

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee C Wednesday, 29th June, 2005

Place: Civic Offices, Epping

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer Gary Woodhall, Research and Democratic Services
Tel: 01992 564470 Email: gwoodhall@eppingforestdc.gov.uk

Members:

Councillors K Wright (Chairman), R Morgan (Vice-Chairman), Mrs D Collins, P Gode, D Jacobs, D Kelly and Mrs M McEwen

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

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

General advice to people attending the meeting is attached.

2. MINUTES (Pages 7 - 18)

To confirm the minutes of the last meeting of the Sub-Committee.

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

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

5. 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.

6. PROBITY IN PLANNING - PLANNING APPEAL DECISIONS, OCTOBER 2004 TO MARCH 2005 (Pages 19 - 22)

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

7. USE AS A TRAVELLERS' CARAVAN SITE - BIRCH FIELD, EPPING LANE, STAPLEFORD TAWNEY (Pages 23 - 28)

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

8. DEVELOPMENT CONTROL (Pages 29 - 56)

(Head of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers: (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

9. DELEGATED DECISIONS

(Head of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

10. 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.

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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'

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Plans Subcommittee C **Date:** 1 June 2005

Place: Council Chamber, Civic Offices, Epping **Time:** 7.30 - 10.00 pm

Members Present: R Morgan (Vice-Chairman), Mrs D Collins, D Jacobs, D Kelly and Mrs M McEwen

Other Councillors: (none)

Apologies: K Wright and P Gode

Officers Present: R Bintley (Principal Planning Officer) and G J Woodhall (Democratic Services Assistant)

1. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

2. MINUTES

RESOLVED:

That the minutes of the meeting held on 13 April 2005 be taken as read and signed by the Chairman as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

4. ANY OTHER BUSINESS

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

5. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 – 12 be determined as set out in the attached schedule to these minutes.

6. DELEGATED DECISIONS

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

PLANS SUB COMMITTEE 'C'

1. **APPLICATION NO:** EPF/222/05 **PARISH** Matching

SITE ADDRESS:

Threshers, Threshers Bush, Matching

DESCRIPTION OF PROPOSAL:

Two storey side/front/rear extension, alterations, replacement porch and single storey orangery. (Revised application).

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Materials shall match existing.

2. **APPLICATION NO:** EPF/435/05 **PARISH** Matching

SITE ADDRESS:

Brickworks Building, Down Hall Road, Matching

DESCRIPTION OF PROPOSAL:

Renovation of existing building and change of use to office and store.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. No alterations of any kind shall be made to the main fabric of the building other than those indicated on the plan hereby approved.
3. The roof shall be covered with dark blue/black welsh slates with matching hips and ridges, and samples shall be submitted to the Local Planning Authority prior to any work commencing.
4. The use hereby permitted shall be restricted to the storage of products, with ancillary office accommodation as described in the application, and no part of the premises shall be used for any industrial process, without the prior approval of the Local Planning Authority and at no time shall the building be used for residential purposes.
5. No storage of goods or articles of any kind, including the storage of vehicles, shall take place outside the building.
6. The hours of working at the building shall be stated in the application, viz 08.00 – 18.00 hours, and no work shall take place on the site outside these hours on Mondays to Fridays, or at any time on Saturdays, Sundays or Public Holidays.
7. Prior to commencement of any work on the site a full contaminated land assessment and appropriate remediation scheme shall be submitted to and approved by the Local Planning Authority. The remediation scheme as approved shall be fully implemented prior to the commencement of any other work on the site, to the satisfaction of the Local Planning Authority.

8. Prior to the commencement of the development details of the following matters shall be submitted to and approved by the Local Planning Authority: -
- i) Improvements to the access point with Downhall Road, including surface materials, kerb radii, sight lines, and details of any gates which shall be in character with the rural area, and fencing.
 - ii) Layout of the car parking area (to be sited close to the building) and the surface materials to be used.
 - iii) Layout of the access road across the field and the surface materials to be used, which shall be sympathetic to the rural location of the site.
- All of these works shall be carried out as approved prior to the building being brought into use.
9. The roof-lights to be used on the building shall be of the conservation/heritage type and exact details of these fittings shall be agreed with the Local Planning Authority prior to commencement of any works to the building.
10. All external joinery shall be carried out in timber and finished with a traditional paint finish.

3. **APPLICATION NO:** EPF/341/05 **PARISH** North Weald

SITE ADDRESS:

2 The Threshers, Hastingwood Road, Hastingwood, North Weald

DESCRIPTION OF PROPOSAL:

Erection of 5m wooden sound barriers on the eastern boundary of site.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. Tree protection measures required.
4. Retention of existing trees and shrubs.
5. No development shall take place until details of further tree planting to the eastern boundary, including positions or density, species and planting size have been submitted to and approved in writing by the Local Planning Authority, and shall be carried out prior to the occupation of the development for its permitted use, or in accordance with a timetable agreed in writing with the Local Planning Authority. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it written consent to any variation.

4. **APPLICATION NO:** EPF/149/05 **PARISH** Ongar

SITE ADDRESS:

2 Mead Walk, Ongar

DESCRIPTION OF PROPOSAL:

First floor extension, extension to garage at ground floor and conservatory.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Materials shall match existing.

5. **APPLICATION NO:** EPF/370/05 **PARISH** Ongar

SITE ADDRESS:

Central House, High Street, Ongar

DESCRIPTION OF PROPOSAL:

Demolition of existing outbuilding and erection of new building consisting of 2 shops, 1 office and 5 flats.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. The development shall be carried out in accordance with the amended plans received on 22 March 2005 unless otherwise agreed in writing with the Local Planning Authority.
3. Materials of construction to be agreed.
4. Parking area to be provided/maintained.
5. The existing access to the site shall be permanently closed and the existing footway continued across the site frontage in a manner and at a time to be agreed with the Local Planning Authority after consultation with the Highway Authority.
6. Submit programme of archaeological work.

6. **APPLICATION NO:** EPF/442/05 **PARISH** Ongar

SITE ADDRESS:

29 Mayflower Way, Ongar

DESCRIPTION OF PROPOSAL:

Rear/side single storey extension.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Materials shall match existing.

7. **APPLICATION NO:** EPF/1042/04

PARISH

Stapleford Abbots

SITE ADDRESS:

Samantha, Tysea Hill, Stapleford Abbots.

DESCRIPTION OF PROPOSAL:

Outline application for the demolition of a single detached dwelling and the construction of 3 no. replacement dwellings. (Revised application).

GRANTED SUBJECT TO:

1. Submission of details within 3 years.
2. The development hereby permitted shall be carried out in accordance with detailed plans and particulars which shall have previously been submitted to and approved by the Local Planning Authority, showing the layout of proposed development including the provision of garaging/visitors' car parking spaces/vehicles loading or unloading, and turning areas, and the siting, design and external appearance of each of the buildings.
3. Materials of construction to be agreed.
4. Erection of screen walls/fences.
5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class B shall be undertaken without the prior written permission of the Local Planning Authority.
6. Submission of tree protection statement.
7. Submission of Landscape Proposals.
8. Prior to the commencement of the development, details of the proposed surface materials for the access road 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.
9. Construction of road prior to dwellings.
10. Prior to commencement of development, details of the access way shall be submitted to and approved in writing by the Local Planning Authority, this shall include a width of 4.1 metres with equal radii and measures so that no surface water shall drain onto the highway. The access shall be constructed in accordance with those details.

11. Any gates shall be set back a distance of 4.5 metres from the edge of the carriageway.
12. The vehicle turning areas shown on the approved plans shall be permanently maintained and kept clear for that purpose at all times.
13. Details of refuse disposal, including its proposed position on the site, size and appearance shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. It shall be provided on site, as agreed before the first occupation of the dwellings.
14. A flood risk assessment 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 programme. The approved measure shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.
15. No demolition or construction work shall be permitted on the site outside the hours 08.00 – 18.00 Mondays to Fridays and 08.00 – 13.00 hours on Saturdays. No work shall take place on Sundays or Public Holidays.

8. **APPLICATION NO:** EPF/2279/04 **PARISH** Stapleford Abbotts

SITE ADDRESS:

Sunnyview, Stapleford Road, Stapleford Abbotts

DESCRIPTION OF PROPOSAL:

Alterations and addition to roof, loft conversion with side dormer windows.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. The development shall be carried out in accordance with the amended plans received on 22 March 2005 unless otherwise agreed in writing with the Local Planning Authority.
3. Prior to first occupation of the building hereby approved the proposed rear side dormer windows shall be fitted with obscured glass and have fixed frames and shall be permanently retained in that condition.
4. Materials shall match existing.

9. **APPLICATION NO:** EPF/507/05 **PARISH** Stapleford Abbotts

SITE ADDRESS:

Whipsiderry, Bournebridge Lane, Stapleford Abbotts.

DESCRIPTION OF PROPOSAL:

Demolition of single storey side extensions and garage, and erection of two storey side, single storey side and first floor extensions to convert bungalow into two storey house.

REFUSED:

1. The proposed alterations due to their size, scale and the increased roof height, would be out of character in this location and would detract from the current appearance of the street scene.
2. The proposed alterations due to their scale and the increase in roof height would have a detrimental impact on adjacent neighbours amenities.

10. **APPLICATION NO:** EPF/10/05 **PARISH** Theydon Garnon

SITE ADDRESS:

Gaynes Park Estate, Gaynes Park, Coopersale, Theydon Garnon.

