

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee C Wednesday, 12th April, 2006

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, Mrs H Harding, 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 - 12)

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. DEVELOPMENT CONTROL (Pages 13 - 40)

(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.

7. 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.

8. EXCLUSION OF PUBLIC AND PRESS

Exclusion: 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: 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 and 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.eppingforestdc.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: Area Plans Subcommittee C **Date:** 15 March 2006

Place: Civic Offices, Epping **Time:** 7.30 - 9.40 pm

Members Present: K Wright (Chairman), R Morgan (Vice-Chairman), Mrs D Collins, P Gode, Mrs H Harding, D Jacobs, D Kelly and Mrs M McEwen

Other Councillors: (none)

Apologies: (none)

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

66. 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.

67. MINUTES

RESOLVED:

That the minutes of the meeting held on 15 February 2006 be taken as read and signed by the Chairman as a correct record.

68. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a personal interest in the following item of the agenda, by virtue of having frequented the restaurant at the application site. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1511/05 – Blakes Golf Club, Epping Road, North Weald.

(b) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a personal interest in the following item of the agenda, by virtue of having been the neighbour of the applicant for 35 years. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1991/05 – Laughters Farm, Faggoters Lane, High Laver.

(c) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a personal interest in the following item of the agenda, by virtue of having owned the land 15 years previously. The Councillor had determined that his interest

was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2187/05 – Knightlands Farm, Berwick Lane, Stanford Rivers.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in the following item of the agenda, by virtue of being a distant relative of the applicant. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2187/05 – Knightlands Farm, Berwick Lane, Stanford Rivers.

69. ANY OTHER BUSINESS

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

70. DEVELOPMENT CONTROL

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

RESOLVED:

That the planning applications numbered 1 – 5 be determined as set out in the attached schedule to these minutes.

71. 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

Report Item No: 1

APPLICATION No:	EPF/2232/05
SITE ADDRESS:	Nine Ashes Farm Rookery Road High Ongar Ongar Essex
PARISH:	High Ongar
DESCRIPTION OF PROPOSAL:	Demolition of existing buildings and redevelopment with 10 no. dwellings (Revised application)
DECISION:	REFUSE

REASONS:

- 1 The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt, which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.

- 2 The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4, and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.

Report Item No: 2

APPLICATION No:	EPF/1511/05
SITE ADDRESS:	Blakes Golf Club Epping Road North Weald Essex CM16 6RZ
PARISH:	Moreton, Bobbingworth and the Lavers
DESCRIPTION OF PROPOSAL:	Externally Illuminated Club House/Restaurant Sign.
DECISION:	GRANT

The committees' attention was drawn to late comments from Moreton, Bobbingworth and the Lavers Parish Council – No objection.

Members requested that a letter be sent to the applicants to say that no further advertisements will be allowed.

CONDITIONS:

- 1 The luminance of the external illumination of the signs shall not exceed 600 candelas per square metre.
- 2 The external lighting for the signs shall be maintained in position such that no glare or dazzle affects road users, including pedestrians.

Report Item No: 3

APPLICATION No:	EPF/1991/05
SITE ADDRESS:	Laughters Farm Faggoters Lane High Laver Harlow Essex CM17 0NU
PARISH:	Moreton, Bobbingworth and the Lavers
DESCRIPTION OF PROPOSAL:	Change of use of the existing farm buildings into two dwellings and garage/store. Relocation of garage with new vehicular access for 'Laughters House'.
DECISION:	

DEFERRED to allow officers to negotiate with regard to the proposed garage.

Report Item No: 4

APPLICATION No:	EPF/2165/05
SITE ADDRESS:	Southern Cross Little Laver Road Little Laver Harlow Essex CM17 0QB
PARISH:	Moreton, Bobbingworth and the Lavers
DESCRIPTION OF PROPOSAL:	Erection of a detached garage.
DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of 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.
- 3 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 4 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.

Report Item No: 5

APPLICATION No:	EPF/2187/05
SITE ADDRESS:	Knightlands Farm Berwick Lane Stanford Rivers Ongar Essex CM5
PARISH:	Stanford Rivers
DESCRIPTION OF PROPOSAL:	Retrospective change of use of agricultural building to storage

	of homeware imports.
DECISION:	REFUSE

REASON:

- 1 The use of the application building for storage purposes is considered to be detrimental to the amenities of this rural area due to the nature and size of delivery vehicles accessing and exiting to site.

Enforcement action was authorised with 3 months given for compliance.

AREA PLANS SUB-COMMITTEE 'C'

12 April 2006

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1991/05	Laughters Farm, Faggoters Lane, High Laver	REFUSE	15
2.	EPF/0409/06	Bobbingworth Former Landfill Site, Moreton Road, Moreton	GRANT	21
3.	EPF/0262/06	128B High Street, Ongar	GRANT	32
4.	EPF/0311/06	53 Cloverley Road, Ongar	GRANT	36

This page is intentionally left blank

Report Item No: 1

APPLICATION No:	EPF/1991/05
SITE ADDRESS:	Laughters Farm Faggoters Lane High Laver Harlow Essex CM17 0NU
PARISH:	Moreton, Bobbingworth and the Lavers
APPLICANT:	C Beetlestone
DESCRIPTION OF PROPOSAL:	Change of use of the existing farm buildings into two dwellings
RECOMMENDED DECISION:	REFUSE

REASONS:

- 1 The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, policies GB2 and GB8 of the adopted Local Plan and policies C2 and RE2 of the adopted Replacement Structure Plan. The Local Planning Authority is not completely satisfied that the use of the building for residential purposes can be accomplished without major reconstruction works.
- 2 The proposal would lead to a form of unsustainable development since the provision of new dwellings 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 item has been called to committee by Councillor Morgan.

Description of Proposal:

Consent is being sought for the change of use of the existing farm buildings into two dwellings and garage with store.

Description of Site:

A detached dwellinghouse and redundant farm buildings located on the southern side of Faggoters Lane, High Laver within the Metropolitan Green Belt. The two buildings to be converted to residential units front the road and although they are in a run down condition prove an attractive setting within the countryside when viewed from the road. The larger barn of the two to be converted to residential is weatherboarded with small brick plinth and corrugated roof. The small barn is brick built with tiling and the elevation fronting the road is open with wooden supports. The

barns to the rear to be used for garaging/store and office are weatherboarded with tiling. Laughters House to the east is located some 15m from the smaller barn with garden to the side and rear.

Relevant History:

EPO/178/63 – Utility room - Approved

EPO/28/68 – O/A conversion of barn to dwellinghouse - Refused

EPO/673/73 – Details of extensions and alterations – Approved with conditions

EPF/760/95 – Erection of rear conservatory - Approved

Policies Applied:

Structure Plan:

RE2 – Re-use of rural buildings

C2 – Development within the Metropolitan Green Belt

CS4 – Sustainable new development

H2 – Housing development (the sequential approach)

Local Plan:

GB2, GB8, GB14 – Green Belt considerations

DBE1, 2, 4, 8, 9 relating to design and amenity considerations

LL2 – Inappropriate development

T14 and T17 – Highways considerations

Issues and Considerations:

The main issues in this application relate whether or not the buildings are capable of re-use for residential purposes and whether or not it is desirable that they be put to new use, the impact of the proposal would have on the Green Belt, sustainability, effect on amenity and any highway issues.

