of the proposed development on the buffer zone and the movement of wildlife along the river corridor.

This page is intentionally left blank