Members asked if officers would approach the Highway Authority to seek measures, which would improve the proposed access to the site.

DESCRIPTION OF PROPOSAL:

Redevelopment and change of use of former agricultural outbuildings to provide a facility for the holding of civil weddings and wedding receptions, together with ancillary night accommodation, car parking and landscaping.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. The development shall be undertaken in accordance with the programme of phasing for phases 1 to 3 as submitted to the Local Planning Authority on 13 May 2005 unless otherwise agreed in writing by the Local Planning Authority.
3. Materials of construction to be agreed.
4. Erection of screen walls/fences.
5. Wheel washing equipment to be installed.
6. The proposed units of accommodation shall only be ancillary to the use of the premises as a wedding facility and shall not be subdivided from the site for use as any hotel or residential accommodation separate from the facility.
7. Retention of existing trees and shrubs.
8. Submission of a landscape scheme.
9. Prior to the commencement of the development hereby approved, the buildings labeled as 'Buildings 9 and 10' shall be demolished and all materials removed from the site.
10. Prior to the commencement of the development, details of secure covered bicycle and motorcycle parking shall be submitted to and agreed in writing by the Local Planning Authority.
11. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The lighting

shall be provided in accordance with those details and retained, with no additional fixtures thereafter without prior written approval. The agreed lighting shall not be illuminated outside the hours of 08.00 hours to 23.30 hours.

12. The circulation areas within the car park shall be kept clear at all times so that all vehicles visiting the site can turn and exit in forward gear.
13. No demolition or construction work shall be permitted on the site outside the hours of 07.30 – 18.30 hours on Mondays to Fridays and 08.00 – 13.00 on Saturdays. No works shall take place on Sundays and Bank Holidays.
14. No deliveries shall be made to the site, outside the hours of 07.30 – 18.30 hour on Mondays to Fridays and 08.00 – 13.00 on Saturdays, or at any time on Sundays or Bank Holidays.
15. The function facility shall not be open for the holding of weddings or wedding receptions outside the hours of 08.30 – 23.30.
16. A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.
17. 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 plan shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

18. An appropriate noise control device shall be put in place and used for any amplified sound. The device shall be set so that the volume of any amplified sound emanating from the premises does not cause a statutory nuisance to the occupiers of any noise sensitive premises and shall be set at a level that will have been previously agreed in writing by the Local Planning Authority. The Noise Control Device shall be permanently used at all times when amplified sound is played in accordance with the approved details, and any alterations to the sensitivity of the unit shall be agreed in writing by the Local Planning Authority.
19. Prior to the commencement of the development, a scheme providing for the storage of refuse shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with those approved details.

20. Prior to the commencement of the development, details for the provision of drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be implemented in accordance with those approved details and retained throughout the duration of the approved use on the site. Foul water shall be discharged to a public sewer, or if this is not viable, to a sewage treatment plant or cesspit (sealed tank). If a treatment plant is chosen, it would require prior approval at the Environment Agency, and the discharge shall continue to meet the Environment Agency's minimum requirements. If a cesspit is chosen, appropriate approval must be sought from the Local Authority prior to use.
21. Tree protection measures required.

11. **APPLICATION NO:** LB/EPF/11/05 **PARISH** Theydon Garnon

SITE ADDRESS:

Gaynes Park Estate, Gaynes Park, Coopersale, Theydon Garnon.

DESCRIPTION OF PROPOSAL:

Grade II Listed Building application to convert agricultural outbuilding to provide a facility for the holding of civil weddings and wedding receptions together with ancillary overnight accommodation. (Resubmission).

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Samples of the types and details of colours of all the external finishes shall be submitted for approval by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
3. Additional drawings that show details of proposed new windows, doors, roof lights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
4. No part of the fabric of the building, including any timber framing, infill panels and external brickwork shall be removed, cut, cleaned or coated without the prior written approval of the Local Planning Authority, unless specified on the approved plans.
5. Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the Local Planning Authority prior to starting any work on site.
6. All new rainwater goods and soil and vent pipes shall be of black painted cast iron.
7. The new window frames and frames of the proposed new external doors shall be painted white.

8. No meter boxes, vent pipes, flues, ducts, or grilles shall be fixed to the fabric of the building without prior, written approval of the Local Planning Authority.
9. Samples of re-pointing, concrete repairs, replacement brickwork, paving and tiles shall be agreed in writing by the Local Planning Authority prior to commencement of any works on site and retained during the full extent of works on site. Sample panels shall be a minimum size of 600 x 600mm.
10. Details of fixtures including information displays, seating, sensors, lights, speakers, passenger help points, columns, cameras, detectors. Signs condenser and cooling unit as noted on the approved drawings shall be submitted for the approval in writing by the Local Planning Authority prior to the installation of any fixtures on site. Notwithstanding the approved drawings, the number and positions of cameras and lights shall be agreed.
11. A sample of the lime mortar, which is to be used in connection with the works, shall be submitted to and agreed in writing by the Local Planning Authority before the works are commenced on site.
12. Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences, and the development shall be implemented in accordance with such agreed details.
13. Full details of the upgrading required to meet the building regulations, including thermal insulation and construction of party walls shall be agreed in writing with the Local Planning Authority prior to the commencement of any works.

12. **APPLICATION NO:** EPF/379/05

PARISH

Theydon Garnon

SITE ADDRESS:

Barkers Farm, Theydon Mount.

DESCRIPTION OF PROPOSAL:

Change of use of part of existing agricultural building to provide overnight accommodation.

REFUSED:

1. The Local Planning Authority is not satisfied from the evidence submitted by the applicant that a need has been demonstrated for the proposed overnight accommodation and furthermore, is premature because there is no firm evidence of viability of an agricultural enterprise. In these circumstances, it is considered to represent an inappropriate development within the Green Belt and therefore contrary to national planning policy guidance, the Essex and Southend on Sea Structure Plan and policies GB2 and GB17 of the adopted Local Plan.

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Report to Area Plans Sub-Committee 'C'

Date of meeting: 29 June 2005.



**Epping Forest
District Council**

Subject: Probity in Planning – Planning Appeal Decisions, October 2004 to March 2005.

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Gary Woodhall (01992 – 56 4470).

Recommendation:

That the Planning Appeal Decisions for the period October 2004 to March 2005 be noted by the Sub-Committee.

Background:

1. In compliance with the recommendation of the District Auditor of November 2000, this report advises the decision-making committee of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal with the national average of about 33%. In fact in recent years the Council has been more successful with only 31% overturned in 1999/00, 25% in 2000/01, 24% in 2001/02, 27% in 2002/03 and only 18% in 2003/04.

Performance:

3. Over the six-month period between October 2004 and March 2005, the Council received 47 decisions on appeals – 44 planning appeals and 3 enforcement appeals. Of the 44 planning appeals, 14 were allowed (32%) and of the 3 enforcement appeals none were allowed – a combined total of 29% of the Council's decisions overturned.
4. For the year (04/04 to 03/05) as a whole, there were 79 planning appeal decisions and 12 enforcement appeals, with 23 planning appeals allowed and 2.5 enforcement appeals allowed, providing an overall proportion for the year of 28% of the Council's decisions being overturned at appeal.

Planning Appeals:

5. Of those 14 planning appeals allowed, 4 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 4 were:
 - (a) EPF/1007/03 – Fishing lakes and associated buildings at the former Thornwood Camp, Carpenters Arms Lane, Thornwood (Area Committee B 12/11/03);

(b) EPF/2207/03 – Single and two storey side and rear extensions at 58, Loughton Way, Buckhurst Hill (Area Committee A 11/02/04);

(c) EPF/416/04 – Erection of two storey side and rear extension at 11, Primley Lane, Sheering (Area Committee C 19/05/04); and

(d) EPF/1254/04 – New dwelling at 87, Monkswood Avenue, Waltham Abbey (Area Committee D 29/09/04).

6. To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in 5 cases - nos. 18, 21, 24, 32 and 33 on the attached list.

Costs:

7. Costs were awarded against the Council in just one appeal. This was in regard to the two cases at Old House Farm, Old House Lane, Nazeing where the Council sought to argue that the nature of the traffic implications from the retention and expansion of commercial activities at this former farm complex was so different from the former farm traffic that amenity and environmental concerns were justified. The Inspector concluded that the Council should have had greater regard to the traffic information submitted at the application stage and that the refusal of permission was unreasonable. In the circumstances he made a full award in the appellant's favour of the costs of the whole appeal. The sum is still being determined but is likely to be in the order of £14,000.

Conclusions:

8. The Council's performance for this 6-month period was somewhat below last year's exceptional performance but consistent with previous periods and has exceeded the BVPI and the national average.
9. The decisions are listed in the Members Bulletin from time to time but a full list of decisions over this six-month period are attached at Appendix 1.

