

Committee Agenda



**Epping Forest
District Council**

AREA PLANNING SUBCOMMITTEE EAST Wednesday, 14th November, 2007

Place: Council Chamber, Civic Offices, High Street, Epping

Room: Council Chamber

Time: 7.30 pm

Democratic Services Officer Mark Jenkins - Research and Democratic Services
Email: mjenkins@eppingforestdc.gov.uk Tel: 01992 564607

Members:

Councillors M Colling (Chairman), Mrs M McEwen (Vice-Chairman), Mrs D Collins, R Frankel, P Gode, A Green, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, D Kelly, R Morgan, G Pritchard, B Rolfe, Mrs P K Rush, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

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. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 7 - 30)

To confirm the minutes of the Sub-Committee meeting of 17 October 2007.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

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

7. PROBITY IN PLANNING - APPEAL DECISIONS APRIL - SEPTEMBER 2007 (Pages 31 - 36)

To consider the attached report.

8. DIVERSION OF PUBLIC FOOTPATH 76 NORTH WEALD BASSETT (Pages 37 - 40)

To consider the attached report.

9. DEVELOPMENT CONTROL (Pages 41 - 78)

(Director 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.

10. DELEGATED DECISIONS

(Director 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.

11. 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.

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.

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'

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 17 October 2007

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 pm - 10.20 pm

Members Present: M Colling (Chairman), Mrs M McEwen (Vice-Chairman), Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, Ms J Hedges, D Jacobs, G Pritchard, B Rolfe, Mrs P K Rush, D Stallan, C Whitbread and J M Whitehouse

Other Councillors: J Knapman

Apologies: A Green, Mrs H Harding, D Kelly, R Morgan and Mrs J H Whitehouse

Officers Present: A Sebbinger (Principal Planning Officer), M Jenkins (Democratic Services Assistant) and G Woodhall (Democratic Services Officer)

37. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

38. 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.

39. MINUTES

RESOLVED:

That the minutes of the meeting held on 19 September 2007 be taken as read and signed by the Chairman as a correct record.

40. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor M Colling declared a personal interest in the following item of the agenda by virtue of knowing the applicant. The Councillor had determined that his interest was not prejudicial and that he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1629/07 16 Crows Road, Epping, Essex CM16 5DE

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M McEwen declared a personal interest in the following item of the agenda by virtue of being a neighbour to the site in question. The Councillor had determined that her interest was prejudicial and that she would leave the meeting for the consideration of the application and voting thereon:

- EPF/1641/07 Rockhills Field, Willingale Road, Willingale, Ongar

(c) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1641/07 Rockhills Field, Willingale Road, Willingale, Ongar

(d) Pursuant to the Council's Code of Member Conduct, Councillor R Frankel declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was prejudicial and that he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1807/07 28 Woodland Way, Theydon Bois, Epping CM16 7DZ

(d) Pursuant to the Council's Code of Member Conduct, Councillor P Gode declared a personal interest in the following item of the agenda, by virtue of being a member of Ongar Town Council. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2036/07 1 Greensted Green, Greensted, Ongar, CM5 9LG

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Hedges declared a personal interest in the following items of the agenda, by virtue of being a member of Epping Town Council. The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1555/07 Coniston Court, Bower Hill, Epping CM16 7BH
- EPF/1629/07 16 Crows Road, Epping, CM16 5DE
- EPF/1947/07 8 Beaconsfield Avenue, Epping CM16 5AU

(g) Pursuant to the Council's Code of Member Conduct, Councillor D Jacobs declared a personal and prejudicial interest in the following item of the agenda. He indicated that the interest derived from a visit he had made to the application site at which he had expressed views which had fettered his discretion in considering this application. He said that he would be leaving the meeting after exercising his right to address the sub-committee under paragraph 12 (a) (i) of the Code of Conduct on the same basis as a member of the public and before any further debate and voting took place:

- EPF/2036/07 1 Greensted Green, Greensted, Ongar, CM5 9LG

(h) Pursuant to the Council's Code of Member Conduct, Councillor J Whitehouse declared a personal interest in the following item of the agenda by virtue

of knowing the applicant. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1629/07 16 Crows Road, Epping CM16 5DE

41. ANY OTHER BUSINESS

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

42. DIVERSION OF PUBLIC FOOTPATH 76 NORTH WEALD BASSETT

The Principal Planning Officer presented a report to the Sub-Committee regarding diversion of public footpath 76 North Weald Bassett.

Planning permission was granted on appeal, in 2004, for the creation of fishing lakes on land at Thornwood Camp, Carpenters Arms Lane, however one of the lakes obstructed the recognised “definitive” line of Public Footpath 76. A developer wished to implement the planning consent but was unable to because of the impact on the definitive footpath.

The lake did not impact on the actual line of any current footpath. The definitive line as defined by Essex County Council did not appear to have ever been the actual position of any footpath. The line appeared to have passed through buildings when the site was a military camp. Essex County Council had been planning a review of their footpath map but had advised the District Council that this was unlikely to have been completed for several more years.

The footpath, as it currently existed through this section of land, was close to the route which appeared to have existed in the 1920s and was established and enhanced by Epping Forest Countrycare in 1999. The path was well delineated and marked and provided a logical route.

The intention was that the line of the “definitive” footpath was diverted to follow the actual footpath, therefore there was to be no actual change to the path on the ground. This order related only to the area of land within the planning application site, two short additional areas of footpath were also required to join up with the definitive line until such time as the County Council reviewed their maps.

The recommendation was that the diversion order was made.

RESOLVED:

(1) That the Sub Committee determines to authorise the Director of Corporate Support Services to make and seal a footpath diversion order under Section 257 of the Town and Country Planning Act 1990 (as amended)(“the Act”) in respect of Footpath 76 North Weald Bassett, as shown on the attached plan.

(2) That the Director of Corporate Support Services be authorised to confirm the order in accordance with the Act, subject to no objection being made within the statutory consultation period.

(3) That should the order be objected to during the statutory consultation period that it be referred to the Secretary of State for confirmation in accordance with the Act.

(4) That the developer be required to pay the Councils administrative and legal costs incurred in the preparation, making and confirmation of the order, the carrying out of the statutory processes required under the Act, including all costs incurred if the order is referred to the Secretary of State for confirmation and that a deposit be paid, in an amount to be determined by the Director of Corporate Support Services, before the order is made.

43. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 16 be determined as set out in the schedule attached to these minutes.

44. 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/1555/07
SITE ADDRESS:	Coniston Court Bower Hill Epping Essex CM16 7BH
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	TPO 10/76; Oak: crown lift to 5m; selected crown thin as specified.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days' notice of such works.
- 2 The crown thinning authorised by this consent shall consist only of the removal of the following minor branches :
 1. 2 x 150mm diameter lateral boughs from main stem at 8m.
 2. 1 x 80mm diameter pendulous bough and 1 closely growing 70mm diameter branch on large lateral on south eastern section of crown.
 3. 2 x 80mm diameter branches on stem at approximately 10m on flat block side.
 4. 1 x 120mm diameter branch growing from lateral bough growing over road at 13m.It shall result in no reduction of height or spread of the crown.
- 3 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches necessary to give 5 metres clearance above ground level, where branch diameter does not exceed 100mm and to give statutory clearance to public highways.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 5 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

Report Item No: 2

APPLICATION No:	EPF/1629/07
SITE ADDRESS:	16 Crows Road Epping Essex CM16 5DE
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Two storey rear extension including linked garage conversion.
DECISION:	Granted Permission (With Conditions)

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 first occupation of the building hereby approved the proposed window openings in the flank elevation overlooking number 18 Crows Road shall be fitted with obscured glass and have fixed frames up to a height of 1.7m, and shall be permanently retained in that condition.

Report Item No: 3

APPLICATION No:	EPF/1947/07
SITE ADDRESS:	8 Beaconsfield Avenue Epping Essex CM16 5AU
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Two storey side extension, single storey rear extension and new roof to porch.
DECISION:	Granted Permission (With Conditions)

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.

Report Item No: 4

APPLICATION No:	EPF/1905/07
SITE ADDRESS:	Oak Lodge New Farm Drive Abridge RM4 1BT
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Two storey side extension.
DECISION:	Granted Permission (With Conditions)

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.

Report Item No: 5

APPLICATION No:	EPF/1937/07
SITE ADDRESS:	Bracken House Church Lane Abridge Lambourne Essex RM4 1AH
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Two storey and single storey rear extensions. (Revised application)
DECISION:	Granted Permission (With Conditions)

The Committee were persuaded to grant permission because it was considered that the extension would not be harmful to the openness of the Green Belt.

The Committee's attention was drawn to a representation from the Parish Council who stated No Objection.

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 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.

Report Item No: 6

APPLICATION No:	EPF/2036/07
SITE ADDRESS:	1 Greensted Green Greensted Ongar Essex CM5 9LG
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Demolition of existing single storey rear extension and porch and erection of a two storey side and single storey front extensions.
DECISION:	Granted Permission (With Conditions)

The Committee were persuaded to grant permission because it was considered that the extension would not be harmful to the openness of the Green Belt.

The Committee's attention was drawn to a representation from the Parish Council who stated No Comment.

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.

Report Item No: 7

APPLICATION No:	EPF/1152/07
SITE ADDRESS:	Land at Builders Yard The Street Sheering Harlow Essex CM22 7LY
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Change of use to car sales.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

1 Notwithstanding the provisions of Regulation 6 of the Town & Country Planning (Control of Advertisements) Regulations 1992 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting those Regulations), no signs, advertisements or bunting shall be displayed on the premises without the previous consent in writing of the Local Planning Authority.

2 No vehicle or trade effluent, including cooling water containing chemical additives, vehicle wash waters, steam cleaning effluent or pressure wash effluent can be discharged to the surface water system.

All sewage and trade effluent, excluding clean roof water, must be discharged to the foul sewer, if available, subject to the approval of Thames Water Utilities or its sewerage agent.