This application was presented before the last Plans Sub Committee 'C' on the 15th March where members asked officers to negotiate with the applicant to remove the separate garage and vehicular access from the proposal, which was to serve the main farmhouse. This has subsequently been done and a revised scheme has been submitted for deliberation.

Green Belt

Policy GB8 of the Local Plan and RE2 of the replacement structure plan allow for the re-use of rural buildings provided that the buildings are of permanent and substantial appearance. To that extent the proposed conversions would accord with the policy guidance.

Policy GB8 sets out a hierarchy of uses, which must first be considered and concludes with residential only where other uses are unsuitable. However, in a statement of support of the current submission the applicant has argued that due to poor access routes to and from the site it would not be suitable for commercial purposes and this view is reinforced by the Highway Authority.

Policy GB8 is clear that residential use should only occur where the Council consider it is desirable that the buildings be brought back into beneficial use. Whether or not the necessary works of adaptation to residential could be accomplished without major or complete reconstruction is in this case of some concern.

Whether or not the necessary works of adaptation could be accomplished without major or complete reconstruction is more arguable.

Barn 1

This is the largest barn on the site and is proposed to have 4 bedrooms with a first floor added within the roof space. There is a lot of disrepair within the fabric of the building. Large sections of weatherboarding are missing; there is cracked and loose brickwork within the plinth and missing timber supports. The roof is corrugated sheeting and whilst it may be acceptable for this to be replaced, arguably, the existing beams would not support a heavier roof structure. It also appears that there would be a need for some rebuilding of the brick plinth. These shortcomings do not themselves indicate that the barn is incapable of being converted, but taken in conjunction with the proposed alterations, they suggest that the building operations necessary to create a modern dwelling would be far more than could be achieved by, or reasonably described as, works of ordinary maintenance or repair.

The structural survey submitted with the application argues that its former users have adapted the frame possibly to fit in large modern farming machinery. Some structural timbers have been removed or damaged and the internal flank wall between the two frames has been removed and would need to be replaced by new timbers and that whilst the main frame and posts are suitable to form the main structure for the proposed conversion, new oak timbers would be required along with extra diagonal bracing to ensure the roof's stability.

The existing lean to is falling down and would have to be demolished and replaced.

On the information available and the economic reality of a conversion of this magnitude, officers are not convinced that the development would not entail a radical reconstruction of the principal building elements. This would be at odds one of the main criteria of policies RE2 and GB8.

Barn 2

This is a smaller barn attached to Barn 1 and proposes a conversion to a 2 bedroom dwelling utilising the roof space. The barn is a mixture of brick and weather boarded walls, open to the front facing the road. The roof is finished with tiling. The brickwork is relatively new and the roof appears to be in a reasonably sound condition. New supporting beams have been added internally and apart from some renovation work associated with the use for a dwelling this barn would appear adequate to convert without major reconstruction. It is proposed that half of the existing attached garage would be removed and a replacement structure built adjacent to the Laughter's House to provide garaging for that property with the remaining half being retained as garaging for this barn.

Garage with store

This existing barn is located to the south of the main barns and is not visible from the road. It is currently used for both storage and garaging, however an element of the eastern section would be removed in order to allow greater turning space within the site. It would still house 4 parking spaces and a storage area for the occupiers of Barn 1. Although the barn has some areas of disrepair, mainly damage to the weatherboarding, it is essentially of sound construction and given the intended use is considered acceptable for the proposed use. The garage is divided internally however both areas are deep and wide enough to house 2 cars each with dimensions of 4.1m wide x 4.9m deep and 4.1m x 4.9m deep respectively.

Office

This is located in the south west corner of the site and appears to have been used as a granary in the past. The building is relatively unobtrusive and although it is in some state of disrepair due to its proposed use as an office it is not considered that works to renovate the building would need to be major.

Sustainability

The concern here, as is the case with many barn conversions is the comparative remote siting of the barns, isolated as it is from any large settlement which could provide local services, particularly public transport. Laughter's Farm is some $\frac{3}{4}$ mile from the nearest village of Matching Tye. Although only a small village it does provide a basic level of services but the fact remains that the occupiers of the barns would be totally reliant on private cars from transport to and from the site.

Whilst this is a concern of officer's it has to be acknowledged that the traffic generated by two barns would not be great and needs to be offset against traffic movements generated by the barns original use. However this would be for a more acceptable form of traffic movement as it would have been associated with the purposes of agriculture and not solely related to a residential use.

A recent Inspectors decision relating to a barn conversion to residential use was that the development would inevitably promote car borne journeys by the occupiers of the dwellings which given the lack of sustainable community would be contrary to the approach of national and strategic planning guidance. It is considered that the Inspectors comments can be similarly applied here with the proposal being contrary to Policy CS4 of the Structure Plan.

Other Issues

The amenity space areas would be located to the rear of both converted dwellings. The amenity space for barn 1 is in line with Local Plan policy DBE8 in that it is to the rear, is easily accessible, is of a size and shape which enables reasonable use, would received sunlight throughout the year and would achieve privacy on a continuing basis through the erection of a fence diving the two barns.

The amenity space for Barn 2 is smaller but reflects the smaller size of the barn, however it is less private than the garden for barn 1 as it would be adjacent to the driveway into the neighbouring property. It will be inevitable that the future occupiers in order to maintain a higher level of privacy would wish to erect around this area. Although this would be additional element of paraphernalia typical of a residential use as it is well hidden from the surrounding area this aspect is probably acceptable.

Apart from the additional traffic movements there would be little or no impact on the amenity of neighbours.

Conclusion:

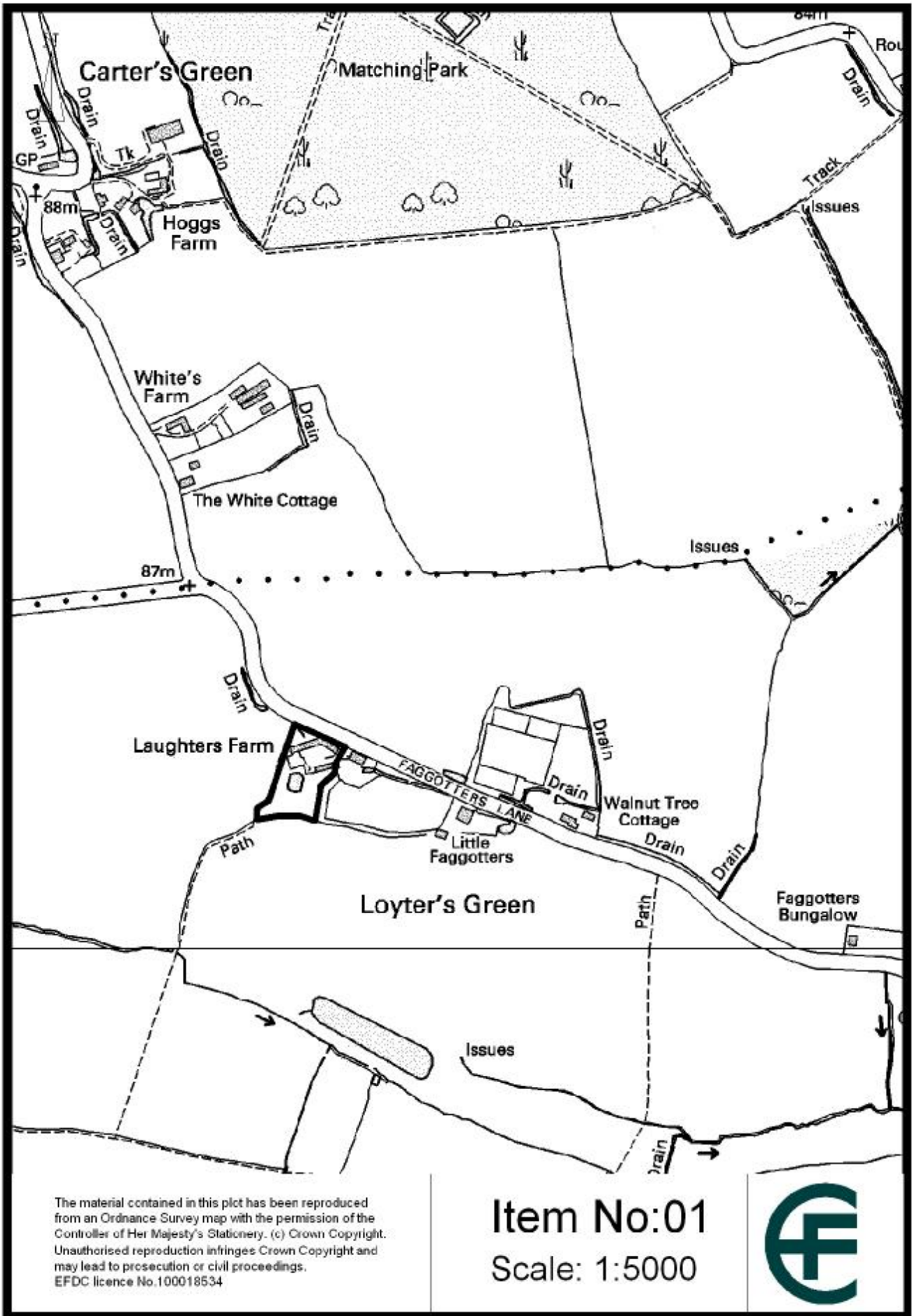
There is policy support for the conversion of rural buildings to residential use provided the Council are satisfied that it is desirable that the building/s be brought back to a beneficial use. These buildings although not listed are both traditional and attractive and create a pleasant vernacular scene. Being fairly prominent it is befitting that a use be found for the buildings if they are not to become further dilapidated and thus a visual eyesore.

The buildings are, however, in poor structural condition and almost certainly will require major work to convert to residential use. This is contrary to the main tenure of Policy GB8 and if allowed could set a precedent on many other sites in the area.

On balance whilst it would be regrettable to see these traditional buildings decline further, the proposals are contrary to Green Belt policy and are therefore recommended for refusal.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – No objections (to the previous larger scheme)



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:01
Scale: 1:5000



Report Item No: 2

APPLICATION No:	EPF/0409/06
SITE ADDRESS:	Bobbingworth Former Landfill Site Moreton Road Moreton Ongar Essex
PARISH:	Moreton, Bobbingworth and the Lavers
APPLICANT:	EFDC
DESCRIPTION OF PROPOSAL:	Restoration and remediation of Bobbingworth former Landfill site for the development of a 'Pocket Park' including the construction of a Leachate Treatment Plant, improvements to site access and a parking area for disabled visitors.
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Within three months of the commencement of the development on site full details concerning the management and treatment of leachate shall be submitted to and agreed in writing by the Council. All systems shall be maintained whilst leachate management and treatment access on site. Any amendment or alterations to the systems including the cessation of the systems operation shall be agreed in writing by the Local Planning Authority before changes are made.
- 3 All work on site, which is audible at the boundary of noise sensitive premises, shall only take place on site between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday and at no time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 4 During the construction phase, suitable noise barriers shall be erected between the development and nearby noise sensitive premises. The placement, design, and specification of the barriers shall be agreed in writing by the Local Planning Authority before being installed. The barriers shall be removed when remediation of the site has been completed.
- 5 Before development commences a protocol for the mitigation of noise during the construction phase of the development shall be submitted to and agreed in writing by the Local Planning Authority. The protocol shall be adhered to at all times and any deviations shall be agreed in writing with the Local Planning Authority before any changes are made.
- 6 The rating level of noise (as defined by BS 4142:1997) emitted from the leachate treatment plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made in accordance with BS4142:1997.

- 7 Before commencement of development a protocol for the mitigation of dust during construction shall be submitted to and agreed in writing by the Local Planning Authority. The protocol shall be adhered to at all times and any deviation shall be agreed in writing by the Local Planning Authority before changes are made.
- 8 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. The facilities shall be installed prior to commencement of any works on site and shall be used to clean vehicles leaving the site.
- 9 No material shall be imparted to the site that will cause an offensive odour to be detectable beyond the site boundary unless prior approval is agreed in writing by the Local Planning Authority.
- 10 Before development commences a protocol for the mitigation of foul odours during the construction phase of the development shall be submitted to and agreed in writing by the Local Planning Authority. The protocol shall be adhered to at all times, and any changes or deviation from the protocol shall be agreed by the Local Planning Authority before any changes are made.
- 11 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

- 12 Within 3 months of the start of work on site a scheme of landscaping and a statement of the method of its implementation shall be submitted to the Local Planning Authority and agreed in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and 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.

- 13 Prior to work starting on site a protocol for the mitigation of problems associated with traffic movements to and from the site shall be submitted to and agreed by the Local Planning Authority. The works shall then be carried out in accordance with the agreed protocol. Any changes must be agreed in writing by the Local Planning Authority before any changes are made. The protocol shall set out the maximum number of lorry movements bringing soil to the site. The hours during which lorries can access the site and the route by which lorries will access and egress the site from the A414 together with mitigation measures.
- 14 The measures set out in the planning application for the protection of badgers, grass snakes and other reptiles shall be undertaken under the supervision of a qualified ecologist.
- 15 Details of works to improve the two access points to the site shall be submitted to and agreed in writing by the Local Planning Authority and shall be carried out prior to the start of works on site.

Description of Proposal:

This is a Council application for remediation of the former Bobbingworth landfill site and change of use to public open space. The works proposed are intended to ensure that there is a long-term solution to the problem of pollution of the adjacent watercourse and to enable beneficial use of the land.

The proposals involve:

- Reprofilling the site to form contours that blend with the topography of the surrounding countryside. This will require the bulk movement of up to 40,000cu.m of soil across the site and the importation of up to 60,000cu.m of clean soils. Once reprofiled the site is to be capped using compacted clay and then covered with a cap protection/restoration layer.
- Construction of a grout wall around the northern, eastern and southern boundaries. This wall is beneath ground level and is to prevent polluted water from escaping untreated from the site.
- Installation of two groundwater interceptor drains along the western site boundary.
- Installation of two leachate collector drains.
- Installation of a leachate pumping well in the northeast corner of the site.
- Installation of a leachate treatment plant, this will include a fenced compound area 22m x 42m with 3 car parking spaces a portable building a reed bed, methane stripper and overflow tank.
- Installation of a groundwater treatment facility comprising of a reedbed/wetland area in the southeast corner of the site.
- Landscaping of the site surface including propagation of low nutrient acid grassland and some screening planting of shrubs and trees.
- A small car parking area is to be provided at the southern entrance to the site to enable disabled access to the land.
- The public footpath, which runs through the site, but has been temporarily diverted, will be reinstated.

It is not intended that there will be any formal recreational facilities on the site; once the work is completed the "park" will be just an area with public access for informal recreational use.