Appeal Decisions October 2004 to March 2005

Planning Appeals Allowed:

1. EPF/2085/03 – Renewal of temporary permission for light industrial and storage uses at Old House Farm, Old House Lane, Nazeing
2. EPF/1429/03 – Commercial uses in former farm complex at Old House Farm, Old House Lane, Nazeing
3. EPF/1007/03 – Fishing lakes and associated buildings at Thornwood Camp, Carpenters Arms Lane, Thornwood
4. EPF/1387/03 – Single and two storey extensions at 1, Lyndhurst Rise, Chigwell
5. EPF/1429/03 – Removal of agricultural occupancy condition at The Bungalow, The Street, High Ongar
6. EPF/2135/03 – New two storey dwelling at 72, Alderton Hill, Loughton
7. EPF/2150/03 – Six flats at 172, Manor Road, Chigwell
8. EPF/2207/03 – Single and two storey side extension at 58, Loughton Way, Buckhurst Hill
9. EPF/298/04 – First floor rear extension at Stem Christi, Tysea Hill, Stapleford Abbots
10. EPF/403/04 – Detached dwelling on land at 21, Station Road, Loughton
11. EPF/416/04 – Two storey side and rear extension at 11, Primley Lane, Sheering
12. EPF/729/04 – First floor rear extension and loft conversion at 9, Crows Road, Epping
13. EPF/1254/04 – New dwelling at 87, Monkswood Avenue, Waltham Abbey
14. EPF/856/04 – Wall, gates and railings at 19, Kings Avenue, Buckhurst Hill

Planning Appeals Dismissed:

15. EPF/1808/03 – Erection of 4 commercial frontages and 9 flats at 1-7A, Station Road, Epping
16. CAC/EPF/875/04 – Demolition of buildings at 1-7A, Station Road, Epping
17. EPF/2423/02 – Detached dwelling at land r/o 4 North Street, Nazeing
18. EPF/970/03 – Three detached houses at land r/o Brickfield House, High Road, Thornwood
19. EPF/1644/03 – Wall and railings at 165, Old Nazeing Road, Nazeing
20. EPF/1897/03 – First floor extension at Drummaids, Parsloe Road, Epping Green
21. EPF/2029/03 – Conversion of bungalow to house at 62, Theydon Park Road, Theydon Bois
22. EPF/2090/03 – Retention of car wash facility at Rocky Filling Station, High Road, Thornwood
23. EPF/2184/03 – Erection of 1.8m high fence to rear of 11, Whitehall Close, Chigwell
24. EPF/2222/03 – Change of use to pie and mash shop at 50, High Road, North Weald
25. EPF/2233/03 – Single storey rear extension to shop at 33, Sun Street, Waltham Abbey
26. LB/EPF/2234/03 – Listed building application for extension to shop at 33, Sun Street, Waltham Abbey
27. EPF/2257/03 – Erection of detached dwelling at 1, Pike Way, North Weald
28. EPF/2286/03 – Erection of bungalow as 'granny annexe' at rear of 83, Old Nazeing Road, Nazeing
29. EPF/2287/03 – Conversion of barn to dwelling at Tadgells, Housham Tye, Matching
30. RES/EPF/2414/03 – Details of replacement dwelling at Hatchmans Lodge, School Lane, Beauchamp Roding
31. EPF/138/04 – Vehicular crossover at Forge Cottage, 34, Lambourne Road, Chigwell

32. EPF/170/04 – Detached house on land between 91 and 93, Monkswood Avenue, Waltham Abbey
33. EPF/185/04 – First floor rear extension and single storey front extension at 13, Pump Hill, Loughton
34. EPF/202/04 – Removal of condition re parking area at land rear of 2-4, Goldings Hill, Loughton
35. EPF/207/04 – Boundary wall with railings and gates at 136-138, London Road, Abridge
36. EPF/295/04 – Formation of carriage driveway at 38, Hoe Lane, Abridge
37. EPF/435/04 – Extensions to bungalow to form house at 62, Theydon Park Road, Theydon Bois
38. EPF/485/04 – Detached dwelling at Sparks Farm, Nine Ashes Road, High Ongar
39. EPF/515/04 – Two storey side extension and loft conversion at 46, Woodland Way, Theydon Bois
40. EPF/721/04 – Single and two storey extension at 1, Blackmore Court, Winters Way, Waltham Abbey
41. CLD/EPF/765/04 – Certificate of Lawfulness for retention of a stable block at Chestnuts, Magdalen Laver
42. A/EPF/922/04 – Mobile advertising hoarding at Weald Hall Farm, Weald Hall Lane, Thornwood
43. EPF/1008/04 – Loft conversion at 21, Oak Lodge Avenue, Chigwell
44. EPF/1430/04 – Creation of additional dwelling by erection of side extension and loft conversion at 13, Rous Road, Buckhurst Hill

Enforcement Appeals Dismissed:

45. 28, Forest Lane, Chigwell – Erection of gates and brick piers on frontage of property
46. 24, Tomswood Road, Chigwell – Erection of railings, brick piers and entrance gates on frontage of property
47. 42-43, Roydon Lodge Chalet Estate, Roydon – Use of land for stationing a mobile home together with creation of hardstanding, parking area and paved patio

Report to Area Plans Sub-Committee 'C'

Date of meeting: 29 June 2005.



**Epping Forest
District Council**

**Subject: Use as Travellers' Caravan Site - Birch Field,
Epping Lane, Stapleford Tawney.**

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Gary Woodhall (01992 – 56 4470).

Recommendation:

(1) That, as varied by the Secretary of State in his decision letter dated 13 May 2004, the Head of Legal, Administration and Estates be authorised to commence criminal and/or civil proceedings to secure compliance with the enforcement notice; and

(2) That the Head of Legal and Administrative Services be authorised to commence Injunctive Proceedings in the High Court.

Background:

1. This report seeks to address the fact that some of the current occupiers of this site were not present when the interests and rights of the occupiers were considered in 2003/04. The report explains the current situation, the actions taken by officers, the circumstances of the current occupiers and the next stage in the process. The Sub-Committee is asked to confirm the intended action.
2. The history of this matter is as follows:
 - (a) 29 April 2003 - An enforcement notice was issued requiring the cessation of the use of the land as, inter alia, a travellers' caravan site, the removal of, inter alia, all associated works and the restoration of the land to its former condition;
 - (b) 13 May 2004 - An appeal against the notice was dismissed but the requirements of the notice and the period for compliance were varied as follows:
 - “(1) Cease the unauthorised use of the land for a private travellers' caravan site and for the storage and distribution of furniture;*
 - (2) Cease the unauthorised use of the existing stable building on the Land as a washroom;*

(3) Remove all caravans, mobile homes and portable structures associated with the unauthorised use of the Land as a private travellers' caravan site and for the storage and distribution of furniture from the Land;

(4) Remove all those works comprising the associated operational development from the land (roadways, hardstandings, various means of enclosure around and to subdivide the Land, a marquee and all other buildings and structures ancillary and incidental to the use of the land);

(5) Remove all materials arising as a result of compliance with (1), (2), (3) and (4) from the Land;

(6) Restore the Land to its condition immediately prior to the Unauthorised Development taking place."

(i) In respect of requirements (1), (2) and (3), 12 months after the notice took effect;

(ii) In respect of requirements (4), (5) and (6), 15 months after the notice took effect; and

(iii) The notice took effect on 13 May 2004 therefore the relevant compliance dates are 13 May 2005 and 13 August 2005.

3. The matters given specific consideration by the Secretary of State when considering the appeal included:

- *The gypsy status of the appellants* - It was found that the appellants should be afforded gypsy status;
- *Highway safety* - It was concluded that the increase in traffic along Epping Lane would be materially harmful to road safety in the area;
- *Flood risk and pollution* - The site is in a 100-year flood plain. In the light of national guidance advising such development should not be given permission unless the particular location is essential for the use it was decided that the use of the land as a residential caravan site should not be permitted;
- *Living conditions on the site* - It was found that the site would not provide satisfactory living conditions for its occupants due to noise and air pollution and possible land contamination;
- *Sustainability* - Since the site is in a remote rural landscape and is not actually accessible to local services, shops or schools by any other form of transport than the car it was concluded the use was in conflict with adopted planning policy and national planning guidance;
- *Impact on the Green Belt* - It was found that the use is clearly harmful to the Green Belt; and

- *The existence of very special circumstances* - Having regard to the need for Gypsy site provision, whether alternative sites existed and the health and educational needs of the appellants, it was decided that these matters did not either in themselves or cumulatively amount to very special circumstances sufficient to overcome the harm caused to the Green Belt:
 - (i) It was found that there was no need for the appellants to be in this particular location and the site was just a site near a big city that had become available. There was no evidence that the occupiers of the site had looked for an alternative site; and
 - (ii) In respect of health needs, even taking into account that one of the residents went to hospital twice a week for chemotherapy, it was found that there was no medical need that required any occupier of the site to live at this particular site rather than any other. Similarly in respect of the educational needs of the occupants of the site, despite acknowledging that moving school is normally highly disruptive to most children, there was no evidence to demonstrate the educational needs of children at the site could not be met at any other school;
- *Impact on a high-pressure gas main* - It was acknowledged that any caravans would have to be moved to carry out emergency work on the gas main but since there was no evidence given by Transco to the Inquiry it was unknown whether there were any safety issues regarding stationing residential caravans on the site; and
- *Human Rights* - It was recognised that dismissal of the appeal would interfere with the occupants rights under Article 8 of the European Convention on Human Rights. However, it was concluded that since the objections to the development were numerous and serious, interference with Article 8 rights by securing the cessation of the use was necessary to safeguard the public interest and would not be a disproportionate measure or unjustified interference in this particular case.