Within 3 months of the date of the grant of consent hereby permitted a written scheme detailing an acceptable provision for polluted water drainage for the site must be submitted to the Local Planning Authority for agreement in writing. The scheme shall be implemented in accordance with the approved details within 2 months of the agreement of the scheme and permanently retained as such.

3 Within 3 months of the date of the consent hereby permitted details for the drainage of an acceptable scheme for foul water shall be submitted to the Local Planning Authority for agreement in writing. The scheme shall be implemented in accordance with the approved details within 2 months of the agreement of the scheme and permanently retained as such.

- 4 The use hereby permitted shall not be open to customers outside the following times:

09:00 - 18:00 hours Monday to Friday
09:00 - 17:00 hours Saturdays
11:00 - 14:00 hours Sundays and Public/Bank Holidays
- 5 No deliveries shall be taken at or dispatched from the site outside the following times:

08:00 - 18:30 hours Monday to Friday
08:00 - 17:30 hours Saturdays
- 6 No external lighting shall be put in place on the site without the express consent in writing of the Local Planning Authority.
- 7 Within 3 months of the date of the grant of the consent hereby given, a written scheme detailing an acceptable provision for the storage of refuse at the site must be submitted to the Local Planning Authority for agreement. The scheme shall be implemented in accordance with the approved details within 2 months of the agreement of the scheme and permanently retained as such.
- 8 There shall be no vehicular access from the application site outlined in red on the approved plans to the adjoining land south of the site for the purposes of manoeuvring, parking and storing of vehicles.
- 9 Within 3 months of the date of the grant of the consent hereby given a written scheme detailing an acceptable means of enclosure, of a minimum height of no less than 1.2m, for the southern boundary of the application site must be submitted to the Local Planning Authority for agreement in writing. The scheme shall be implemented in accordance with the approved details within 2 months of the agreement of the scheme and permanently retained as such.
- 10 No motor vehicles other than those owned by employees and/or vehicles for sale and/or prospective purchasers shall be parked on the site at any time whatsoever.
- 11 Notwithstanding the present arrangements on the site, within 3 months of the date of the grant of the consent hereby given a written scheme detailing acceptable turning spaces enabling a motor car to enter and leave the highway in a forward gear must be submitted to the Local Planning Authority for agreement. The scheme approved shall be fully implemented and made available for use in accordance with the approved details within 2 months of the agreement of the details and permanently retained as such.
- 12 Notwithstanding the present arrangements on the site, within 3 months of the date of the grant of the consent hereby given a written scheme detailing acceptable parking facilities for cars, powered two wheelers and bicycles shall be submitted to the Local Planning Authority for agreement in writing. The scheme approved shall be implemented and made available for use in accordance with the approved details within 2 months of the agreement of the details and permanently retained as such. The facilities specified shall not be used for any purpose other than the parking of cars, powered two wheelers and bicycles that are used by customers and staff for transport to and from the site.

- 13 The development shall be carried out in accordance with the amended plans received on 12/10/07 unless otherwise agreed in writing with the Local Planning Authority.
- 14 No vehicle repairs or servicing shall take place on this site.

Report Item No: 8

APPLICATION No:	EPF/1721/07
SITE ADDRESS:	Highlands Farm Old Rectory Road Stanford Rivers Ongar Essex CM5
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Retention of agricultural barn incorporating a farm office and the creation of an associated access road and hardstanding.
DECISION:	Granted Permission (Subject to Section 106 Agreement)

The Committee were persuaded to grant permission because the use was considered appropriate to and not out of character with the Green Belt.

The Committee's attention was drawn to the fact that the applicant had amended the plans, indicating removal of the Velux roof windows.

CONDITIONS

- 1 The building hereby permitted shall be used for agricultural purposes only in association with agricultural activity on the land known as Highlands Farm. In that respect the first floor of the building shall be used for the purposes of a farm office in association with the agricultural holding and shall at no time be used as habitable residential accommodation.
- 2 Within three months of the date of this notice, the Velux roof windows shall be removed and infilled with matching roof-tiles in accordance with the amended plan received by the Local Planning Authority on 16 October 2007.
- 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development of the types falling within Class B of Part 6 of that Order shall be carried out without the prior written approval of the Local Planning Authority.
- 4 No overhead wires, cables or any floodlights or other form of overhead servicing shall be installed without the written approval of the Local Planning Authority.

Also subject to a Section 106 legal agreement to ensure that the building is used as a farm office and for agricultural purposes in relation to the holding and is not at any time to be used for domestic/residential habitation including no overnight stay.

Report Item No: 9

APPLICATION No:	EPF/1252/07
SITE ADDRESS:	Haylands Bournebridge Lane Stapleford Abbots Epping Essex RM4 1LT
PARISH:	Stapleford Abbots
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow and erection of new chalet style dwelling with detached double garage to front. (Revised application)
DECISION:	Granted Permission (With Conditions)

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 first floor flanks shall be fitted with obscured glass and have fixed frames, 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 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

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.

- 7 Prior to the commencement of the development details of the proposed surface materials for the driveway 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.

- 8 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

- 9 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.

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

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

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

- 11 The development shall be carried out in accordance with the amended plans received on 13/09/07 unless otherwise agreed in writing with the Local Planning Authority.

Report Item No: 10

APPLICATION No:	EPF/1553/07
SITE ADDRESS:	Land to rear of 'The Trail' Poplar Row Theydon Bois Epping Essex CM16 7NB
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	New residential unit adjoining existing barn. (Revised application)
DECISION:	Refused Permission

REASONS FOR REFUSAL

- 1 The proposed new dwelling, by reason of its size and siting, would represent a cramped overdevelopment of the site, out of keeping with the street-scene and detrimental to the setting of 'The Trail', a Grade II Listed Building. This is contrary to policies CP7, DBE1, DBE2 and HC12 of the Adopted Local Plan and Alterations.
- 2 The proposal would give rise to serious and adverse levels of overlooking of the private rear garden area of No. 2 Green Glade, to the detriment of the amenities and privacy enjoyed by that property. This is contrary to policies DBE2 and DBE9 of the Adopted Local Plan and Alterations.

Report Item No: 11

APPLICATION No:	EPF/1554/07
SITE ADDRESS:	Land to rear of 'The Trail' Poplar Row Theydon Bois Epping Essex CM16 7NB
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Grade II listed building application for a new residential unit adjoining existing barn. (Revised application)
DECISION:	Refused Permission

REASONS FOR REFUSAL

- 1 The proposal would result in a cramped overdevelopment of the curtilage of this Grade II Listed Building that would detract from its historic and architectural character and appearance, contrary to policy HC10 of the Adopted Local Plan and Alterations.

Report Item No: 12

APPLICATION No:	EPF/1587/07
SITE ADDRESS:	The Coach House Little Gregories Lane Theydon Bois Epping Essex CM16 7JP
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Proposed office and rest room facilities in lieu of existing stable block.
DECISION:	Granted Permission (With Conditions)

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 The building hereby permitted shall only be used for purposes ancillary to the existing stable complex at The Coach House and shall not, at any time, be used as residential accommodation.

Report Item No: 13

APPLICATION No:	EPF/1671/07
SITE ADDRESS:	64 Morgan Crescent Theydon Bois Epping Essex CM16 7DX
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Reserved matters application for a proposed dwelling.
DECISION:	Refused Permission

REASONS FOR REFUSAL

- 1 The proposed dwelling, by reason of its size, massing and bulk, would be out of scale with the surrounding street-scene and would represent an unduly bulky and overbearing feature that would give rise to a cramped appearance detrimental to visual amenities, contrary to policies DBE1, DBE2 and DBE9 of the Adopted Local Plan and Alterations.

Report Item No: 14

APPLICATION No:	EPF/1807/07
SITE ADDRESS:	28 Woodland Way Theydon Bois Epping Essex CM16 7DZ
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Single/double storey rear extension and loft conversion.
DECISION:	Granted Permission (With Conditions)

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 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.

Report Item No: 15

APPLICATION No:	EPF/1954/07
SITE ADDRESS:	Bowlands Meadow Theydon Road Epping Essex CM16 4EE
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Erection of boundary wall.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

- 1 Within 3 months of the grant of this permission the wooden boarding hereby approved shall be erected and stained a dark colour and thereafter maintained as such so that the brickwork of the wall between the piers is not visible from Theydon Road.
- 2 Prior to the commencement of the works hereby approved the colour of the materials to be installed shall be agreed by the Local Planning Authority in writing and thereafter maintained to the agreed scheme.
- 3 Within three months of the date of this notice, details of landscaping of the site showing planning in relation to the boundary wall hereby approved shall be submitted in writing for approval by the Local Planning Authority, and shall be carried out within three months of approval and be permanently retained as approved thereafter.

Report Item No: 16

APPLICATION No:	EPF/1641/07
SITE ADDRESS:	Rockhills Field Willingale Road Willingale Ongar Essex
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Erection of polytunnel, shade frame, sales office and associated works including the formation of a new access, in respect of a horticultural operation. (Revised application)
DECISION:	Granted Permission (With Conditions)

The Committee's attention was drawn to letters of representation from Hatchers – Norton Heath, Hodkins Farm – Norton Heath Road and Lower Brook – Norton Heath Road.