Description of Site:

The site comprises an area of some 8.985 hectares located on the eastern side of Moreton Bridge Road to the south of the village of Moreton. There are residential properties immediately to the north and south of the site and one that is surrounded on three sides by the site. There is currently an access track adjacent to the northern boundary that leads to a sewage treatment works to the east of the site and a southern access point. A public footpath should run through the middle of the site, but it is currently diverted. There is extensive hedging along most of the western boundary of the site adjacent to the road. The site slopes generally down from the road, but has an irregular and unnatural looking surface. There is agricultural land to the east and west.

Relevant History:

The site was used for sand and gravel extraction in the 1940s and subsequently permission was granted in 1954 for tipping of household refuse, which took place between 1961 and 1972. The land was then restored to open green space. Since then there have been various applications to use the tip for recreation facilities and a village hall, none of which have been progressed. In 1981 permission was granted for backfilling the tip with 200,000 cubic metres of selected materials, and the northern part of the site was restored with soils from the North Weald flood relief scheme and the southern area was restored with builders waste and soils.

Since then the site has continued to cause problems. The site is regarded as contaminated land under the definition given in the Environmental Protection Act 1990 on the grounds that, "there is a significant possibility of significant harm being caused to human receptors that use the site" and "pollution to controlled waters is being caused."

Leachate from the landfill is currently contaminating surface and groundwater to the east of the site. The Environment Agency has indicated that the continued discharge of leachate-contaminated water to the Cripsey Brook is no longer acceptable and has stated that the discharge should be either treated or stopped.

Additionally there are numerous physical and chemical contaminants present at the site that pose a health and safety risk to users of the site.

Policies Applied:

Structure Plan:

CS2 protecting the natural and built environment

C2 Green Belt

NR1 landscape conservation

NR6 Nature Conservation Sites

NR7 Promoting Biodiversity

BE6 polluting, hazardous or noisy developments

BE7 Minimising pollution impacts.

LRT4 Informal countryside recreation areas.

LRT5 Public rights of way

Local Plan:

GB2 Green Belt.

NC4 Protecting and enhancing established habitats

NC5 creating new habitats

RP4 Development of contaminated land.

RST2, 3 rights of way

RST15 recreational facilities adjacent to rural settlements

LL1, LL2, LL7, LL10, LL11 Relating to the rural landscape and protection of trees and provision of landscaping.

RP5 development likely to cause nuisance.

T14 and T17 relating to highway issues and parking.

Issues and Considerations:

It is clear that something needs to be done with this site to prevent the continued discharge of polluted, untreated leachate to the Cripsey Brook; otherwise the District Council could be prosecuted under section 85 of the Water Resources Act.

There are two separate issues in the determination of the application. The first is relatively simple. That is, the impact of the finished development on the character and amenity of the area. The second is more complicated, that is, the noise disruption and impact on neighbours of the works during the construction phase of the development.

The finished development.

The proposed use of the site as informal recreational open space is an appropriate green belt use and the proposed re-contouring and re seeding to create a more natural landscape will have a positive impact on the visual amenity of the area. Additionally the removal of the risk to ground and surface water and the capping of the site to make it safe for people using it have to be seen as benefits and it is in line with the policies of the development plan. The detailed design of the landscaping has yet to be finalised but this can be controlled by condition, planting can be included that would help ensure that there is no loss of privacy to neighbours as a result of the public access.

The impact of the siting of the leachate compound, complete with parking area, portable building, leachate holding tank and monitoring infrastructure, needs to be considered. The proposed compound is to be located close to the northern entrance to the site, set back just a few metres from the road. Additional planting is proposed to minimise the visual impact. The proposed portable building measures 3.27m x 10.24m and is 2.57m high. It will house a toilet, and small kitchen and will serve as site store, office and plant room. The compound and office building are necessary for the satisfactory running of the whole leachate treatment facility, which in turn is needed to limit environmental damage from the site, and it is considered therefore that this amounts to very special circumstances sufficient to outweigh the harm to the Green Belt that will result from such inappropriate development. The compound and buildings are small in comparison to the area of land involved and there will be only limited impact on openness. The siting close to the road is logical as it reduces the need for a lengthy access track. The use should not result in harm to residential amenity of adjacent properties.

It is proposed to retain a small area of hard standing close to the southern access, as a disabled parking area. This small area in connection with the open recreational use of the land is in accordance with Green Belt policy and should not significantly impact on visual amenity or the residential amenity of adjacent residents.

Both accesses to the site are existing, and although they are poor, in terms of sight lines, it is not considered that the proposed use will result in a significant increase in usage, and it will certainly be less than when the site was in use as a tip, so it is not considered that this would be grounds for refusal.

The finished development is therefore considered acceptable and indeed desirable in planning terms as it will improve visual amenity, provide a facility for open recreation, and reduce water pollution and contamination. The proposal brings into beneficial use an area of land that is currently unusable.

Impact during construction.

In order to achieve the finished development however, it is clear that there will be a period of major disruption and disturbance to people in the vicinity and along the proposed access route to the site. Conditions can be attached that will minimise the harm during the construction phase, but the extent of the problems likely to arise must be fully considered.

The application has fully set out the scope and extent of the works and these are summarised briefly below:

Traffic: During the construction phase up to 60,000 cu.m of material will need to be imported to the site. No material will be exported from the site. The amount to be imported will be the minimum necessary to achieve the capping and re-contouring of the site. The material will be uncontaminated soils. It is not yet known where the soil will be sourced.

This amounts to about 6000 lorry loads of soil. It is possible to set a limit on the number of lorry movements a day, but clearly the more restricted the number; the longer the period of disruption will last. Following discussions with residents, an average of 70 lorry visits per day over a five-day week (Monday to Friday) with a maximum of 90 lorries attending the site on any one day has been suggested. This means that an average of 350 lorries will visit the site during any one week. That is 700 lorry movements, (full lorry in, empty lorry out) a week. There will be no soil deliveries on Saturday mornings. This is a change from the detail in the planning application which requests 100 lorry visits a day with lorries attending the site between Monday morning and Saturday midday. The site will also close earlier than proposed on Friday afternoons.

The suggested route to and from the site is off the A414 (Four Wantz roundabout) via the B184 (Fyfield Road) and Moreton Road. The amount of traffic proposed would result in some noise and disturbance to the properties that are along the route and as the Moreton Road is narrow and winding there will also be potential for congestion, and/or damage to the road and verges. The application suggests restricting soil importation to 8.00 to 16.30hrs Monday to Thursday and 08.00 to 16.00 hours Friday with no weekend working. Significant mitigation measures are also proposed in order to limit this impact, these include a temporary 30MPH speed limit, creation of vehicle passing places in the narrower road sections and a road conditions survey to be completed before and after the works with highway inspection on a weekly basis with damage being repaired.

Lorry Route: The route suggested for lorries accessing the site was a result of early discussions with Essex County Highways, and results in two-way lorry movements along a 4km section of Moreton Road. An alternative one way route has been suggested by some residents, which would mean a much longer amount of road would be affected and additional properties would be disturbed and exit would be directly on to the A414 rather than the Four Wantz roundabout, which would cause disruption to the free flow of traffic on that road. Although there are obvious benefits from not requiring lorries of such size to pass each other on the narrow roads it is not considered that this outweighs the potential damage to more road area and disruption to the free flow of traffic on the A414.