Situation as at 14 June 2005:

4. It is considered that the only material changes in circumstances since the appeal was considered are that the site is not fully occupied (although the level of occupation varies from time to time) and that some of the occupants of the site did not live there at that time.
5. Notwithstanding the lower level of occupancy of the site, the unauthorised works still exist and although a number of pitches are not currently occupied, they remain capable of occupation. There is therefore no material change in the planning considerations and the continuation of the use together with the retention of the works facilitating it remain unacceptable.
6. Officers visited the site on 10, 19 and 24 May 2005 and have found that approximately half the plots are occupied. A total of 58 people appear to be living on the land. That includes 19 children under 14 years old of whom 11

are receiving education in the District and the remaining 8 are below school age. Five of the occupants are being treated for medical conditions or undergoing medical tests. They are being treated by their GP or as outpatients. It does not appear that the needs of the occupants of the site are different to those of the general population. The occupant who was receiving chemotherapy when the appeal was considered was not found to be at the site.

7. It is understood from discussions with people living at the site that more gypsies may buy Plots at Birchfield despite the extant enforcement notice. Two such individuals have been interviewed. They, together with all other people interviewed at the site were told of the existence of the notice, its requirements and the dates for compliance. They were also told that the Council is seeking compliance with the notice. Periodic inspections and necessary additional interviews will continue to be carried out and, to date, this is being done with the co-operation of the occupants of the site.

Human Rights Issues:

8. The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law and is a relevant consideration. Officers have taken steps to find out the personal circumstances of the occupants of the site to ascertain the need for them to be at this particular site and therefore ascertain whether taking steps to secure compliance with the Notice would be a proportionate interference in their Article 8 rights. The necessity for such interference has already been established in the Secretary of States decision to dismiss the appeal against the Notice following the public inquiry held in January and February 2004.
9. The educational and health needs of the occupants of the site are not such that they can only be met at the site. They could certainly be met at another site and in that respect there is no change since the appeal against the Notice was considered. In reaching his decision to extend the period for complying with the requirements of the Notice the Secretary of State had specific regard to the difficulty the occupants were likely to have in finding alternative sites. Accordingly, it is concluded that since the objections to the development are numerous and serious, interference with Article 8 rights by securing the cessation of the use remains necessary to safeguard the public interest and would not be a disproportionate measure or unjustified interference in this particular case.

Conclusion:

10. There is no material change in the planning considerations and the continuation of the use together with the retention of the works facilitating it remain unacceptable. In the circumstances and having regard to the extended compliance period given by the Secretary of State, the consequent interference with the Article 8 rights of the current occupants of the site in order to secure compliance with the requirements of the enforcement notice as varied is considered to be necessary and proportionate.

11. The options to secure compliance with the enforcement notice as varied are to either start proceedings in the Magistrates Court or commence Injunctive Proceedings in the High Court. It is considered the most effective course of action would be to commence Injunctive Proceedings in the High Court and the sub-committee is asked to confirm this intended action and to give authority to take either course of action.

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AREA PLANS SUB-COMMITTEE 'C'

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT

CASES

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APPLICATION No: EPF/2228/04

Report Item No: 1

SITE ADDRESS:

THE PIGGERIES, WOOLMONGERS LANE, INGATESTONE,
HIGH ONGAR

PARISH: High Ongar

APPLICANT: C & R Davies

DESCRIPTION OF PROPOSAL:

Variation of planning conditions of planning permission ref: EPF/1899/03; specifically Condition 1, to read "for the use of the site as a landscape contractor's depot only"; Conditions 7 and 8 to increase hours of operation to 07.30 to 18.00, and to vary Condition 14 (regarding bringing materials onto the site).

RECOMMENDED DECISION: Grant Permission

1. This consent shall inure for the use of the site as a landscape contractors depot only and for no other industrial or commercial use.
2. The manege hereby approved shall only be used for the purpose of equestrian activity by the owners of "The Piggeries" and for no commercial activity or parking of vehicles.
3. Within three months of the date of this notice, the storage building and fencing that encloses the manege shall be painted dark green and shall permanently be retained in that condition.
4. A flood risk assessment 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 programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.
5. Retention of existing trees and shrubs
6. The rating level of noise (as defined by BS.4142: 1997) emitted from the site, other than that generated from vehicles manoeuvring on the site, shall not exceed 5dBA above the prevailing background noise level. The measurement position and assessment shall be made according to BS.4142:1997.
7. No machinery shall be operated, no process shall be carried out and no commercial vehicles enter or exit the site, outside 07.30 hours - 18.00

hours, Monday to Friday, nor at any time on Saturdays, Sundays, Bank or Public Holidays.

8. Within three months of the date of this notice, details of refuse storage and collection facilities shall be submitted to and approved by the Local Planning Authority. The details shall be implemented within three months of approval and must be retained permanently for the storage and collection of refuse.
9. All surface water inside the curtilage of the site that may be contaminated with pollution should pass through an interceptor tank to remove any oil, petrol or other pollutants, before discharging to the surface water system. Within three months of the date of this notice, details of the installation of such a system shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented and maintained in use within three months of approval.
10. The height of open storage materials shall not exceed two metres above ground level.
11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995 (or of any equivalent provisions revoking or re-enacting that Order) no additional hardstanding or hard surfacing shall be formed on the site and restricted to that area bordered pink shown on the approved drawing no. 1045/1A.
12. No external lighting shall be erected on the site unless a scheme is firstly submitted to the Local Planning Authority and agreed in writing prior to the installation. The agreed lighting shall not be illuminated outside the hours on 07.30 hours to 18.00 hours Monday to Friday or at any time on weekends and public holidays.
13. Vehicle movements shall not be materially increased above the levels detailed within the application hereby approved, without the prior written approval of the Local Planning Authority.
14. No materials, other than those used in conjunction with the business operated from the site shall be brought to or stored at the site without the prior written approval of the Local Planning Authority.

Description of Proposal:

This application is to vary conditions attached to the planning permission for use of the site as a contractor's depot (EPF/1899/03).

Firstly, condition 1 is to be changed to lift the restriction of the site's use by the applicant, but retain the proviso that it stays as a landscape contractor's depot.

Secondly, it is proposed to amend conditions 7 and 12 to change the hours of operation, and the use of floodlighting from 08.00-18.00 hours to 07.30-18.00 hours (Monday to Friday).

Thirdly, condition 14 which states "No materials shall be brought to the site without the prior written approval of the Local Planning Authority" is proposed for revision so that it reads "Only materials used in connection with the business operated from the site shall be stored at the site".

Description of Site:

The site comprises a farm complex with associated buildings, paddocks and fields and is situated on the north-eastern side of Woolmongers Lane. The area in which the site is located in is comprised of mainly agricultural use but there are some residential dwellings nearby, several on Woolmongers Lane. All of the site and surroundings are situated within the Metropolitan Green Belt.

Relevant History:

EPF/1899/03 - Continued use of land as a contractor's depot and retention of storage building and manege - Granted 25/8/04.

Policies Applied:

Countryside Policy from the Essex and Southend on Sea Replacement Structure Plan:-

C2 - Development within the Metropolitan Green Belt.

Green Belt, Countryside and Amenity Policies from Epping Forest District Council's Adopted Local Plan:-

GB2 - Development within the Metropolitan Green Belt.

LL1 - Protection of the countryside.

DBE9 - Amenity considerations.

Issues and Considerations:

The main issues with this application relate to the impact of varying these conditions on the green belt and amenities of surrounding residences.

Green Belt

The permission is currently personal, however the applicant wishes for this restriction to be lifted and the restriction be placed on the nature of the business.

This is considered appropriate in the context of the Green Belt given the activities that have occurred on this site over time. The suggested wording will still ensure that no other commercial use could take place without the permission of the Council.

In the context of the countryside, it is considered that increasing hours of operation by thirty minutes will not be detrimental, particularly in relation to the site's lawful use and nature of current operations.

The applicant states that lorries are collected from the site before 08.00 hours, as they are loaded the previous afternoon. Permitting an additional half an hour is not considered to give rise to harm to the Green Belt.

The current condition 14 does not allow for materials to be brought onto the site. The business entails bringing material onto the site (in connection with its lawful use), and the restriction currently prevents this.

Changing the wording so that only materials in conjunction with the lawful use can be brought onto the site is considered acceptable, particularly in the light of the existing condition that restricts open air storage to a maximum height of two metres, together with the screening around the site.

Residential Amenity

Removal of the personal permission will allow another operator to conduct business on the site, but this would have to be a Landscape Contractor's Depot. As this is the lawful use of the site, which would still be controlled, no harm will result to amenities as a result of this change.

Concern has been raised with regard to the earlier hours of operation. The application was originally requesting operation to commence at 07.00, but this has been revised.

Although residential properties are located nearby the site, it is considered that for the weekday use of the site to commence at 07.30 is not unacceptable in terms of residential amenity, and it is also considered that refusal would be difficult to justify on appeal.

No application is being made for a weekend use, and although it has been stated that this occurs, this would be an enforcement matter should this occur in the future, were permission granted for the revised hours.

Given the sites screening, storage of materials in conjunction with the yard are unlikely to affect amenity.