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 Notwithstanding the details otherwise hereby approved no development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) for the whole site have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 3 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 fences, walls or other means of enclosure shall be erected on or within the site without the express written consent of the Local Planning Authority.
- 4 Prior to the commencement of the development hereby permitted, details of provision for drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage shall be fully implemented and retained while the site is in use.
- 5 The use hereby permitted shall not be operational outside the following times:

07:30 - 18:00 hours Monday to Friday
- 6 Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation, hours of use and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its prior consent in writing.
- 7 Prior to commencement of the development visibility splays with dimensions of 4.5m by 120m as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height.
- 8 Prior to commencement of the development hereby permitted a turning space of a design to be agreed in writing by the Local Planning Authority enabling a motor vehicle to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and be permanently retained for this sole purpose.
- 9 No unbound material shall be used in the surface finish of the driveway within 12m of the highway boundary of the site.
- 10 The vehicle access shall be constructed at right angles to the existing carriageway and details of the design shall be agreed in writing with the Local Planning Authority prior to the commencement of the works.
- 11 Immediately the new access is used the existing access shall be permanently closed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.
- 12 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

- 13 Notwithstanding the details otherwise hereby approved a scheme specifying the parking arrangements for the site shall be submitted to and approved in writing prior to the commencement of the development. The parking area shall be fully implemented and not used for any other purpose without the express written consent of the Local Planning Authority.
- 14 The proposed development shall be used solely for the sale of plants grown on the site and not for the storage of plants or the sale of plants not grown on the site.
- 15 The timber office shall only be used in conjunction with the activities taking place on the holding on the site known as Rockhills Field and shall not at any time be used for domestic residential accommodation.

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Report to Area Plans Sub-Committee East

Date of meeting: East – 14/11/07



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, April to Sept 2007.

**Officer contact for further information: Barry Land (01992 – 56 4110).
Democratic Services Officer: Mark Jenkins (01992 - 56 4607)**

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees 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%. That BVPI was scrapped but recently replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals) and where the Council sets its own target – set this year at 25%, equivalent to the top quartile performance. In fact in recent years the Council has been more successful than the national average with only 18% in 2003/04, 29% in 2004/05 and 22% in 2005/06.

Performance

3. Over the six-month period between April and September 2007, the Council received 54 decisions on appeals – 47 planning and related appeals and 7 enforcement appeals. Of the 47 planning and related appeals, 11 were allowed (23%) and none of the 7 enforcement appeals – a combined total of 20.3% of the Council's decisions being overturned.
4. For the BVPI, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, telecommunications or tree-related appeals, nor appeals against conditions), the performance figure is 20.5% - within target and one of the top quarter performing authorities.

Planning Appeals

5. As with the previous 6-month period, the proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers was at a relatively high level at around 23%. Of the 47 appeal decisions, 11 arose in such circumstances, but the Council only lost 3 of those cases, which is a much lower proportion than previously.
6. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.
7. It will be apparent then that of the 11 appeals allowed, 7 were in the face of officers' decisions to refuse under delegated powers (and 1 where the officer recommendation to refuse was agreed by committee).
8. The 3 appeals allowed following decisions by committee to refuse contrary to officer's recommendation were:

EPF/2443/06 – 34 Bracken Drive, Chigwell – replacement bungalow with conservatory (Area Plans A 07/02/07)

EPF/0975/06 – 46 Pyrles Lane, Loughton – installation of an automated teller machine (Area Plans A 19/07/06)

EPF/1799/06 – 34 Upper Park, Loughton – two storey front extension and dormer windows (Area Plans A 08/11/06)

9. To complete the picture, officers were successful in sustaining the committee decision to refuse, when officers had recommended granting permission, in the following 8 cases:

EPF/1411/06 – 34 Scotland Road, Buckhurst Hill – two storey rear extension (Area Plans A 13/09/06)

EPF/435/06 – Former Beagles Hut, Retreat Way, Chigwell – erection of 13four-bedroomed house (Area Plans A 26/04/06)

EPF/0736/06 – East 15 Acting School, Rectory Lane, Loughton – two temporary rehearsal buildings (Area Plans A 21/06/06)

EPF/2377/06 – 10 Pump Hill, Loughton – construction of two houses (Area Plans A 07/02/07)

EPF/1467/06 – 17 Lynceley Grange, Epping – two storey side and rear extensions (Area Plans B 20/09/06)

EPF/1763/06 – Blunts Farm, Coopersale Lane, Theydon Bois – replacement dwelling (Area Plans B 13/12/06)

EPF/1030/06 – Former Parade Ground, Merlin Way, North Weald – 141 dwellings and ancillary works (District Development Control Committee 10/10/06)

EPF/0850/06 – 9 The Paddocks, Stapleford Abbots – alterations to garage to provide ancillary residential accommodation (Area Plans C 05/07/06)

Costs

10. No awards of costs were made during this period.

Conclusions

11. The Council's performance for this 6-month period has been highly satisfactory. The support for the Council's decisions to take enforcement action is particularly encouraging and the efforts made to support members' decisions contrary to recommendations has been notable.
12. The decisions are listed in the Council Bulletin from time to time but a full list of decisions over this six month period appears below.

Appeal Decisions April to September 2007

Planning Appeals Allowed:

1. EPF/0944/06 – 134 Hainault Road, Chigwell – replacing bungalow with two storey house
2. EPF/1755/06 – 35 Chigwell Park Drive – two storey side extension
3. EPF/2443/06 – 35 Bracken Drive, Chigwell – replacement bungalow with conservatory
4. EPF/0975/06 – 46 Pyrles Lane, Loughton – installation of automated teller machine
5. EPF/1249/06 – 61 Hillcroft, Loughton – conversion of extension to form 2 one-bedroomed apartments
6. EPF/1799/06 – 34 Upper Park, Loughton – two storey front extension with dormer windows in roof
7. EPF/2135/06 – Aysbrooke, Middle Street, Nazeing – detached garage
8. EPF/2486/06 A – The Gatekeeper, London Road, North Weald – new illuminated signage
9. EPF/1740/05 – Land at Station Approach, Ongar – residential development
10. EPF/2251/06 – 21 Sheering Lower Road, Sheering – two storey side extensions
11. EPF/0797/06 – Thrift Cottage, Sewardstone Road, Waltham Abbey – single storey retail unit at rear

Planning Appeals Dismissed

12. EPF/1411/06 – 34 Scotland Road, Buckhurst Hill – two storey rear extension
13. EPF/0435/06 – Former Beagles Hut, Retreat Way, Chigwell – erection of detached house
14. EPF/0977/06 – Wayback, 179 Lambourne Road, Chigwell – rear dormer window
15. EPF/1565/06 – 32 Grange Crescent, Chigwell – side extension
16. EPF/1829/06 – 18 High Elms, Chigwell – retention of boundary wall
17. EPF/0932/06 – Lanes Boutique, 263 High Street, Epping – change of use to wine bar
18. EPF/0939/06 – Lanes Boutique, 263 High Street, Epping – listed building application for alterations to form wine bar
19. EPF/1467/06 – 17 Lynceley Grange, Epping – two storey side and rear extensions
20. EPF/1375/06 – Drummaids, Parsloe Road, Epping Upland – first floor side extension
21. EPF/0381/06 – Land adj 18 Dunmow Close, Loughton – two bedroomed detached house
22. EPF/0736/06 – East 15 Acting School, Rectory lane, Loughton – temporary rehearsal rooms

23. EPF/1529/06 – Sainsburys Supermarket, Old Station Road, Loughton – variation of delivery hours
24. EPF/1638/06 – 2A, The Uplands, Loughton – erection of 5 apartments
25. EPF/1791/06 – 121 Roding Road, Loughton – change of use to A2 offices
26. EPF/2267/06 – Warren House, Manor Road, Loughton – second floor roof extension and glazed extension
27. EPF/2377/06 – 10 Pump Hill, Loughton – construction of 2 houses
28. EPF/2424/06 – 1 & 1A, Warren Hill, Loughton – erection of 6 detached dwellings
29. EPF/0112/07 – 24 Palmers Grove, Nazeing – gates and fence
30. EPF/1159/06 – Coronation and Prospect Nurseries, Hoe Lane, Nazeing – 24 houses and ancillary works
31. EPF/1253/06 – Land at Havenslea, Nazeing Common, Nazeing – change of use to residential
32. EPF/1394/06 – Vine Cottage, Betts Lane, Nazeing – residential annexe
33. EPF/1470/06 – Willow Lodge, Old House Lane, Nazeing – replacement dwelling and garage
34. EPF/1535/06 – 63 & 65 North Street, Nazeing – erection of 4 detached houses
35. EPF/1773/06 – Fort Payne, Paynes Lane, Nazeing – continued use for repair of motor vehicles
36. EPF/1898/06 – Byrneville, Back Lane, Nazeing – rear conservatory
37. EPF/1030/06 – Former Parade Ground, Merlin Way, North Weald – erection of 141 dwellings with ancillary works
38. EPF/2200/06 – Fyfield Business Park, Fyfield Road, Ongar – erection of 90 dwellings and ancillary works
39. EPF/1965/06 – Land rear of The Deri, Meadow View and The White House, Derby Road, Roydon – erection of 1 bungalow
40. EPF/2007/06 – Cranalyn, Barn Hill, Roydon – two storey extension and roof extension
41. EPF/0850/06 – 9 The Paddocks, Stapleford Abbots – alterations to garage to provide ancillary accommodation
42. EPF/1763/06 – Blunts Farm, Coopersale, Lane, Theydon Bois – construction of replacement dwelling
43. EPF/1998/06 – 21 Elizabeth Drive, Theydon Bois – two storey side and rear extension
44. EPF/1220/06 – 29 Deer Park Way, Waltham Abbey – change of use of public open space to garden
45. EPF/1441/06 – 101 Broomstick Hall Road, Waltham Abbey – two storey side and rear extensions to create 6 flats
46. EPF/2061/06 – Southend Farm, Southend Lane, Waltham Abbey – retention of hay store
47. EPF/2239/06 – 1 Cornmill Mews, Highbridge Street, Waltham Abbey – retention of conservatory

Enforcement Appeals Dismissed

48. Conversion of barn to two residential properties on Site at 1 Game Farm, Cottages, Old House Lane, Roydon
49. Erection of a barn and dwelling at Highlands Farm, Old Rectory lane, Stanford Rivers
50. Erection of a chalet at Plot 20, Roydon Lodge Chalet Estate, Roydon
51. Mixed use for retail and coffee shop at 271 High Street, Epping. (This decision is currently under appeal to the High Court)

52. Commercial parking of motor vehicles at Water Tower Site, Anchor Lane, Abbess Roding
53. Boundary wall at 18 High Elms, Chigwell
54. Entrance gates at 2 Halley Road, Waltham Abbey

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Report to Area Plans Sub-Committee 'East'



**Epping Forest
District Council**

Date of meeting: 14th November 2007.