Highway Safety: At the time of writing this report Essex County Council have not fully responded to the consultation with regard to the access and highway safety issues that arise. Both the existing accesses to the site are poor, with poor sight lines and it will be difficult to greatly improve this due to the hedgerow along the roadside and the configuration of the road. No new access is proposed.

Noise: The works on site include the use of heavy and noisy equipment, particularly for the digging required prior to the construction of the grout wall and the creation of drains, as well as the moving of the earth and the re-contouring. A noise assessment has been carried out which shows that the noise levels are likely to have an adverse impact on local residents. Again mitigation measures are proposed, which include restricting the working hours to 08.00 to 18.00 Monday to Friday and 0800 to 1300 on Saturdays with no working on Sundays and bank Holidays, and the construction of temporary bunding to help protect the nearest properties.

Dust: The proposed construction activities may result in the liberation of wind blown dust during dry weather conditions, which could cause problems to site personnel and the local population. The problem has been clearly identified and is addressed by mitigation measures, including the use of water bowsers and sprinklers, dust monitoring and analysis and wheel washing.

Ecology: Ecological surveys have revealed the presence of badgers, grass snakes, breeding and nesting birds, and ancient hedgerow and mature trees on the site. The application addresses each of these issues and English Nature have raised no objection to the proposals subject to compliance with the details set out in the application and ecologists supervision, to ensure that the species are protected.

The mature trees and ancient hedgerow are to be preserved.

Pollution/contamination: This whole scheme has come about as a means of solving an existing pollution and contamination problem that resulted from the dumping of household waste at the site in the 1960s. The method of working and the capping of the site proposed have been designed to ensure that there is no further harm to the environment or spread of contamination during the work. The environment agency has been involved in the proposals and has raised no objection to the scheme.

Conclusion

As has been stated it is clear that the development will cause noise, disturbance, dust and potential traffic hazard for the duration of the works. It is hoped this would be restricted to the 5-month period May to September 2006, although if there were slippage in the programme there would need to be further work in the summer of 2007. The Council as a responsible developer will need to make every effort to ensure that the problems are minimised.

In planning terms, conditions can also be applied to ensure that best practice is followed to restrict these problems.

It is considered that the development will, once complete, enhance the visual amenity of the area and improve environmental safety, and the proposals are therefore in accordance with the policies of the Development plan. The temporary disruption that will be necessary to achieve this long term improvement are not considered sufficient to warrant refusal of the application and the scheme is therefore recommended for approval subject to conditions.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - The Parish Council fully supports this application.

The Parish Council has been trying to get this landfill site into recreational use for local residents since 1978. There have been several abortive attempts to remediate the pit previously which the PC was not convinced would solve the problems.

The Parish Council is satisfied that the current Plan is comprehensive, detailed and very professionally produced. They have every confidence in the capability of the contractor working in

partnership with Epping Forest District Council to secure, at last, a final solution to remediate the landfill and provide the community with a pocket park they can be proud of.

The PC is aware of the large volume of soil importation required for the project and of the reasonable concern of residents for the number of lorries visiting the site. While the preferred route from Four Wantz and along Moreton Road is through a residential area, for at least 70% of the weekday period most of the people living there will be at work and not at home being affected by lorry traffic. In addition, most of the houses en-route are set back from the road and will not be directly affected by through traffic. The actions proposed in the planning application will go some way to ameliorate the disruption.

Taking no action to remediate the pit is not an option for The District Council. Materials have to be imported. The Parish Council believes a short time of intensive action over weeks to import materials is preferable, compared to a long drawn out process over many months.

It is also imperative that a planning decision is taken swiftly if the project is to be completed this year. Any delay in commencing later than May of this year will push the project over the winter period when, for several reasons work will have to cease. This will delay completion to autumn 2007 and significantly increase the cost to local taxpayers.

GOTHIC COTTAGE, MORETON ROAD – Strongly object to the proposal to route all the trucks to and from the site along Moreton Road Shelley. 100 trucks a day would mean 1 truck passing our property every 2.5 mins. Better and safer solution to have one route in and another out (one way) At weekends Shelley Hill has vehicles parked bumper to bumper all the way up one side and double parked in lay-bys. There will be major congestion if trucks use this route on Saturday mornings.

BUMBLES, 121 MORETON ROAD. - Waste of Council taxpayers money to create a country park. Why not just clean up the leachate problem without all the unnecessary expense of creating a public park. Concerned about 200 lorries passing my house each day, this is intolerable. Suggest 1 way route using Gainsthorpe Road, Stoney Lane and exit onto A414, where there would be a need for temporary traffic lights. Why should the residents of Moreton Road be subjected to double the disturbance and danger? Experienced problems in the late 80's when 2 lorries attempted to pass each other and one ended up on its side in a ditch. Concerned about enforcement of parking and speed restrictions. Fear for highway safety. The load needs to be spread amongst all residents if there is to be any equality here.

8 MORETON BRIDGE – Concerned about noise and odour from the leachate treatment plant. This is located too close to homes and should be resited further away, given that there is a 9-hectare site.

8 GAINSTHORPE ROAD – Strongly object. Deceitful of the council not to fully explain the extent of the work involved. At the public meeting it was suggested that here should be a 1 way route for lorries, utilising Gainsthorpe Road, This would be dangerous in the extreme and a great worry to us. Concerned about intrusive noise, dust etc 6 days a week. Worry that the dust may be contaminated. The proposed small car park could be a magnet for undesirables at night. We feel the price we will have to pay (in terms of noise, dirt, dust and disturbance) is too much.

CUXHAVEN, MORETON ROAD – Concerned to ensure that my privacy is maintained when the park opens to the public, as the site bounds the rear of my property. Suggest a fence or mature hedge.

2 LANDVIEW COTTAGES, MORETON – Fully support the application. This is a robust solution, prepared by a reputable company, who have researched the project to minute detail and show a high degree of professionalism. Concerned that the mounting opposition to the lorry movements will deter the council from biting the bullet and postpone the project again. I firmly believe the impact on residents has been exaggerated. There will be disturbance but it will be only for a limited period. The pit is currently polluting the environment and this is no longer tolerable by

residents, or the environment agency. To do nothing is not an option. The Councillors should consider the benefits for the majority of the community and grant this planning application.

MICHAELMAS, CHURCH ROAD – Wholehearted support. We have to view the eyesore from our lounge. The site needs to be made safe for our children to enjoy. The disruption is for only a short time. We look forward to a positive result to improve the quality of lives of the present residents and future generations.

2 CORNER COTTAGE, MORETON – Delighted to learn that the long on going saga of what to do about the pit had been settled and we could look forward to a clean and pleasant small park. Therefore I am dismayed that the whole project may be postponed again. There will always be a minority of people who will object. Let us have a short sharp disruption to daily travel immediately and get the work done. If planning Services dithers now, how much more tax payers money will be added to the cost.

IVYLANDS, BRIDGE ROAD (2 letters) – Support the plans. Lets finally get this site restored to something we can enjoy. There will be short-term nuisance, but there is an excellent long-term result to look forward to. We hope strongly that the plan will get the go ahead.

WINDYRIDGE, MORETON ROAD. Fully support the proposal. For many years the landfill site has been left to leak toxic contamination into the surrounding land and watercourses. At last a solution has been agreed for the containment of this waste and the reinstatement of the land for much needed recreational use. The short-term disruption will be vastly outweighed by the long-term benefits to not only the local community but to the wider environment.