Conclusion

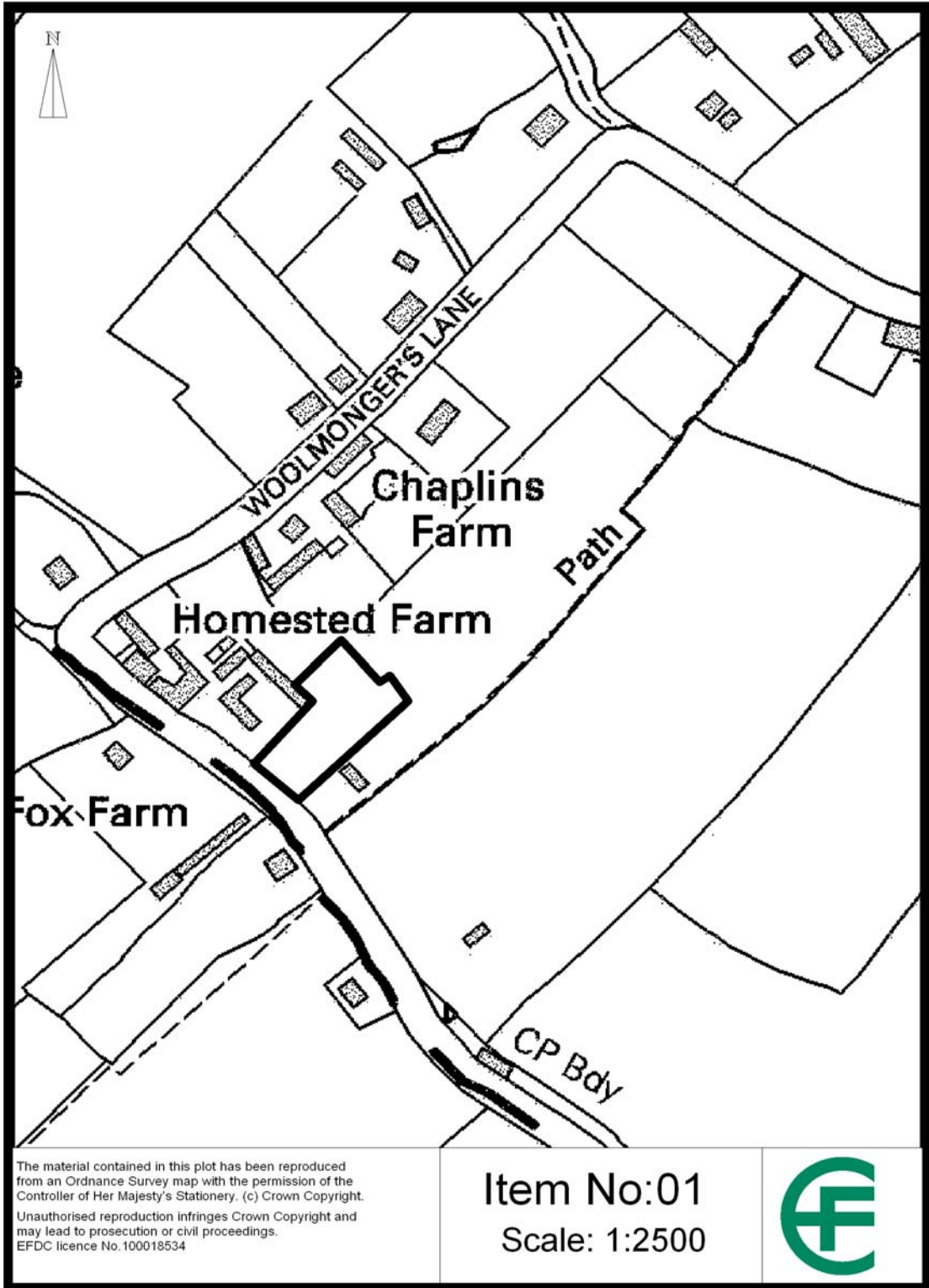
The proposals will not result in additional adverse impacts to the surrounding countryside or residential amenity. The application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

HOMEMEAD FARM, WOOLMONGERS LANE - The site has been used from 07.00 am weekdays since 2003 and also on Saturdays with persistent traffic all weekend, a number of heavy equipment uses and frequent noise. This is an attempt to further increase use at more unsociable times. We oppose the application 1) This is a lane with residential housing and The Piggeries is out of keeping in its position. 2) The owners have a history of abusing the terms of their licenses and this would merely enable them to take further steps beyond this application.

CAMPAIGN TO PROTECT RURAL ESSEX - Object, the opening up of the site for general use and bringing uncontrolled materials to site could cause problems of excessive storage of waste materials and excessive lorry traffic in the area. You are experiencing major problems at North Weald and Theydon Bois with such activities.

Following the revision to the application (amending hours of operation and use of lamps to 07.30 and not deleting condition 14), neighbours and the Parish Council were re-consulted. Any comments received after agenda preparation will be reported orally to the Committee.



Epping Forest District Council
Final Committee Agenda
For Committee meeting on: 29/06/2005
Decision Level: Development Committee and Plans Sub-committee

APPLICATION No: EPF/741/05

Report Item No: 2

SITE ADDRESS:

BARN AT HOGGS FARM, CARTERS GREEN, MATCHING

PARISH: Matching

APPLICANT: Mr B Bartlett

DESCRIPTION OF PROPOSAL:

Change of use from barn to bungalow.

RECOMMENDED DECISION: Refuse

1. The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with government advice and Policies C2 and RE2 of the adopted replacement structure plan and policies GB2 and GB8 of the adopted Local Plan. Since the Local Authority is not convinced that the building are not suitable for any alternative more appropriate use or that it is so desirable that they be brought back into beneficial use that residential should be considered.
2. The proposed development results in the further subdivision of the curtilage of the listed building known as Hoggs Farm leaving insufficient curtilage for the scale and historic nature of the dwelling. This is harmful to the setting of the listed building contrary to policy HC12 and HC13 of the adopted Local Plan.
3. The works proposed to the curtilage buildings are considered harmful to their character and integrity contrary to policy HC13 and HC10 of the adopted Local Plan.
4. The proposal would lead to a form of unsustainable development since the provision of a new dwelling in this rural location without access to community facilities and sustainable means of transport would be contrary to Policies CS4 and H2 of the adopted Replacement Structure Plan.

This application is brought to Committee at the request of Cllr Knapman.

Description of Proposal:

This is a resubmission following amendment of an application that was considered by Members back in December 2004 and deferred for a site visit. The earlier application was withdrawn, by the applicant, to enable further negotiation.

The application is for the alteration and conversion of existing agricultural buildings to residential use. The works include removal of an existing small outbuilding and erection of an extension to link the two main buildings to create a three-bed dwelling. Additionally a detached double carport is proposed to replace an existing single garage and an existing storage building is to be removed.

Description of Site:

The site is an irregular shaped area of land within the current garden area of Hoggs Farm. This is a Grade II listed farmhouse, which now has no agricultural land. The site is accessed via the existing access to the farmhouse and the intention is that there will be shared access. The site forms part of the small collection of residential properties that comprise Carters Green. A barn immediately to the south of the access (originally within the ownership of Hoggs Farm) has recently been converted to residential use with the benefit of planning permission and Listed Building consent from 2002.

The buildings, which it is proposed to convert, are two single storey, timber framed barns, clad with timber weather boarding and standing at right angles to each other. They are set well back from the road frontage and are not visually prominent.

Relevant History:

EPF/1011/02 and LB/EPF/1012/02 planning and Listed Building Consent for conversion of barn to dwelling - Approved. This relates to the barn to the south of the entrance to Hoggs Farm House.

EPF/212/04 - Two storey side extension to Hoggs Farm House - Approved 8/6/04.

EPF//1745/04 - Conversion of former farm buildings to single residential use with car port - Application withdrawn.

Policies Applied:

Local Plan Policies:

GB2, GB8 Green Belt
HC10, HC13 Listed buildings.
LL7, LL10, LL11 Landscaping.
DBE9 Effect on neighbours
T17 Traffic.

Structure Plan Policies:

RE2 Re-use of rural buildings
C2 Development within MGB
H2 sequential approach to housing development
CS4 Sustainable new development
HC3 protecting listed buildings and their settings.
HC4 Conversion of listed buildings.

Issues and Considerations:

The main issues here are considered to be whether the proposal is acceptable in terms of the impact upon the Green Belt, the effect on the setting of the listed building, any impact on neighbouring properties, highway safety implications and the sustainability of the site for residential purposes.

Green Belt

Policy GB8 allows for the conversion of buildings where they are permanent substantial, capable of conversion without major reconstruction and in keeping with their general surroundings. A condition survey submitted with the application indicates that the barns are capable of conversion, subject to underpinning, part rebuilding of brick plinths, rebuilding of parts of the timber frame, repair or replacement of locally decayed timber, possible enhancements of roof timbers, new concrete slabs and damp proof course. The report is not a full structural survey and does not detail all works necessary for structural stability and conversion to residential. Although clearly substantial work would be required to convert the buildings they are square and level and there is no evidence of extensive ongoing structural movement. On balance it is considered that the works envisaged, although quite extensive do not amount to major reconstruction.

Policy GB8 continues that if the first requirement is met, then the new use should be one that is associated with open uses

acceptable in the Green Belt, or commercial activities of benefit to the local area involving recreation or tourism, or business or commercial uses which would not involve open storage or significant vehicle parking. In this case the applicant's agent argues that the buildings are not suitable for modern agricultural uses, and in any case the land has been sold away and they are situated close to two residential properties (Hoggs Farm and Hoggs Farm Barn). The access is narrow and unsuitable for uses that would increase traffic.

The applicant's agent argues that due to the floorspace of the barns (approximately 156 square metres) it is conceivable that over 20 cars would need to be accommodated in front of the barn and including service vehicles movements would be in excess of 100 per day if an office use were to be permitted. However the planning authority disputes these figures. The parking standards for B1 business use is 1 space per 30sqm (which would mean 5 spaces) and for B8 storage use the figure is just 1 space per 150 square metres and it is conceivable that such low key storage or business use would generate similar traffic movement levels to a family dwelling.