Subject: Diversion of Public Footpath 76 North Weald Bassett.

Officer contact for further information: Jill Shingler (x4106)

Democratic Services Officer: Mark Jenkins (x4607)

Recommendation:

- That the Sub Committee rescinds the previous decision (made on 17th October 2007) since this was made with reference to plan reference LD/13/C/0067/00a, which was incorrect.
- That the Sub Committee determines to authorise the Director of Corporate Support Services to make and seal a footpath diversion order under Section 257 of the Town and Country Planning Act 1990 (as amended) ("the Act") in respect of Footpath 76 North Weald Bassett, as shown on the revised plan reference LD/13/C/0067/00b which is attached.
- That the Director of Corporate Support Services be authorised to confirm the order in accordance with the Act, subject to no objection being made within the statutory consultation period.
- That should the order be objected to during the statutory consultation period that it be referred to the Secretary of State for confirmation in accordance with the Act.
- That the developer be required to pay the Councils administrative and legal costs incurred in the preparation, making and confirmation of the order, the carrying out of the statutory processes required under the Act, including all costs incurred if the order is referred to the Secretary of State for confirmation and that a deposit be paid, in an amount to be determined by the Director of Corporate Support Services, before the order is made.

Main Issue:

This item was heard at the previous meeting of Area Plans Sub-East, and the Committee resolved to agree the recommendation set out within Agenda Item 7 in respect of diverting Public Footpath 76 North Weald Bassett.

Unfortunately, the plan that was appended in the agenda and another subsequently displayed to Members at the Committee meeting **was incorrect** in that the position of one of the lines was shown as being outside of the site to which the applicant has ownership. A correct plan has been prepared and follows at the end of this agenda item, and will be displayed to the Sub Committee at the meeting.

Procedurally, it is necessary (recommendation (1)) that the previous decision be rescinded. It is also recommended (recommendation (2)) that a new authorisation be approved with reference to the revised plan

The background remains **identical** as previously discussed and as such the recommendation is unchanged from the last meeting. The Committee must however rescind the previous decision prior to making a decision on this matter. The previous report to Committee now follows (repeated from before) and apart from the appended map is the same.

Background:

Section 257 of the 1990 Town and Country Planning Act allows for the diversion of public footpaths where this is needed in connection with a planning application.

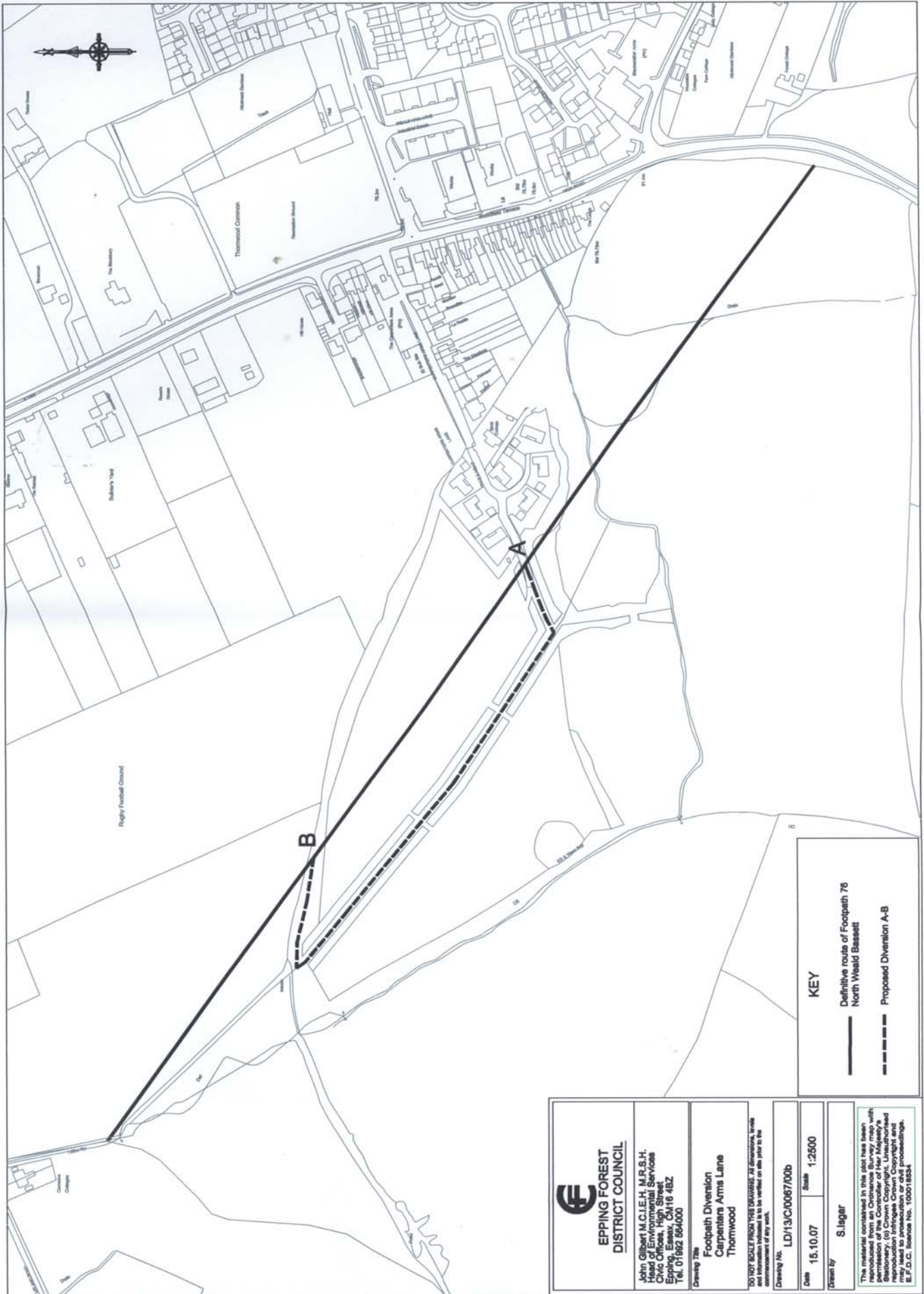
In this instance, planning permission was granted on appeal in 2004 for the creation of fishing lakes on land at Thornwood Camp, Carpenters Arms Lane (reference EPF/1007/03), however one of the lakes obstructs the recognised “definitive” line of Public Footpath 76. A developer now wishes to implement the planning consent but is unable to do so because of the impact on the definitive footpath.


In reality, the lake will not impact on the actual line of any current footpath. The definitive line as defined by Essex County Council does not appear to have ever been the actual position of any footpath. Indeed the “definitive” line appears to have passed through buildings when the site was a military camp. Essex County Council had been planning to review their definitive footpath map (back in 1999 this was scheduled for 2005) but we are now told that this is unlikely to be in their programme of work for several more years.

The footpath, as it currently exists through this section of land, is close to the route which appears to have existed in the 1920s and was established and enhanced by Epping Forest Countrycare, in 1999, following the flood relief works in this area. The path is well delineated and marked and provides a logical route. The intention is that the line of the “definitive” footpath be diverted to follow this actual footpath, so there will be no actual change to the path on the ground, although as this order will only relate to the area of land within the planning application site (and not the whole length of the footpath) two short additional areas of footpath are also required to join up with the definitive line until such time as the County Council can review their maps.

The recommendation is therefore that the Sub Committee agrees that the diversion order can be made. If this is agreed then formal notice is given to all interested parties and a period of objection is allowed. The Council can only confirm the order if there are no objections to its making. If objections are received and not withdrawn, the order must be submitted to the Secretary of State for confirmation which may result in a local inquiry being held

As the making of such an order is for the benefit of the developer it has not been this Council's practise to use Council resources. Accordingly, the developer has been informed that the Council will only make the order on the understanding that the Council's administrative and legal costs of preparing, making and confirming the order, (including advertising) are to be borne by the developer. The developer will also be responsible for the costs of carrying out any additional works required by the Highway Authority as necessary to join up the footpath with the definitive line.



 EPPING FOREST DISTRICT COUNCIL	
John Gilbert M.C.I.E.H. M.R.S.H. Chief of Environmental Services Epping Forest District Council Epping, Essex, CM16 4BZ Tel. 01862 664000	
Drawing Title Footpath Diversion Carpenters Arms Lane Thornwood	
<small>DO NOT SCALE FROM THIS DRAWING. All dimensions, levels and information should be verified on site prior to the commencement of any work.</small>	
Drawing No.	LD/13/C/0067/00b
Date	16.10.07
Scale	1:2500
Drawn by	S. Isgar
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KEY

 Definitive route of Footpath 76
 North Weald Bassett

 Proposed Diversion A-B

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AREA PLANS SUB-COMMITTEE 'EAST'

Date 14 November 2007

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
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3	EPF/0610/07	Coopersale Hall School, Flux's Lane, Epping, Essex	Grant Permission (With S106 Agreement)	50
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5	EPF/2123/07	17 Lynceley Grange, Epping, Essex CM16 6RA	Grant Permission (With Conditions)	65
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Report Item No: 1

APPLICATION No:	EPF/2152/07
SITE ADDRESS:	33 St Alban's Road Coopersale Epping Essex CM16 7RD
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mrs Sarah Jolly
DESCRIPTION OF PROPOSAL:	TPO 6/83: Fell 1 Hornbeam; re-pollard 2 Hornbeams.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days' notice of such works.
- 2 The crown reduction authorised by this consent shall be to immediately above previous pollard points.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

This application is before committee since all applications to fell preserved trees are outside delegated powers.