MANOR COTTAGE, BRIDGE ROAD – I have waited 30 years for this to happen please don't let anyone stop this going through. Yes we might have tipper trucks for ten weeks but that is nothing when the end product is a beautiful park.

2 LANDVIEW COTTAGES, MORETON – Support the application. Pleased it will be a park and a safe haven for many wildlife species.

MORETON HOUSE, LITTLE LAVER ROAD – The area needs clearing up, as it is not only an eyesore but also clearly a danger to the health of the local population. We have waited along time for this mess to be cleared up. Please get on with it and get it finished.

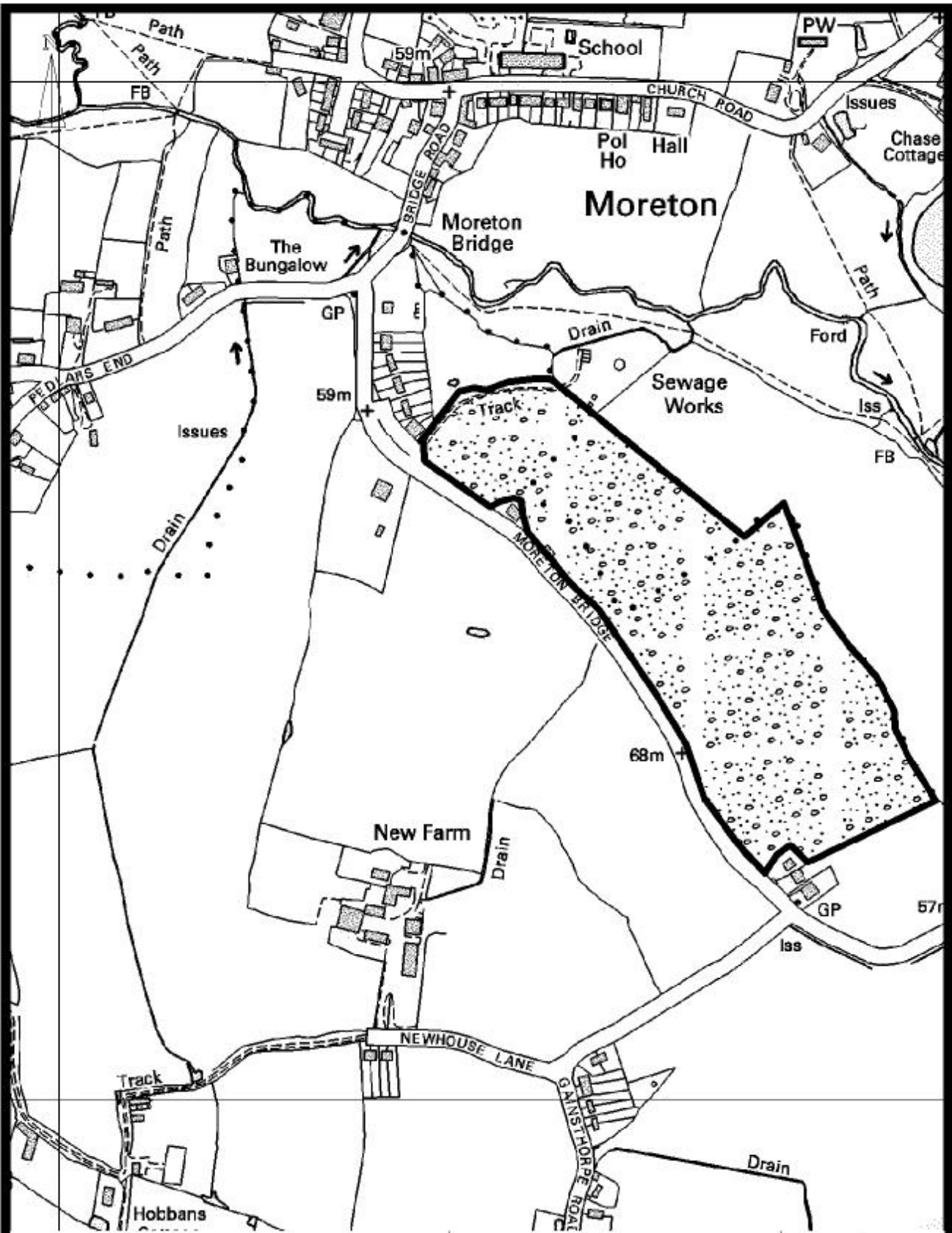
MORETON LODGE, PEDLARS END (2 letters) – Fully support this plan. It is disgraceful it has taken so long. I acknowledge that the clean up will cause disruption for a few weeks but the site has been left unfinished for many years and something has to be done. Concern about the delays regarding this.

WATERMAN'S END HOUSE, WATERMANS END (2 letters) – Wholehearted support, as the remediation of this hazardous landfill site is many years overdue. As a parish councillor I have spoken to many local people and am much encouraged to hear their strong support, even if the increased traffic movement will cause short-term nuisance. I am shocked at the current hazardous state of the land, but excited at the prospect of having such a beautiful location returned to provide benefit to the community and the surrounding area. Hope the works can be concluded this summer.

PIPPINS, CHURCH ROAD – Fully support the plan, it has been on the cards for a long time lets hope it doesn't come to a stop this time. It will be lovely to be able to enjoy a local park within walking distance.

THE OLD RECTORY, MORETON – Delighted to hear that the Council is finally going to make a park at the old Bobbingworth Pit. This is a much needed facility and will be enjoyed by all the people in the surrounding area.

COOPERS COURT, MORETON – My home overlooks the site that has caused concern and frustration for too many years. Your responsibility for action is now, before the lack of it , will stir up even more anger in the community. Some individuals are objecting to the heavy traffic that the work will create. Proceed with the plans proposed, seek another route in/out but please get this responsibility completed now before it wastes more time, anguish and ratepayers money. This disgrace cannot be allowed to continue.



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: 1:5000



Report Item No: 3

APPLICATION No:	EPF/0262/06
SITE ADDRESS:	128B High Street Ongar Essex CM5 9JH
PARISH:	Ongar
APPLICANT:	M A Everitt
DESCRIPTION OF PROPOSAL:	Change of use of first floor office and addition of further floor to create maisonette.
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 Prior to the commencement of development details of the provision of secure parking for powered two-wheeled vehicles and for cycles shall be submitted to and approved by the Local Planning Authority. Such provision shall be made and retained permanently for use by occupiers of these premises.
- 4 During the course of building works no obstruction shall be allowed to occur to the adjacent service access routes unless previously agreed with the users of these routes.

Description of Proposal:

Proposal involves the conversion of first floor offices to residential and the erection of an additional floor of accommodation above - thus creating a two storey maisonette.

Description of Site:

Located on the eastern side of the High Street the property is positioned adjacent to the pinch point to the road. Currently the premises comprise a florist shop with a floor of vacant offices above. Adjacent to the property is an alley leading from the High Street towards the Old Mill and the Church - this is a private right of way.

Relevant History:

None. There is, however, a concurrent application, which proposed the change of use of the first floor from offices to a residential flat.

Policies Applied:

HC7 - Development in Conservation Areas. H10 - Conversion of upper storeys in town centres. DBE2 and DBE9 - Effect on the amenities of neighbours. T14 and T17 - Car parking and access issues.

Issues and Considerations:

The main issues in determining this application concern the benefits of converting the upper floor from offices to residential use; the appearance of the development and possible effect on the amenities of neighbouring properties. Plus car parking and access issues need to be considered.