Clearly this is not an ideal location for intensive storage or business use, but these alternatives have not been fully explored and the figures that have been put forward appear significantly inflated. One residential property in an isolated location like this can generate up to 10 vehicle movements a day 7 days a week, a business use employing 2 or 3 people may not generate significantly more traffic, and could help meet local employment needs. The possibility does not seem to have been adequately explored.

Policy GB8 goes on to state that residential use will only be accepted where the building is unsuitable for the other uses set out above, but where the council considers it desirable that the buildings be brought back into beneficial use.

In this instance the buildings are not prominent buildings, they are single storey unremarkable buildings within the (now residential) curtilage of a listed building. The buildings could be legitimately used as storage in connection with the existing dwelling, they have clearly remained unused for any agricultural use for a significant period of time and it is not considered that it is particularly desirable that they be given an alternative use. At present they are essentially domestic outbuildings and this appears to be the most appropriate use for them, alternatively consideration could be given to the possibility of conversion to ancillary living accommodation as an annexe to the existing house. This would have the benefit of maintaining a single residential curtilage and no need for additional garaging etc.

Finally the proposal involves the construction of a carport building replacing an existing single garage close to the northern boundary of the site. The proposed car port measures 5.5m square and has a pitched roof with a 4m ridge height. The intention is to provide garaging for both the existing house and the barn conversion. The provision of this building is to some extent offset by the removal of an unattractive storage building to the rear of the site. However one of the main concerns about allowing conversion of buildings to residential use is that inevitably there follows a need or a desire for new built structures, for garaging and or storage and this proposal only serves to emphasise that.

Listed Building Considerations:

The buildings are not listed in their own right but are "curtilage buildings" and listed building consent is required for work to them. A separate Listed Building application has been submitted and is next on the agenda. The Senior Historic Buildings Adviser from Essex County Council has raised considerable concern about the proposal and considers that the progressive subdivision of the site harms the setting of the listed building. The subdivision, which follows the earlier conversion of the barn immediately to the west of the farmhouse, leaves insufficient curtilage around the Farm House for the scale and historic status of that house.

The design of the conversion itself results in a very domestic character to the building, and the interior is very subdivided and new openings involve cutting through braces that are of major structural importance. The scheme is therefore considered harmful to the setting of the listed building and the interest of the curtilage listed buildings.

The proposed carport, which is the first building that would be seen on the approach to the site and listed building, is not attractive, with squat proportions and a span greater than that of the main listed farmhouse. The recommendation of the Historic buildings adviser is therefore to refuse.

Impact on neighbours

Objection to the proposal has been raised by occupants of 3 other dwellings within the hamlet of Carters Green, however part of their concern appear to relate to the problems of noise and disruption that could occur during the works involved in the conversion, which they have suffered with during the conversion of Hoggs Farm Barn, and these are not grounds for the refusal of a planning application. It is not considered that the use itself would result in any harm to the residential

amenity of adjacent residents, including those at Hoggs Farm itself. The nearest neighbour, in the recent barn conversion, has written in support of the proposal.

Highway Issues

The proposed use is unlikely to generate significant traffic movements and the Highways Authority has no objections to this proposal, as it is not contrary to the transport policies contained within the ECC Structure Plan and EFDC Local plan. Adequate parking is proposed within the site to ensure that there is no need for on-street parking, which would be hazardous in this location.

Sustainability

Carters Green is a small hamlet with no facilities and it is clear that any inhabitant of the barns if converted would be heavily reliant on the car for access to work, shops and other facilities. The proposed development would therefore be likely to lead to an increased number of car journeys from the hamlet contrary to Government objectives of reducing car dependency, contrary to policies CS2 and CS4 of the structure plan.

Conclusion

It is considered that the proposed change of use to residential is not justified as the buildings could potentially be used for other less harmful purposes that have not been fully investigated or, could be used as domestic storage in connection with the existing dwelling. It is not considered that there is a need to find alternative uses for these relatively low-key curtilage buildings, and it is not accepted that residential use is the only option available. The scheme although now free of physical features demarking the separate curtilages for the existing and proposed dwelling still results in an additional unit within close proximity to the original dwelling and an inevitable change in the character of the building which will impact on the setting of the listed building.

The scheme will further fragment the curtilage of the listed farmhouse, which has already been impacted on by the conversion of the barn immediately to the west of the house, and the design of the conversion is not sympathetic to the barns. The site is poorly located for residential development. Singly, each of the above concerns could perhaps be overcome, or would not be sufficient to warrant refusal of the application, but all together they illustrate that the scheme is inappropriate and harmful and should be resisted. The application is therefore recommended for refusal.

SUMMARY OF REPRESENTATIONS:

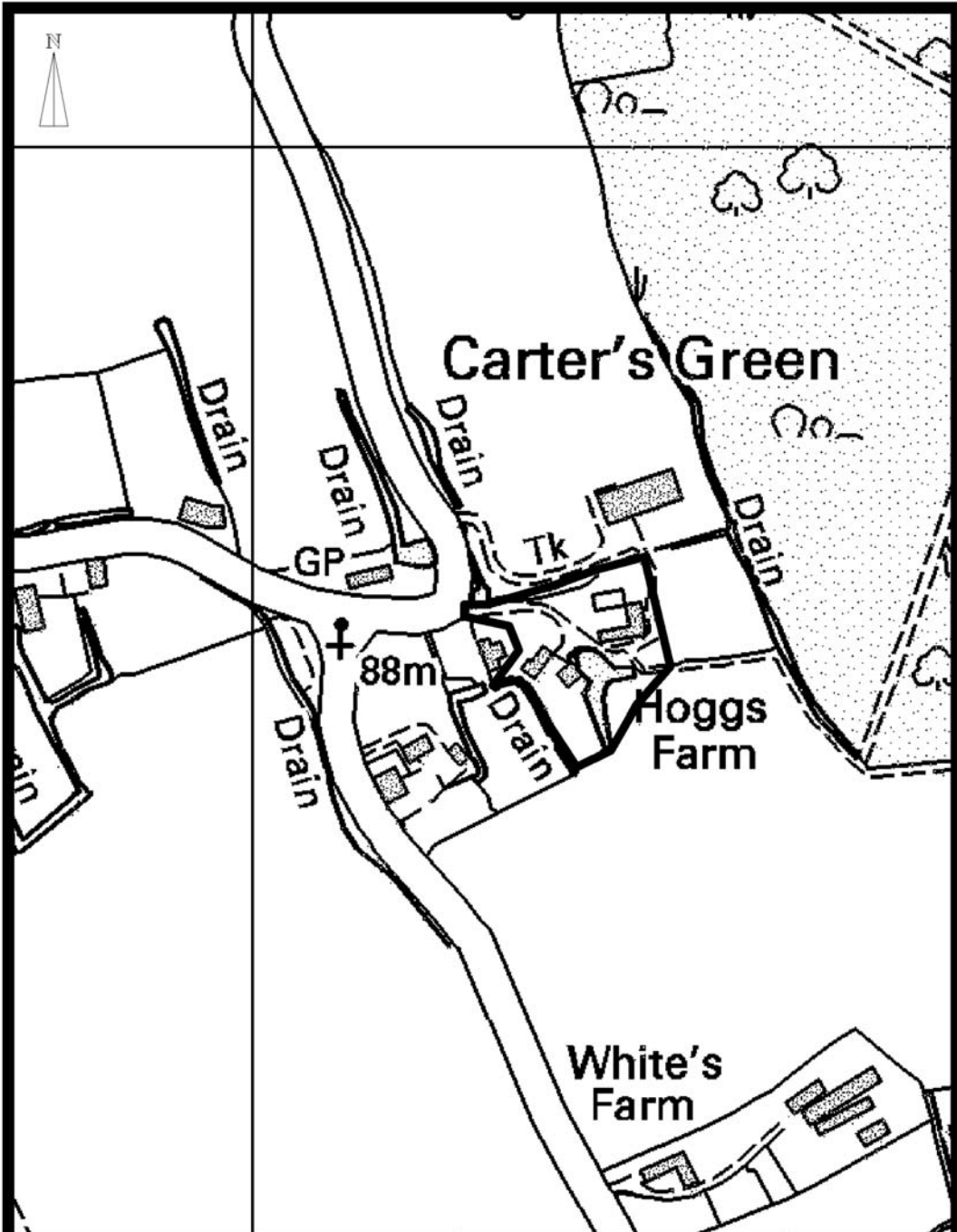
PARISH COUNCIL - No objection.

STOCK BARN, CARTERS GREEN - I give my full agreement. Having recently converted the large barn at the front of the property at Hoggs Farm I feel this would enhance the surrounding area.

WILLOW COTTAGE, CARTERS GREEN - I would like to reiterate my previous objections, noise and disruption. The lovely area is becoming like a mini Church Langley.

THE OLD HOUSE, CARTERS GREEN - Strongly object to further development in Carters Green. The adjoining barn conversion caused noise, disturbance, disruption and safety concerns during the building works. Yet another residential unit will bring much more traffic in the long run to this tiny hamlet.

BROADLANDS, CARTERS GREEN - Objection. The hamlet had until recently only 9 houses if this is approved there will be 3 houses where once there was one. Additional traffic, harmful to the character of the hamlet, of no benefit. The applicant could utilise the barn for his own family use and recreation. Permission would open the floodgates. I can name at least 25 rural outbuildings within half a mile of the barn. This is not what the area needs and is against Green Belt policy.