Description of Proposal:

- T1. Hornbeam.** Fell and replace.
- T2. Hornbeam** Re-pollard
- T3. Hornbeam** Re-pollard

Description of Site:

An enclosed rear garden. The trees are visible from a local footpath, to the rear.

Relevant History:

TPO/EPF/06/83 was served to protect the trees on the site in advance of development.

TRE/EPF/941/00: consent to thin, reduce and shape approved with conditions.

Note: The current application has been amended by agreement, T2 was originally to be felled.

Relevant Policies:

LL8: Pruning of preserved trees.

LL9: The Council will not give consent to fell a tree protected by a Tree Preservation Order unless it is satisfied that this is necessary and justified any such consent will be conditional upon appropriate replacement of the tree.

Issues and Considerations:

The three trees concerned are small pollards, in a very modest garden. They have some amenity value, though limited because of their situation and size. The application is on the basis that the trees “are poor examples” and that the small garden is overcrowded.

The key issues that have been addressed in relation to the felling are whether the condition of the one tree is such that felling is the only reasonable option, the reasonableness of the need for continued severe pollarding, and whether replacement would be preferable in visual amenity terms. In relation to the pruning it is whether there is any reason not to continue the established pollarding regime.

1. T1

It is agreed that of the 3 trees this is the least attractive, with wounds on the stem from early pruning. However there is no technical reason that it should not be retained. Continued pollarding does however impose a burden on the owner, and since this is the least important of the 3, set further into the site away from the path, and so with more limited public amenity there is a good argument for felling. The owner has offered to replant with a birch to be situated on the rear boundary where it would have greater amenity value.

2. T2 and T3

Hornbeams are relatively tolerant of continued pollarding, sufficient time has been left since the last pruning, and there is some, albeit limited, public benefit; there is therefore no technical reason to with-hold permission for this application.

Conclusions

In relation to the pruning that consent should be granted, subject to conditions, including on timing of operations, in accordance with policy LL8.

In relation to the felling, that consent should be granted on the grounds that a replacement tree would make a greater contribution to public amenity, in accordance with policy LL9, subject to a condition to secure the intended replacement with a suitable Birch, as suggested.

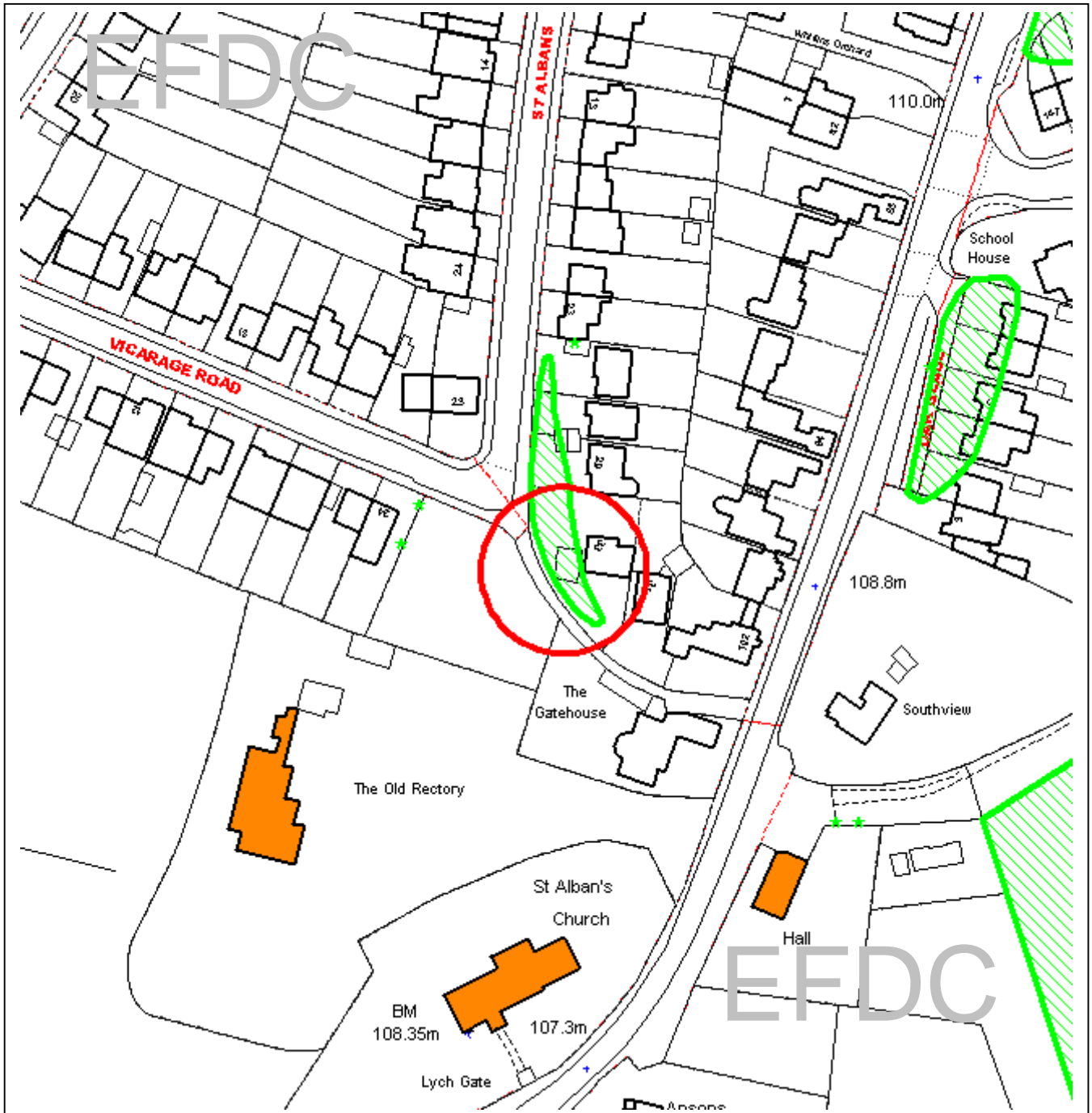
SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL – No objection.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/2152/07
Site Name:	33 St Alban's Road, Coopersale, CM16 7RD
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2154/07
SITE ADDRESS:	1 Forest Drive Fyfield Ongar Essex CM5 0TP
PARISH:	Fyfield
WARD:	Moreton and Fyfield
APPLICANT:	Mr Paul Bartholomew
DESCRIPTION OF PROPOSAL:	TPO 5/98; Fell: London Plane and Cedar.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Two replacement tree or trees, of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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.

This application is before committee since all applications to fell preserved trees are outside delegated powers.

Description of Proposal:

- T1. London Plane.** Fell and replace.
- T2. Blue Atlas Cedar** Fell and replace.

Description of Site:

The rear garden of a house, in a prominent location by the main access into the Elmburgh School development. The trees are part of a group in the garden which are prominent from the Ongar road, at the southern entrance to the village.

Relevant History:

TPO/EPF/05/98 was a comprehensive order, made to protect the significant trees in advance of development.

In 2004 a London Plane was struck by lightning; it has been replaced with a red leafed Plum.

Relevant Policies:

LL9: The Council will not give consent to fell a tree protected by a Tree Preservation Order unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree.

Issues and Considerations:

The application is based on advice from a (reputable) local tree surgeon. The reasons given are the poor health of the Plane, and the incompatibility of the Cedar with its situation, for 2 reasons: that it is too close to the house itself and that its natural development is impossible, and because the garden is too crowded with other mature trees. At the officer's visit issues of damage to the lawn and subsidence were also raised.

The key issues that have been addressed in relation to the felling are whether the condition of the Plane is such that felling is the most reasonable option and whether the current and potential visual amenity of the Cedar is such that felling should be resisted.

1. T1 London Plane.

The cause of the ill-health of the Plane was found on inspection to be as a result of severe and long-standing basal decay. The tree has grown poorly as a result of the problem, so its importance is less than the larger adjacent boundary trees, although its loss will somewhat lessen the visual screening of the property from the road. The owners are happy to replant like for like, but a different species, such as the Tulip Tree, might offer additional visual benefit.

2. T2 Cedar

The Atlas cedar is situated 8m from the rear of the house, and is some 18m tall. It is far from fully grown, and its spread has been severely restricted by side pruning, such that its shape is very untypical. It is by nature a tall and broadly spreading conifer. Even so, it dominates and severely restricts use of the open, central area of the garden, which is also pretty much surrounded by tall Planes to the east, Limes to the west, and a Robinia to the north. It darkens the rear of the house by cutting out indirect light.

It has local visual importance, being visible from a short section of the main road and from the nearby footpath. It gives an important contrast in textures visually, and has importance in winter as the sole large evergreen in the garden. However its importance is lessened by the many maturing trees, including evergreens, planted on the verge, to south and north.

The ground below is dry, and the grass dead. This in itself is not critical, but it is agreed that its presence severely restricts use and enjoyment of the space. It is not considered that there is any evidence of threat to foundations.

The situation is such that if the tree grew to its potential it would then leave no useable garden to enjoy, as well as very severely restricting light to all the rear rooms. The alternative to felling would be an extensive crown lifting, with a further reduction of the upper crown.

Because of the limited space if felling were agreed a smaller decorative tree would be appropriate, shifted closer to the north boundary.

Conclusion

In relation to T1, Plane, it is not considered that there is a remedy to the basal decay, or any alternative to replacement, and that felling is in accordance with LL9, subject to replacement with a large-growing tree.

In relation to T2, Cedar, it is concluded that its importance is limited at present, and that it is unlikely to increase, because it would be unreasonable not to continue to allow crown reductions. It will therefore never make a good specimen, and cannot in any case be pruned in a way to resolve the issues satisfactorily. It is therefore also concluded that felling is in accordance with LL9, subject to replacement with a decorative tree.