The concurrent planning application, which proposes the conversion of the first floor from office accommodation to residential use, is recommended for approval under delegated powers. Therefore there is a real possibility that there will be a residential use of the upper floor of this building - as indeed there will be a residential use of most of the site to the rear of this, which will follow the closure of the Bayleaf restaurant.

A residential occupation of the upper floors of premises on the High Street is promoted by policy H10 of the Local Plan and notwithstanding the location in the narrow point in the High Street this is not considered to be an inappropriate use for this location.

The addition of an extra floor on this building will not result in it becoming visually intrusive in the street scene. Both the neighbouring premises are significantly higher than the application premises, therefore the additional height would keep its scale in proportion to the others. The extension is in addition well designed and will be constructed in materials, which are appropriate to the location in the Conservation Area. In addition there will not be any adverse impact on the adjacent properties resulting from a loss of light or outlook. In this location the development is considered to enhance the visual amenities of the Conservation Area.

Correspondence has been received from neighbours and the shop below; all voicing concerns regarding potential congestion and disruption to business during the course of building works. It has to be acknowledged that these concerns have some justification, however, they are not really issues, which should influence the consideration of the planning application. It has to be accepted that the building is located at the narrow point in the High Street and that any building works could cause disruption to traffic movement; as indeed the erection of scaffolding and building works may affect the business of the florists. However, these are not reasons for withholding planning permission.

The application has been the subject of consultations with the Highway Authority who have not raised any objections to the proposals and it should be noted that the scheme maintains the pedestrian access through from the High Street and that as this remains in private ownership it will be landscaped and enhanced to improve its visual contribution to the amenities of the area. Subject to the provision of secure motorcycle and bicycle storage the Highway Authority raises no objection to the scheme.

In this instance the Town Council has resolved to support the application.

This proposal accords with Local Plan policy. The application is therefore recommended for conditional approval.

SUMMARY OF OBJECTIONS/OBSERVATIONS:

TOWN COUNCIL – Support the application.

121 HIGH STREET - Proposal will disrupt the economy of the town by all the scaffolding - especially as the works will be at the bottleneck. There are far too many properties left empty in the town.

142 HIGH STREET - Object as the development will cause chaos to the parking and area concerned. Already have enough commercial property being changed to residential.

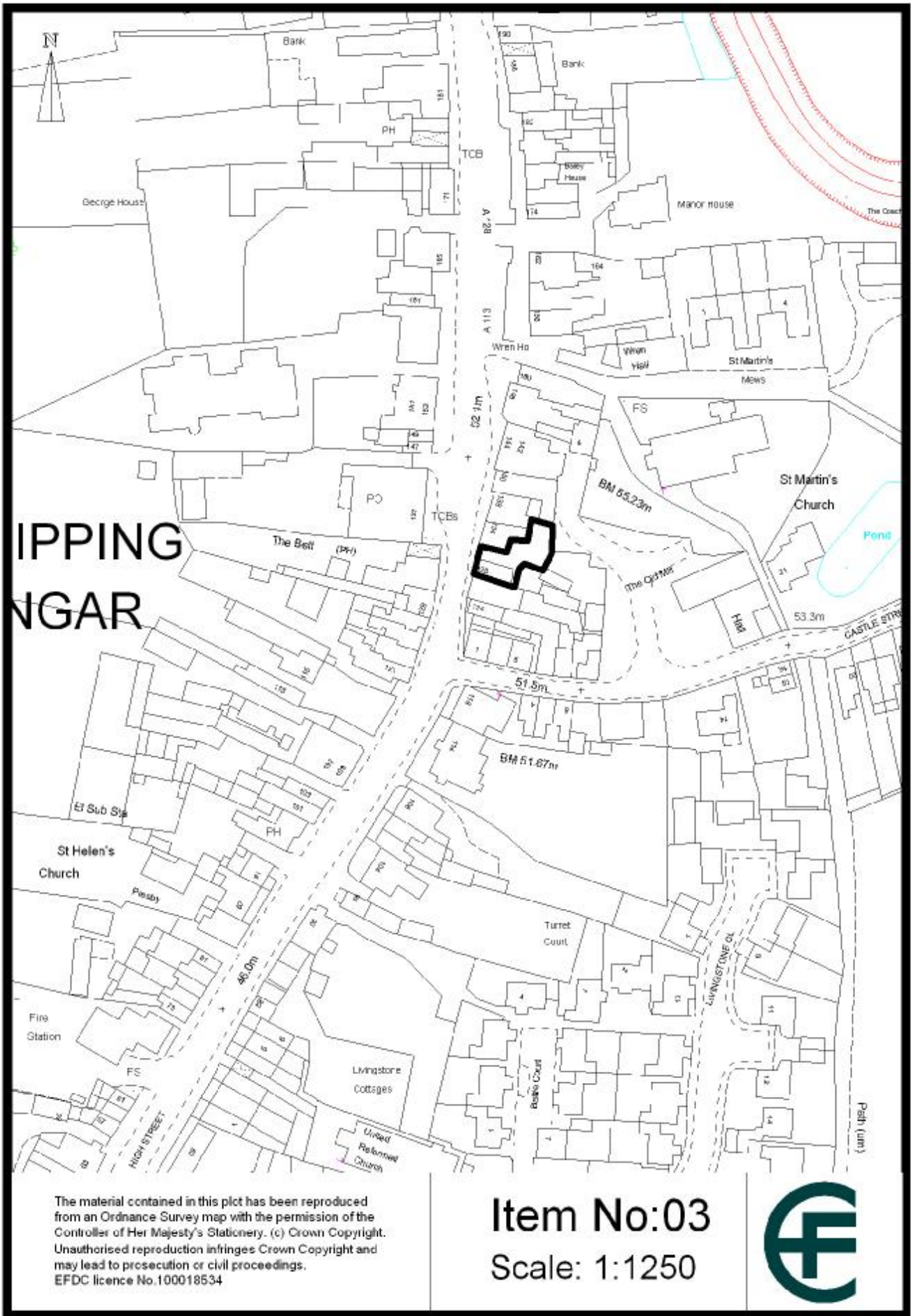
138 HIGH STREET - The location is the narrowest part of the High Street, does not lend itself to residential use. Do not wish to see the vehicle access at the back of this property obstructed.

Disruption to High Street traffic. 128B is very old construction and development will no doubt require a complete rebuild.

THE OLD MILL, CASTLE STREET - No objection in principle - strongly commend the imposition of a condition requiring that during construction the access road to the rear remains unobstructed.

Vehicles and equipment used must also be of appropriate size.

128 HIGH STREET - Object to the proposals. The business on the ground floor will be disrupted and the parking and unloading areas will be affected. Small traders in the town are already having difficulties surviving.



WAPPING
LONDON

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 Item No: 4

APPLICATION No:	EPF/0311/06
SITE ADDRESS:	53 Cloverley Road Ongar Essex CM5 9BX
PARISH:	Ongar
APPLICANT:	Mr & Mrs Carey
DESCRIPTION OF PROPOSAL:	New dwelling to rear of 53 Cloverley Road and garages; and demolition of existing building. (Re-submission)
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of 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.
- 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, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Prior to first occupation of the building hereby approved the proposed window openings in the bathroom and shower-room shall be fitted with obscured glass and shall be permanently retained in that condition.
- 5 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 6 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 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 A, B and E shall be undertaken without the prior written permission of

the Local Planning Authority.