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Item No:02/03

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APPLICATION No: LB/EPF/742/05

Report Item No: 3

SITE ADDRESS:

BARN AT HOGGS FARM, CARTERS GREEN, MATCHING

PARISH: Matching

APPLICANT: Mr B Bartlett

DESCRIPTION OF PROPOSAL:

Curtilage Grade II listed building application for alterations to convert from barn to bungalow.

RECOMMENDED DECISION: Refuse

1. The proposed works including the provision of standardised openings in the elevations and the cutting of braces which are of major structural importance are harmful to both the character and integrity of the curtilage listed buildings contrary to policies HC10 and HC13 of the adopted Local Plan.
2. The proposed use, introducing a third residential unit in close proximity to the listed farmhouse is harmful to the setting of the farmhouse contrary to policy HC12 of the adopted Local Plan.

Description of Proposal:

Listed building application for alterations to enable conversion of barn buildings to dwelling. The works include the erection of a small linking extension, the installation of new fenestration and internal subdivision to provide three bedrooms a dining room, lounge, kitchen, bathroom and utility room.

Policies Applied:

Policies HC10, HC12 and HC13 of the adopted Local Plan and HC3 and RE2 of the adopted replacement structure plan, relating to the protection of listed buildings and their setting.

Issues and Considerations:

In determining applications for listed building consent the main concern is whether the proposals protect the character and historic interest of the buildings. The existing barns are not listed in their own right, but are protected as curtilage buildings. They are important to the setting of the farmhouse in that they are ancillary agricultural buildings that one would historically expect to find close to a farmhouse.

The proposed works however, will change the character of these low key buildings, by the use itself, and by the insertion of more windows and doors. The building takes on a domestic character that is out of keeping in such close proximity to the farmhouse. Although the applicant has amended the proposals since the earlier submission, to remove some openings in the elevations facing the listed building, the Historic Buildings Adviser from Essex County Council, still has considerable concerns about the proposal. She states:

"the design is one where the numerous standardised openings and proposed elevations are very domestic in character and the interior is very subdivided and there are large new openings which are likely to cut through critical framing and bracing. The proposal would be detrimental to the setting of the listed building and the interest of the curtilage buildings, because of the location, subdivision, domestication, design and likely structural damage involved."

On this basis the listed building application is recommended for refusal.

SUMMARY OF REPRESENTATIONS:

See previous item.

APPLICATION No: EPF/310/05

Report Item No: 4

SITE ADDRESS:
CHIPPING ONGAR COUNTY JUNIOR SCHOOL, GREENSTED ROAD,
ONGAR

PARISH: Ongar

APPLICANT: The Head & Governors Chipping Ongar Primary School

DESCRIPTION OF PROPOSAL:

Installation of 2.4m high green steel pallisade fencing and gates to all boundaries.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Notwithstanding the drawings hereby approved, before any works commence on site, a site meeting shall take place between the Councils Landscape Officer and those who are contracted to carry out the works in order to determine the exact siting of the approved fencing. The landscape officer can be contacted on 01992 564117.

Description of Proposal:

Consent is being sought for the installation of a 2.4m high green steel palisade fencing and gates to all boundaries. The gates would be installed at the Greensted Road entrance, the pedestrian entrance from Woodland Way and for access to and from the parish play area.

Description of Site:

The site lies within the Metropolitan Green Belt and comprises a single storey primary school building surrounded by 3 hardplay areas, a car park and grass playing fields. The land is well screened along all boundaries although views into the site can be had from the rear of properties along Woodland Way.

Relevant History:

EPF/837/04 - Installation of CCTV system and erection of three 6m steel columns - Approved with Conditions - 02/08/04

Policies Applied:

GB2 - Development in the Green Belt
DBE1 - New development
DBE2 - Amenity
DBE4 - Buildings in the Green Belt
LL10 - Retention of Trees

Issues and Considerations:

The main issues here relate to the appropriateness of the development within the Green Belt, its impact on the amenities of the neighbouring properties and the material consideration of the security aspect.

Green Belt

The aim of the Green Belt is to retain the openness of the land. It is not considered however that the fence would result in such harm to the openness of the green belt in this location as to warrant a refusal. Existing hedging and trees would screen much of the fencing and where the fence would be visible from public viewpoints it would be against the backdrop of the school building. Complies with GB2 and DBE4.

Amenity

Again, as much of the fencing would be screened by existing vegetation the impact of the fencing on the neighbouring properties would be negligible. Where it would be visible there is still some amount of tree screen to soften the impact. Local residents arguing that the fence would be unsympathetic to its environment have raised objections. The fencing proposed here is not too dissimilar to fencing being used at many schools in order to combat vandalism and security.

Concerns have been raised that this would result in a loss of the playing fields being used after hours, as has been the case historically. However the land belongs to Essex County Council and the loss of it is not considered to be a planning issue.

The concern raised regarding the health and safety of children using the parish play area if the proposed fence was erected is not considered to be so material as to justify a refusal here.

Furthermore, it has been confirmed by the Head of Planning and Access at Essex County Council that the Council's insurers

have stated that the school needs to install a 2.4m palisade or welded mesh fence around the boundary and this has been supported by Essex Police.

Therefore, on balance the fencing is considered acceptable and not so intrusive as to cause an excessive loss of amenity to the neighbouring properties. Complies with DBE1 and 2.

The Council's Landscape Officer has no objections to the proposal given that a condition is attached whereby the exact siting of the fence is determined on site by himself with the contractor at a date to be confirmed in order to ensure that the impact on the boundary vegetation is minimised.

Conclusion:

Whilst it may be regretted that such measures are necessary, there would appear to be no justification for refusing permission and consequently the application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - No objections subject to the Council wishing to see the most environmentally sympathetic style of fencing used and any trimming of planting to erect the fence should be sympathetic to the surroundings.

LEISURE SERVICES, EPPING FOREST DISTRICT COUNCIL - Objection - As there is little access to alternative facilities it would be unfortunate to lose the playing field.

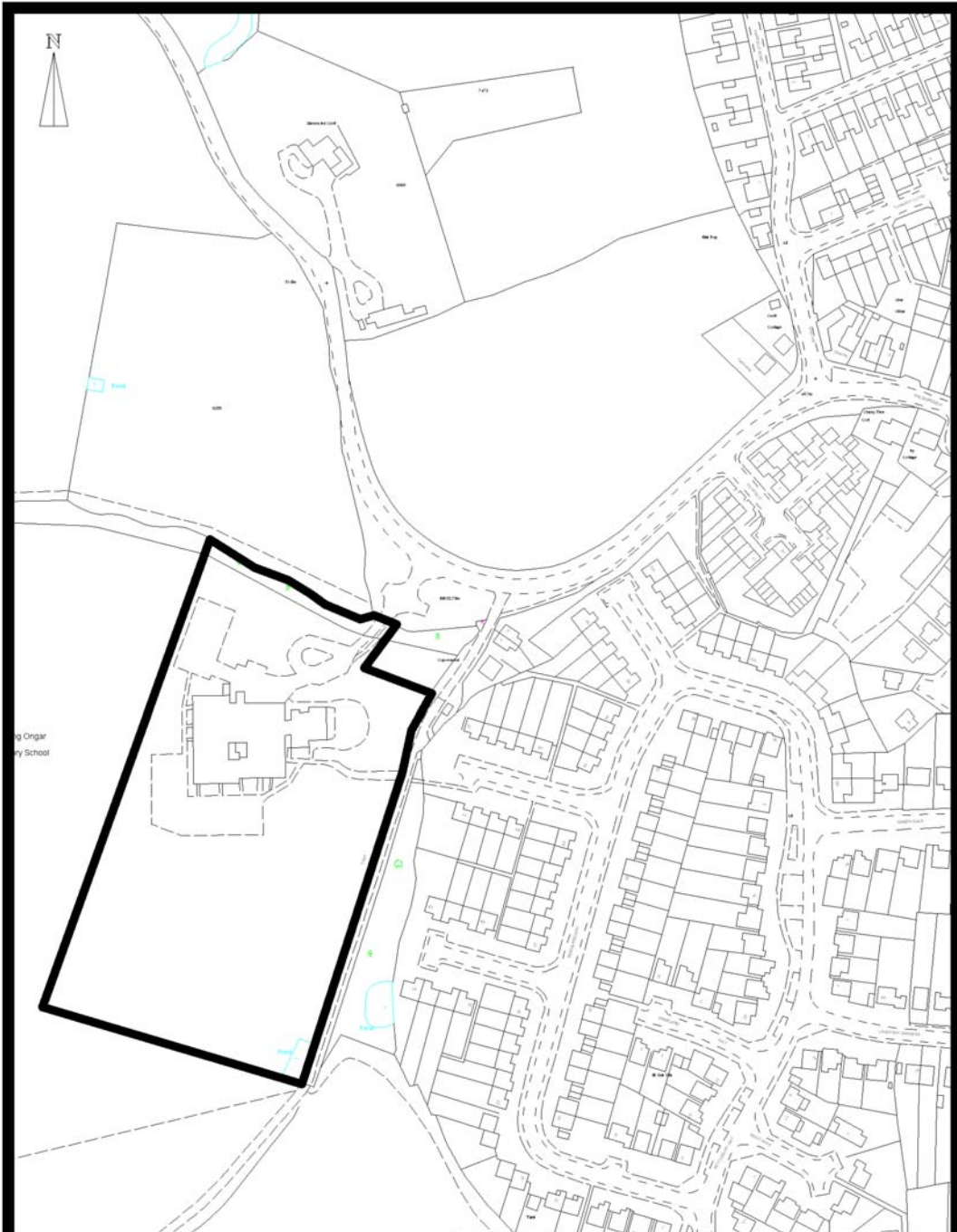
HEAD OF PLANNING & ACCESS, ESSEX COUNTY COUNCIL - The school has a claim record that is significantly worse than other schools as a result of vandalism and damage; insurers have stated that the school needs a 2.4m fence around boundary. Essex Police have supported the need.