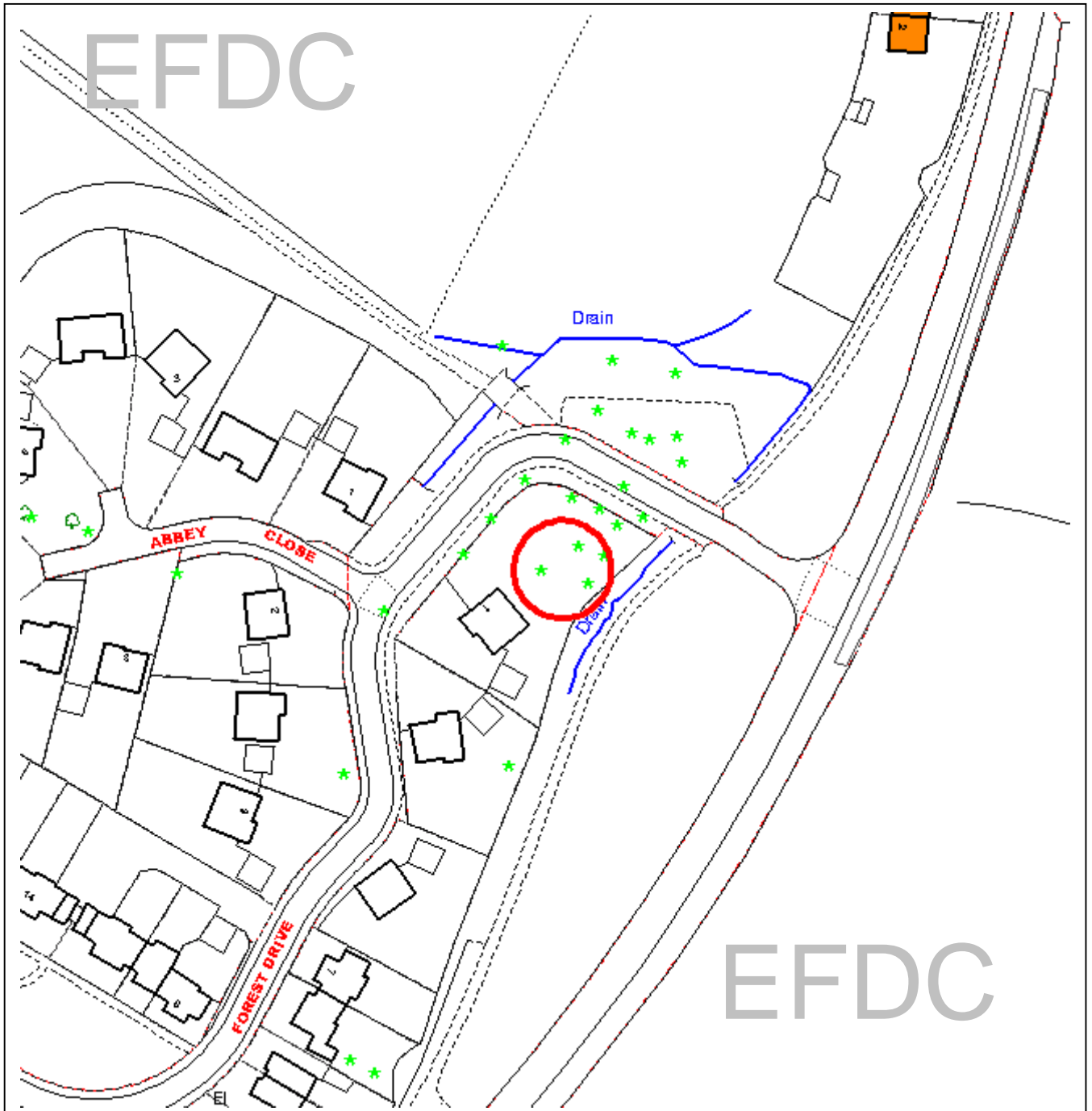
SUMMARY OF REPRESENTATIONS:

None to date; any observations will be reported verbally.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/2154/07
Site Name:	1 Forest Drive, Fyfield, Ongar, CM5 0TP
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0610/07
SITE ADDRESS:	Coopersale Hall School Flux's Lane Epping Essex
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Coopersale Hall School
DESCRIPTION OF PROPOSAL:	Extension of existing classrooms wing.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development, 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 Local Planning Authority.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

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.

- 4 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.
- 5 Details of all new windows at a scale of no less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. The works shall be implemented in accordance with such approved details.
- 6 The extensions hereby approved shall not be occupied until new and improved pedestrian facilities along the access road from Flux's Lane to the school grounds have been provided in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- 7 The extensions hereby approved shall not be occupied until space has been provided within the proposal site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be maintained thereafter free of any impediment to its designated use.

Also subject to the prior completion of a satisfactory planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

1. A school travel plan.
2. New and improved pedestrian facilities in Flux's Lane and at the Flux's Lane/Stewards Green Road and the Stewards Green Road/Brook Road/Bower Hill junctions (details to be agreed with the Highways Authority).
3. The bringing up to current Essex County Council standards of the bus stops located in the vicinity of the proposal site (details to be agreed with the Highways Authority).

This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Committee will recall that at the Area Committee meeting on 25 July 2007 they requested additional information for the application in respect of the following points:

1. Who has ownership of access to the school?

2. The number of additional pupils that would attend the school as a result of the proposed extension.
3. How the County Council highway officers have reached their conclusion not to object to the application.
4. An outline of the elements that the travel plan would include.

These points can respectively be addressed as follows:

1. The applicants have confirmed that they own Flux's Lane, which is the access road to the school, in its entirety.
2. The applicants state that an additional 3 classes, each containing an average of 15 pupils, would result from the proposal.
3. The County Council Highway Group have confirmed that their assessment of the application involves them visiting the site and making an appraisal of matters relating to capacity, safety and sustainability. A positive recommendation will only be made where the proposal can operate safely, without causing disruption to the existing network, is sustainable and does not conflict with highways policies. They are content that these issues are satisfied by this application. They also point out that the approach suggested by the County Council highway officers, of addressing highway issues through condition, was supported by the Inspector who considered the development at appeal under a previous application (reference EPF/1525/05).
4. The applicants have submitted a copy of an outline travel plan, which suggests a number of ways that highways issues might be addressed. These include:
 - To improve lighting in the car park.
 - Road safety training for pupils.
 - To install a designated footpath and waiting shelter for pedestrians in the car park.
 - Increase traffic signage in car park.
 - Increase warning letters to parents speeding in the car park and introduce naming and shaming.
 - Encourage car sharing.
 - Investigate the possibility of a school bus.
 - Promote the health benefits of walking and cycling to school.
 - Provide a walking and cycling area on Flux's Lane.
 - Erect a cycle shelter on the school grounds.
 - Introduce cycle training for year six pupils.
 - Cover road safety issues in assemblies.

The initial report to the Committee from the 25th July 2007 meeting now follows, however there is no longer any reference to Structure Plan Policies as they were deleted in September 2007 as a consequence of the Planning and Compulsory Purchase Act, 2004.

Description of Proposal:

The application seeks planning permission for the erection of a two-storey side extension and a single storey extension which would infill a recessed area of the existing school building.

The proposed two-storey extension would provide four additional classrooms together with toilet facilities to the eastern end of an existing single storey addition. The enlargement would be of the

same width as the existing building and project 7m beyond the eastern flank at a two-storey level. It would have a pitched roof up to 2.2m higher than the original addition with the base of the extension below that of the original addition.

The two-storey extension would be largely finished in facing brick but the first 1.5m adjoining the existing extension would be glazed. The two slopes of the pitched roof would be off-set at different heights, the lower being that over the glazed section. The infill extension would be the same height as the existing extension to the building which it would be surrounded by and provides an additional classroom.

Members may recall that both aspects of the proposal were previously considered by the Plans Sub-Committee "B", alongside other additional development, under application number EPF/1525/05. This was refused by the Committee and subsequently dismissed at appeal. However, Members should note that the inspector did not object to the parts of the proposal which form the present scheme.

Description of Site:

The site is within the Metropolitan Green Belt and the Coopersale Hall School main building is a statutory grade II listed building. The site is bounded by residential properties to the north. To the south and east the land falls away from the existing school buildings. To the south the land is initially open, including a soft surfaced play area. Approximately 50m beyond the south elevation of the building there is a formal garden dominated by mature trees. There is a sloping grassed area immediately to the east of the existing single storey addition to the school beyond which is a hard surfaced play area/tennis court enclosed by 3m high wire mesh fencing with densely planted tree and bushes to the east. The land east of the hard play area/tennis court is used as a small industrial estate with businesses accommodated in a converted single storey building and the estate screened from the south by robust tree planting. To the west and southwest is a tree belt, beyond which is a field in the schools ownership. To the east is a 30m wide gravel surfaced drive/turning area beyond which are Bakers Cottage and Orchard Cottage.

Relevant History:

LB/EPF/0031/85 – Demolition of first floor link between Coopersale Hall and Orchard Cottages. Granted (1985).

LB/EPF/0071/88 – Alterations in connection with change of use to educational establishment. Granted (1989).

EPF/1220/88 – Change of use to educational establishment. Granted (1989).

LB/EPF/0100/89 – Alterations and extension to provide classrooms, toilets and kitchen. Granted (1990).

EPF/1766/89 – Alterations and extension to provide classrooms, toilets and kitchen. Granted (1990).

EPF/0653/04 – Erection of first floor rear and two storey rear extensions to provide additional classrooms. Refused (2004).

LB/EPF/0654/04 – Corresponding application for listed building consent in respect of application EPF/653/04. Refused (2004).

EPF/1516/04 – Erection of first floor rear and two storey rear extensions to provide additional classrooms. Refused (2004).