- 8 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.

- 9 Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.
- 10 Prior to the commencement of the development details of the proposed surface materials for the access 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.
- 11 Before the building is occupied, a suitably surfaced area shall be provided, and thereafter maintained to the satisfaction of the Local Planning Authority, within the curtilage of the site to enable a vehicle to turn and leave the property in forward gear. Details of this should be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.
- 12 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.

Description of Proposal:

Erection of a bungalow and garage; and a detached garage to serve the existing house.

Description of Site:

Located in what had originally been the rear garden of 53 Cloverley Road is the detached outbuilding, which is accessed from a gravel driveway. Located off the same access road is a detached bungalow. The application site is bounded by hedgerows to the south and west and to the north is a 1.8m high wall behind which is the detached bungalow.

Relevant History:

Original house and stable building erected circa 1911. In 1962 planning permission refused for conversion of stables into a dwelling refused but allowed on appeal in 1963. In 1984 planning permission granted for the new bungalow on condition that the existing dwelling be used only for garaging. Details of the bungalow agreed in 1985. Planning permission for the replacement of the retained garage by the erection of a detached house refused - 31/10/05 - overlooking and loss of privacy and intensification of activity resulting in loss of amenity to neighbours.

Policies Applied:

Residential development policies DBE1, DBE2, DBE3, DBE6 and DBE9. Protection of landscape features LL10. Traffic and parking T14 and T17.

Issues and Considerations:

The main issues in determining this application relate to the potential impact, which the development would have on the amenities of the neighbours.

The last application proposed the demolition of the outbuilding and its replacement by a two storey detached house and two detached garages to serve the new and existing houses. This proposal was refused permission owing to the loss of amenity to neighbours who would be affected by privacy issues and the increased activity.

In its revised form the application now proposes the erection of a bungalow in lieu of the house. In this backland location the replacement of the single storey outbuilding, with a single storey dwelling, will not have serious consequences for the residents of adjacent properties. It will be of similar height and will have major window openings in position whereby neighbours will not be overlooked. The proposal also envisages the planting of an additional hedgerow along the boundary with the neighbour at Garden Cottage - this will not only help to enhance the characteristics of the application site but will ultimately enhance the screening between the properties.

There will be additional activity associated with the new bungalow over and above that associated with the garage, which currently exists. However, the fact that the new dwelling is only two bedroomed and does not have the scope to be extended will, by its very nature, not be occupied by a large family with its associated activity. The use of the shared driveway, which leads between No. 53 and 55, is acceptable to the Highway Authority, although it would be preferable if it were to be resurfaced as the pea-shingle, which currently exists, can be dragged onto the highway.

The revisions which have taken place with this proposal are considered to be acceptable. They have overcome the reasons for the original refusal of planning permission, therefore the current submission, which accords with Local Plan policies, is recommended for conditional approval.

SUMMARY OF OBJECTION/OBSERVATIONS:

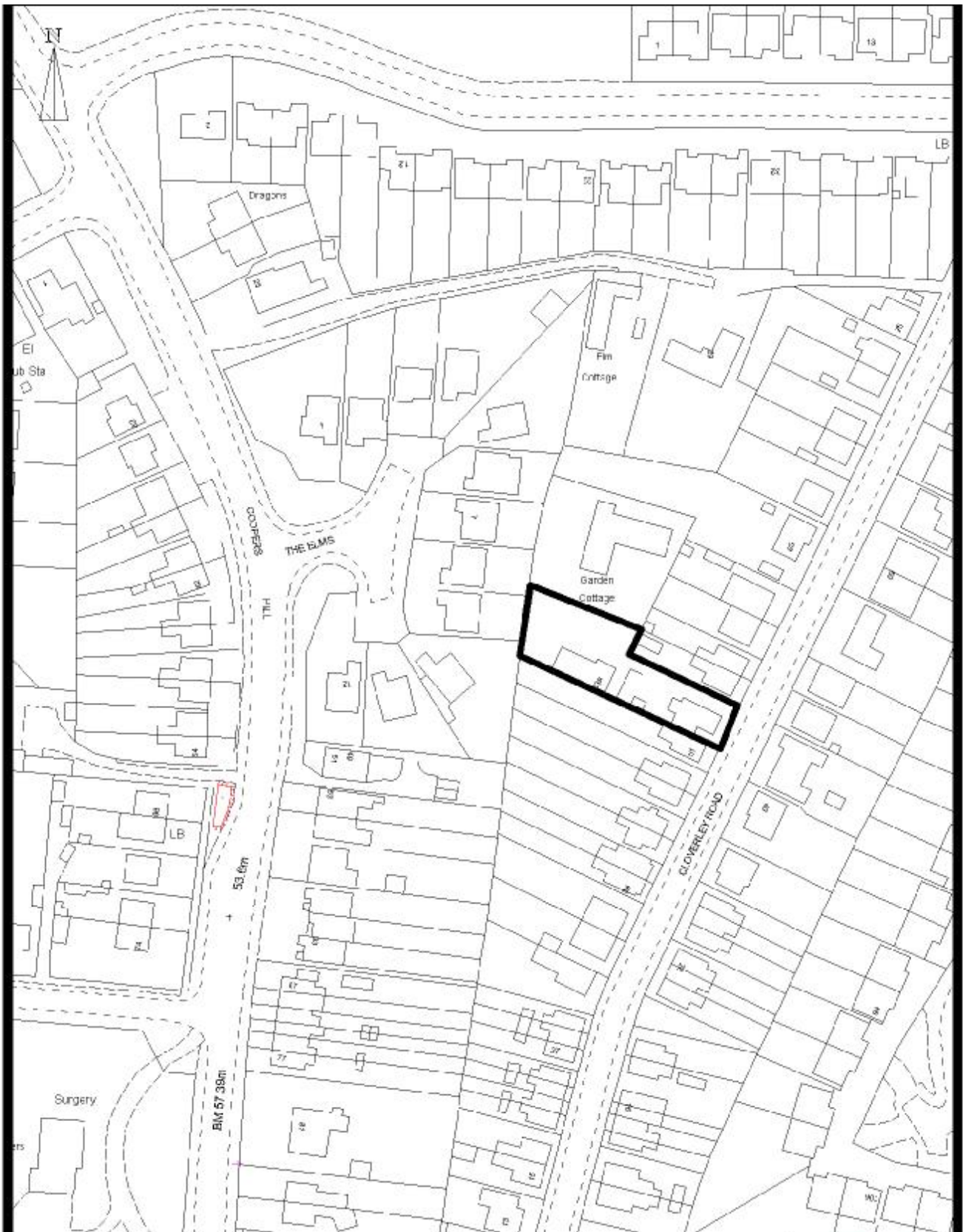
TOWN COUNCIL – No comments.

42 CLOVERLEY ROAD - Fully support the application.

53A CLOVERLEY ROAD - Concerned about overlooking also excessive noise and traffic. Gates could block our drive. What if a quiet secluded area becomes a busy thoroughfare.

55 CLOVERLEY ROAD - Object to use of narrow drive, which will become very busy with traffic.

10 THE ELMS - There is a window in the gable wall to the rear of the dwelling, which would overlook our property. Is there any intention to make the roofspace habitable? If the landscaping is carried out what is to stop trees etc subsequently being removed?



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:04
Scale: 1:1250