85 WOODLAND WAY - Fencing would create an eyesore detracting from open area; fence would detract from views; loss of hedgerow; parish play area would resemble a cage.

10 LANDVIEW GARDENS - Objection - Loss of a safe and secure open space; CCTV installed is not being used to its full potential; situation is unjust and unfair; cannot accept that the fence would stop the vandalism.

117 LONGFIELDS - Loss of safe and secure open space; loss and threat to trees and wildlife; other options available including CCTV extension and more effective handling of evidence obtained.

18 KETTLEBURY WAY - Will not be possible to manage the hedging once the fence is in position; fence will be unsympathetic to the environment; fence around the parish play area is totally unsympathetic; put children's safety in jeopardy with high fence; other options available.



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Item No:04

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APPLICATION No: EPF/604/05

Report Item No: 5

SITE ADDRESS:

LAND TO REAR OF SMITHS RESTAURANT, FORMER BOWLING GREEN
FYFIELD ROAD, ONGAR

PARISH: Ongar

APPLICANT: The Portet Pension Fund

DESCRIPTION OF PROPOSAL:

Renewal of Outline Planning Permission EPF/399/01 for the change of use of former bowling green to residential to provide three single storey dwellings and extension to restaurant car park.

RECOMMENDED DECISION: Grant Permission

1. Submission of details within 3 years.
2. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is concerned.
3. Plans are particulars of the reserved matters referred to in Condition 2 above, shall also include:-
 - a) details of the provision of garaging, car parking spaces and turning areas;
 - b) details of floor slab levels in relation to existing levels of the site and surrounding properties;
 - c) details of the line, level width and junction layout of the means of access to serve the site, including details of the disposal of surface water therefrom and the provision of visibility splays at the junction with Fyfield Road;
 - d) details of the treatment of all ground surfaces together with the means of disposal of surface water therefrom;
 - e) details of the location of a refuse collection point to serve the new dwellings;
 - f) details of the means of enclosure; and
 - g) details of the location of all service runs to serve the new dwellings
4. The new dwellings hereby permitted shall be restricted to single storey construction only.

5. The extension to the restaurant car park hereby permitted shall not be lit or illuminated in any way.
6. The development hereby permitted shall not commence until a statement of all relevant details of tree protection has been submitted to, and approved in writing by, the Local Planning Authority. The statement shall include details of fencing in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS5837: 1990). Trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given prior written approval to any variation.

Description of Proposal:

Outline application for three single dwellings on area of redundant bowling green. All matters reserved (siting, design, landscaping and external appearance) except for means of access which is shown to be at the northern end of the site. Application also shows extension of restaurant car park to provide 9 extra spaces, also within the bowling green site.

This is a renewal of permission granted on appeal in March 2002.

Description of Site:

Former bowling green which has been disused for about 6 years, surrounded by residential properties on three sides and restaurant and car park on west side. There is a high fence separating the site from the restaurant's car park. The site does not have a frontage to Fyfield Road.

Relevant History:

EPF/399/01 - Outline for the erection of three detached dwellings and extension to the existing car park - Refused planning permission for three reasons:- loss of open space, amenity to residents and result in removal of mature protected trees. Appeal lodged and ALLOWED by Planning Inspector in 2002.

Relevant Policies:

Local Plan:-

RST14 - Protection of Playing fields
LL5 and LL6 - Protection of urban landscapes
LL7 - LL10 - Protection of trees
DBE2 and 9 - Amenity of residents
T17 - New Access criteria

Structure Plan:-

BE1 - Make efficient use of land but protect environmental quality
BE3 - Retain open space within urban areas
CS2 - Character of townscape of urban environment be safeguarded.

Issues and Considerations:

The main issue is whether there has been any policy or other material consideration changes since this development was allowed on appeal.

The planning merits were carefully considered three years ago at an appeal Hearing during the lifetime of the current Structure and Local Plan. It was concluded that the bowling green was, because of its limited size, private ownership, absence of vehicular access or dedicated parking facilities, extremely unlikely to provide an alternative public recreational use. The site is also fenced off from public view and no longer contributes to local amenity. The proposal is therefore not contrary to policy RST14, LL5 or 6.

The proposals are for bungalows at a low height level, it was concluded that there would be no harm to the amenities of the residents living around the site. The Inspector imposed a condition that the buildings be single storey only.

A tree protection order protects a group of elm trees along part of the northern boundary of the site and whilst no trees are to be removed, there were officers concern that the vehicular access may harm the future wellbeing of these trees. The Planning Inspector concluded that because the existing hard surface car park would be used for the access there would therefore be little or no work in this area. The proposal, he concluded, complies with policies LL9 and LL10.

There were no objections on highway grounds.

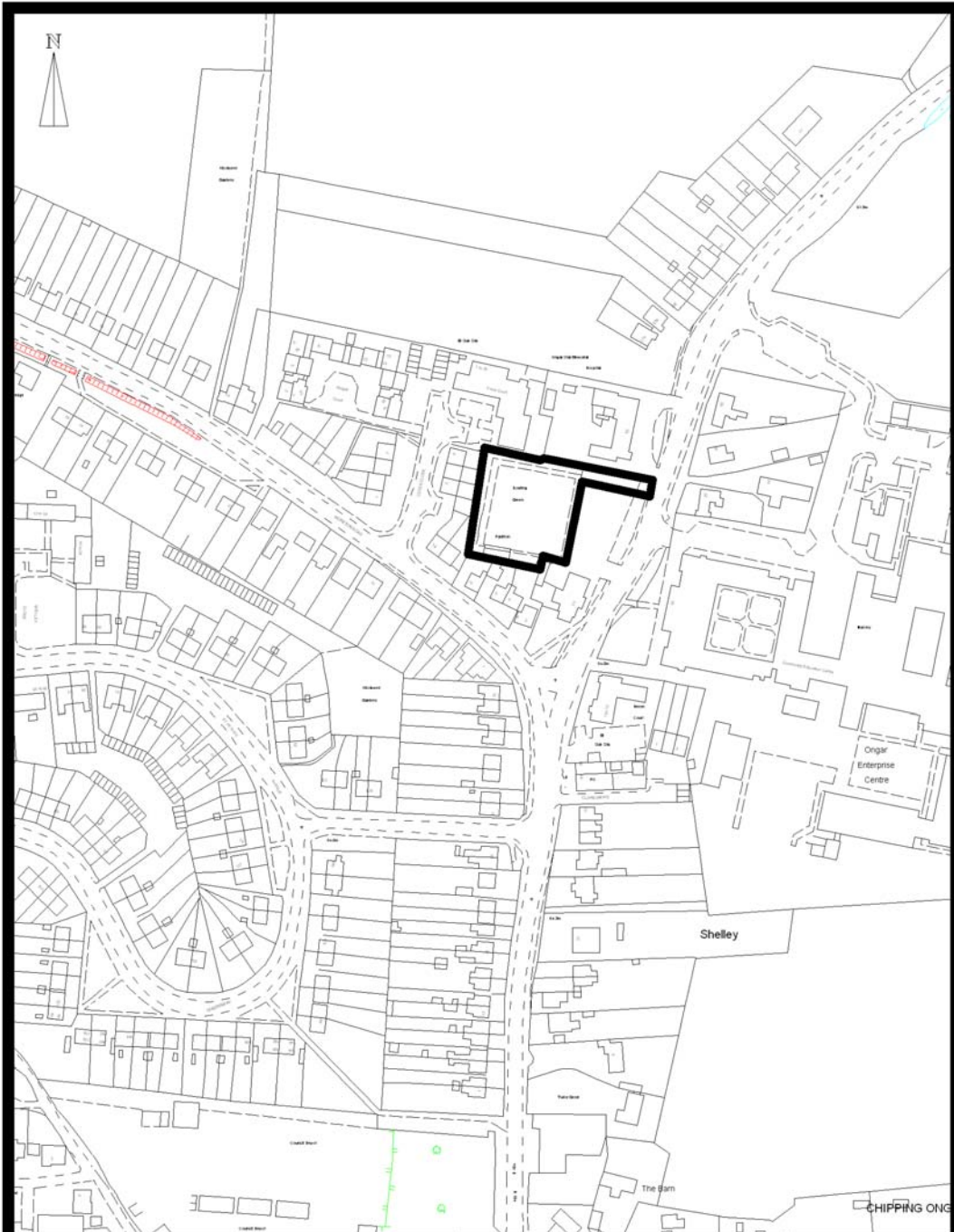
In summary, there are no new material considerations which have arisen since the appeal decision, and accordingly the application to renew the outline planning permission is recommended for approval.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object to the application as it would result in the loss of an important area of open space and would be detrimental to the amenities of neighbours and the area as a whole.

1 FINCH COURT, COLES CLOSE - Should this be granted it should be on the condition that Smith's Brasserie receive and unload all deliveries to them from their car park, which is to be extended, rather than from Fyfield Road because they block the pavement.

PRIMARY CARE TRUST - No objection so long as the trees and hedges between the site boundary and the Ongar War Memorial Hospital are not affected by the development.



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Item No:05

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