LB/EPF/1515/04 – Corresponding application for listed building consent in respect of application EPF/653/04. Refused (2004).

EPF/1525/05 - Side and rear extensions to provide additional classrooms and erection of new classroom block to replace existing block and enlargement of existing car park. Refused (2006). Appeal dismissed (2006).

LB/EPF/1526/05 - Grade II Listed building application for extensions to provide additional classrooms and erection of new classrooms block to replace existing car park improvement. Granted (2006).

EPF/1021/06 - Extension of existing car park to form overflow car parking. Granted (2006).

EPF/0611/07 - Removal of existing detached classroom block and replacement with new single storey block. Refused (2007).

Policies Applied:

Local Plan:

CP2 – Rural and built environment

CP3 – New development

CP4 – Energy conservation

CP5 – Sustainable building

CP9 – Sustainable transport

GB2A – Development in the Green Belt

HC10 – Works to listed buildings

HC12 – Works that affect the setting of a listed building

DBE1 – New buildings

DBE2 - Amenity

DBE4 – Design of new buildings in the Green Belt

RP5A – Environmental impact

LL1 – Landscape character

LL2 – Development in the countryside

LL10 – Existing features

LL11 – New planting

ST1 – Development location

ST2 – Accessibility

ST3 – Transport assessments

ST4 – Road safety

ST5 – Travel plans

ST6 – Parking

I1A – Planning obligations

Issues and Considerations:

The main issues to be considered in this case are the appropriateness of the development in the Green Belt, the impact of the development on the Green Belt and listed building and the acceptability of the proposal in terms of sustainability matters, character, the amenity of surrounding occupiers, parking and highways matters, landscaping and access.

3. Green Belt Matters:

The proposed extensions are considered by officers to be inappropriate development in the Green Belt that should also only be permitted if very special circumstances exist, sufficient to overcome the harm caused by inappropriateness.

The proposed two-storey extension would exceed the height of existing buildings but it is considered that this alone would not be sufficient to exacerbate the impact of the school buildings as a whole on the open character of the Green Belt. When seen from the east the extension would add interest and variety to the existing extension to the school, which presently terminates in a blank brick wall of no interest. When seen from the north or south the extension would appear as a clear stop to the existing extension and due to its sympathetic design would result in an improved appearance to the school building.

The main vantage point from beyond the immediate vicinity of the building would be from the first floors of Nos. 1 and 2 Coopersale Hall Farm Cottages and Orchard Cottage located to the north and northwest. From these points, views of the addition would be mainly of the roof of the extension which is considered to be of much greater interest than that of the existing addition but little higher overall. The cumulative impact of the extension would be to increase the bulk of additions to the school but that increase in bulk would be overcome by the improvement in the appearance of the school buildings as a whole. The two-storey extension is therefore inappropriate development in the Green Belt but its positive impact on the character and appearance of the listed building is significant and considered to amount to very special circumstances sufficient to overcome the harm caused by inappropriateness.

The single storey infill extension is also deemed to have very special circumstances that overcome the harm caused by inappropriateness. These relate to the fact that it would be surrounded on three sides by built development with a height that it would not exceed. This creates a very particular set of circumstances which result in the impact of the extension being nullified. Both extensions are therefore deemed to be acceptable in this instance.

4. Listed Building and Character Matters:

Council policies require that developments respect their setting, relate suitably to the surrounding spaces, are of a size and position that they adopt a significance appropriate to their function, safeguard character and employ materials which are sympathetic to their context. Policies in respect of listed buildings require that works do not detract from the setting, historic interest or architectural character and appearance of listed buildings. The single storey infill extension is considered to be acceptable in all these regards. As was indicated above the design of the two-storey element of the proposal is deemed to make a positive contribution to the overall composition of the building. The proposal is therefore deemed by officers to accord with policies in respect of design, character and listed buildings. It should also be noted that the Council did not object to the proposal on design or listed building grounds when considering the development as part of a wider scheme previously.

5. Amenity Issues:

Having had regard to the size, siting and design of the proposed extensions it is considered that the scheme, as could be controlled with suitable conditions, would be acceptable in all these regards. It is of note that when considering the previous application the Inspector who dealt with the appeal did not refuse the proposal on amenity grounds.

Parking, Highways and Access Matters:

The County Council Highways Group have not raised any objections to the proposal and consider that concerns regarding the scheme can be adequately addressed with suitable conditions and a planning obligation. Officers support this approach. Furthermore, this was the position adopted by the Inspector who dealt with the appeal for the previous, larger scheme, for the site.

The obligation proposed would relate to provision of:

1. A school travel plan.
2. New and improved pedestrian facilities in Flux's Lane and at the Flux's Lane/Stewards Green Road and the Stewards Green Road/Brook Road/Bower Hill junctions (details to be agreed with the Highways Authority).
3. The bringing up to current Essex County Council standards of the bus stops located in the vicinity of the proposal site (details to be agreed with the Highways Authority).

6. Sustainability and Landscaping Matters:

Council policies require that proposals make adequate provision for the protection of existing trees and provide suitable landscaping for new developments. Having had regard to the details submitted with the application and the existing landscaping of the site it is considered that these matters can be adequately addressed with suitable conditions in respect to tree protection and new landscaping proposals. It is noted that concerns have been raised that the proposal would fail to accord with planning policies and guidance in respect of sustainability matters. However, having had regard to the requirements of other legislation and the relevant national, regional and local policies and guidance it is considered that the proposal is acceptable in this regard with the conditions and planning obligation recommended.

7. Other Matters:

Concerns have been expressed that the present application is not accompanied by an application for listed building consent. Two points are of note in this regard. Firstly, listed building consent for the same works was granted at the time of the previous application being refused planning permission. Secondly, the absence of a listed building application is not a material consideration in the determination of this proposal.

Concerns have also been raised that part two of the application form (which, amongst other matters, asks for details of the nature of business, number of persons employed and vehicle movements) has not been filled in. However, this is only required where proposals relate to industrial, office, warehousing, storage, shops or commercial glasshouses. The present application falls outside any of these categories.

A final objection that has been raised suggests that the application cannot be considered separately from the proposal to erect a new building in the school grounds (refused earlier this year), as they collectively seek the provision of education facilities up to the age of 13 at the site. It is noted that the Inspector who dealt with the previous appeal did not feel that he could give a split decision with both schemes on a single application, as the proposals were so clearly connected. However, as these have now been submitted as separate planning applications it is officer's opinion that they must be considered on their individual planning merits, irrespective of the overall objective.

Conclusion:

The proposed development is considered by officers to have overcome the reasons for refusing the previous application and on the basis of its individual planning merits is deemed to be acceptable in this instance, subject to conditions and the signing of a suitable planning obligation. The application is therefore recommended for approval subject to conditions and a planning obligation.

SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL – Committee object to the application because the proposal represents inappropriate development in the green belt and because highway access is inadequate to cope with significantly increased use.

COOPERSALE HALL FARM – Objection on grounds of impact on green belt, trees and listed building and concern that scheme represents over development and raises traffic concerns.

1 COTTAGE, COOPERSALE HALL FARM – Objection on grounds of noise, traffic, congestion, additional activity, pollution, over development and green belt concerns.

FARM BUNGALOW, FLUX LANE – Objection on grounds that the proposal goes beyond an acceptable level for the expansion of the school and result in traffic problems in the area.

BAKERS COTTAGE, COOPERSALE HALL - Objection on grounds of noise, traffic, amenity, pollution and green belt concerns.

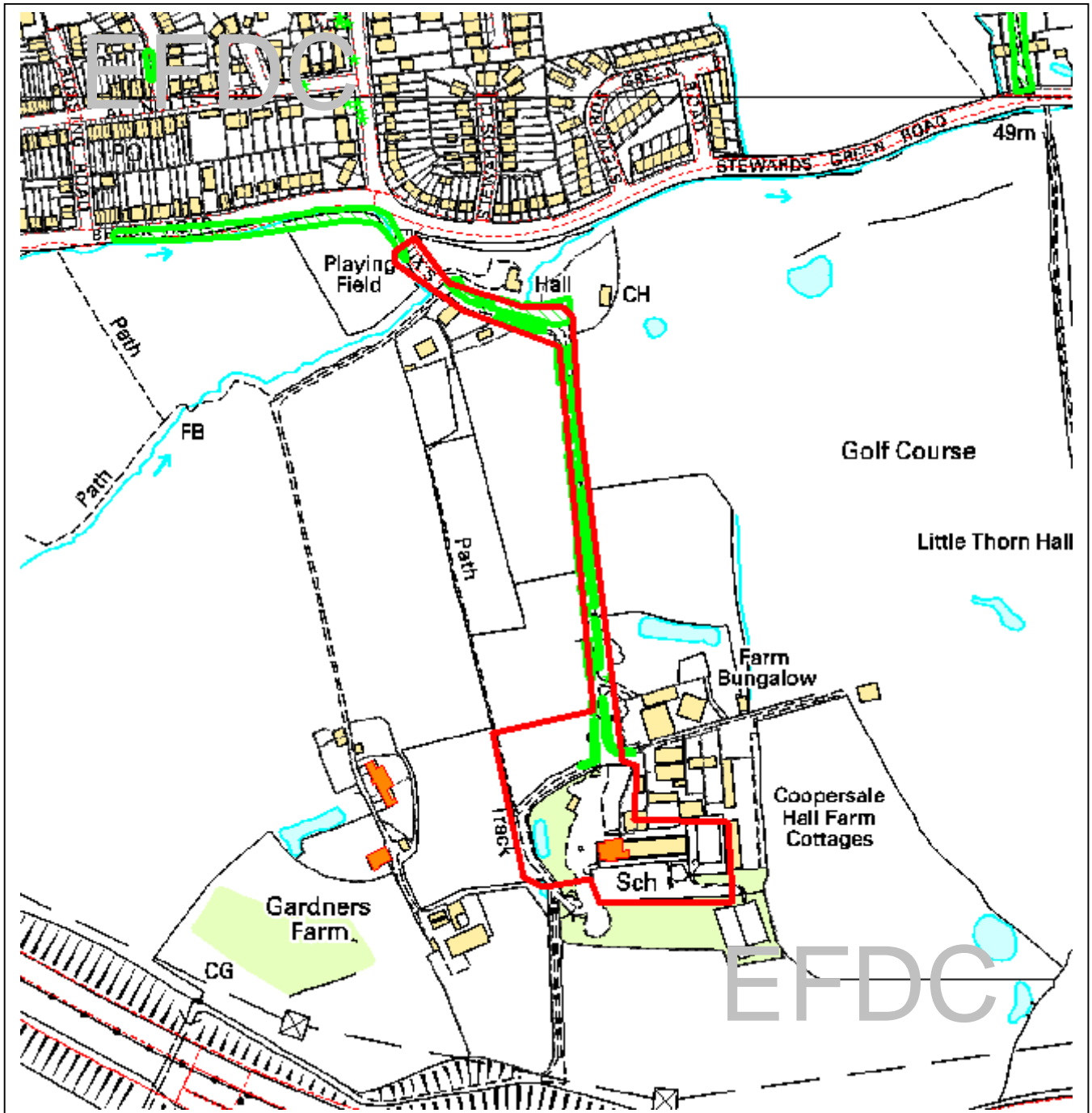
JAMES KIER & ASSOCIATES (on behalf of various local residents) – Objection on grounds of green belt, sustainability, highways and policy conflict concerns. It is also suggested that additional information should be provided and that an application for listed building consent should be submitted concurrently with the present application. Furthermore, it is indicated that the two applications are part of a larger scheme and therefore it should not be accepted that only one of the two most recent applications could be approved individually.

106 letters of support have been received from parents of pupils in respect of the application.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0610/07
Site Name:	Coopersale Hall School, Flux's Lane, Epping, CM16 7PE
Scale of Plot:	1/5000

Report Item No: 4

APPLICATION No:	EPF/1716/07
SITE ADDRESS:	1-7a Station Road Epping Essex CM16 4HA
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	A J Poulton (Epping) Ltd
DESCRIPTION OF PROPOSAL:	Alterations to planning approval EPF/1227/05, to include providing additional two apartments by splitting flats 5 and 6, moving refuse and cycle stores, relocating fire escape stairs and adding additional dormer window to top floor.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 4 Notwithstanding the details submitted which are otherwise hereby approved all windows proposed on the development hereby approved, including dormers but excluding rooflights shall be of white painted timber, double hung vertically sliding sashes with 100mm reveals.
- 5 The rooflights hereby approved shall be fitted so that they do not project above the level of the proposed tiling.
- 6 Notwithstanding the details submitted which are otherwise hereby approved the proposed roof tiling shall be of natural slate and of blue/black colour.
- 7 The proposed A1 and A2 units hereby approved shall at no time result in more than 50% of these units being in non-retail use without the prior written approval of the Local Planning Authority.

- 8 The powered two wheeler/bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
- 9 One of the car parking spaces hereby approved shall be designated as a disabled bay and shall be retained permanently for that purpose.
- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the storage and disposal of refuse to serve both the commercial and residential units. The use of the properties shall not be commenced until such time as the approved measures have been implemented and such measures shall be retained thereafter.
- 11 Construction work (which includes deliveries and other commercial vehicles to and from the site) shall only take place on site between the hours of 07.30am and 18.30pm Monday to Friday and 08.00am to 13.00pm on Saturdays and at no time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The application seeks planning permission for the demolition of the existing buildings, the provision of vehicular access from the adjoining site and the erection of a building containing 9 residential units and 4 commercial (A1 and A2) units. Parking for 8 cars is provided.

The proposal essentially is an amendment to planning approval EPF/1227/05 involving changes which include the provision of two additional apartments by splitting flats 5 and 6, moving the refuse and cycle stores, relocating the fire escape stairs and adding an additional dormer window to the top floor.

Description of Site:

The application site is situated on the north side of Station Road, between its junctions with High Street to the west and Hemnall Street to the east. The site previously contained a mixture of single and two-storey buildings comprising retail uses on the ground floor and offices at a first floor level. These have now been demolished. The site falls within Epping Town Centre, as defined in the Adopted Local Plan, and is within a conservation area.

Relevant History:

EPF/1808/03 'Demolition of existing building and provision of vehicular access from adjoining site for 4 no. commercial (A1,A2,B1,D1) and 9 no. residential units' Appeal against non-determination (2004). Appeal dismissed (2005).

CAC/EPF/0875/04 'Conservation Area Consent for demolition of buildings at 1-7a Station Road, Epping' Appeal against non-determination (2004). Appeal dismissed (2005).

EPF/1227/05 'Demolition of buildings and provision of vehicular access from adjoining site, erection of 7 no. residential units and 4 no. commercial (A1,A2) units and parking for seven cars. (Revised application)' Granted (2005).

CAC/EPF/1228/05 'Conservation area consent for the demolition of buildings at 1-7a Station Road, Epping' Granted (2005).

EPF/0640/06 'New shop fronts in connection with planning permission EPF/1227/05 for the demolition of buildings, and erection of 7 no. residential units and 4 no. commercial (A1 and A2) units and parking' Granted (2006).

Policies Applied:

Local Plan:

CP1 – 9 (Core policies);
HC6 (Conservation Areas);
HC7 (Conservation Areas);
RP4 (Contaminated Land);
RP5A (Environmental Impacts);
H2A (Previously Developed Land);
H3A (Density);
H4A (Dwelling Mix);
ST1 (Development Location);
ST2 (Accessibility of Development);
ST4 (Road Safety);
ST6 (Vehicle Parking);
E4A (Protection of Employment Sites);
E4B (Alternative Uses For Employment Sites);
TC1 (Town Centre);
TC2 (Sequential Approach);
TC3 (Town Centre Function);
TC5 (Window Displays);
DBE1 (Design);
DBE2 (Amenity);
DBE3 (Buildings and Spaces);
DBE6 (Parking);
DBE8 (Amenity Space);
DBE9 (Amenity);
DBE12 (Shopfronts)

Issues and Considerations:

The main issues in this case relate to the acceptability of the proposal in terms of design, conservation area, amenity, environmental sustainability, town centre, employment, parking and highways matters.

1. Design and conservation area matters:

Council policies require that new buildings respect their setting, relate suitably to the surrounding spaces, are of a size and position that they adopt a significance appropriate to their function, respect local character and townscape and employ materials which are sympathetic to their context. As the site falls within a conservation area any development would be expected to preserve the character, appearance and setting of the area.

Having had regard to the design of the building previously approved it is considered that the proposed building would be acceptable in design and conservation area terms. Officers take the view that the revised appearance of the proposed building would respect its setting, have appropriate significance in the street scene, respect local character and townscape and preserve the character and appearance of the conservation area. The additional dormer window is of an acceptable design and is of a similar style to those already on the previously approved building.

The previous permission sought a requirement for the details of the shopfronts to be submitted as a further planning application. This was undertaken and approved in 2006. The submitted plans for this application also indicate shopfronts of an appropriate design and consequently this requirement is no longer considered necessary.

2. Amenity, environmental and sustainability matters:

Council policies require that development does not result in excessive adverse environmental impact or a loss of amenity for neighbouring properties. Residential developments are also required to provide an adequate level of amenity for future occupiers.

Officers consider that the proposal would not be detrimental to the amenities of neighbouring and surrounding properties or result in excessive adverse environmental impacts. It is considered that design and construction related sustainability matters are adequately controlled by the requirements of other legislation in this instance.

With respect to matters relating to the amenity of future occupiers it is noted that there is no amenity space provision and that concerns have been expressed regarding the size of the units sought. In terms of amenity space matters the siting of the development in a town centre is considered to be an important material consideration. In such locations residential accommodation frequently lacks amenity space and it is considered that it would be unreasonable to insist on provision in this instance. It is also of note that this view was accepted when the previous application at the site (EPF/1227/05) and other applications in the surrounding area have been approved.

With regard to the size of the units proposed these are deemed to be adequate. While this Council does not have a minimum standard for the size of new units set out in adopted policy or guidance, regard must still be had as to whether or not a proposal provides adequate living space for occupiers. Officers consider that the size of the units proposed is such that they would provide an adequate level of amenity for future occupiers. The case for taking this view is supported by the location of the development in a town centre. Residential accommodation in such locations is frequently provided in smaller units at higher densities.

3. Town centre and employment matters:

As was found with the previous approval at this site the principle of commercial uses at a ground floor with residential accommodation above is deemed to be acceptable in this location. It is noted that the Council presently has more restrictive policies for the retention of offices than were in place at the time of the previous approval at this site. However, officers consider that the consent previously granted and its present partial implementation mean that it would be unreasonable to seek to retain offices which were legitimately demolished under previous consents. Furthermore, the provision of commercial uses at a ground floor level will ensure some employment generation. With the conditions recommended the commercial units are deemed to be acceptable and in accordance with policies.

4. Parking and highways matters:

Council policies require that development provide a suitable number of parking spaces, acceptable access, are well related to the road hierarchy, unlikely to lead to excessive congestion, would not be detrimental to highway safety and are not likely to result in excessive adverse effects from traffic generation.

The County Council Highways Group have not raised any objections to the proposal. Officers support this approach and find the application acceptable in terms of parking, highways and access matters. The location of the site is such that it is readily accessible by public transport and on this basis the parking provision is deemed acceptable. The application is deemed to be adequate in terms of transport related sustainability matters.

Conclusion

The revisions to the scheme are considered to be acceptable. The representations received have been carefully considered, but in light of the previous approval the overall bulk of the building remains largely unchanged. The town centre location is highly sustainable and the revisions are acceptable in light of adopted policies. The application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

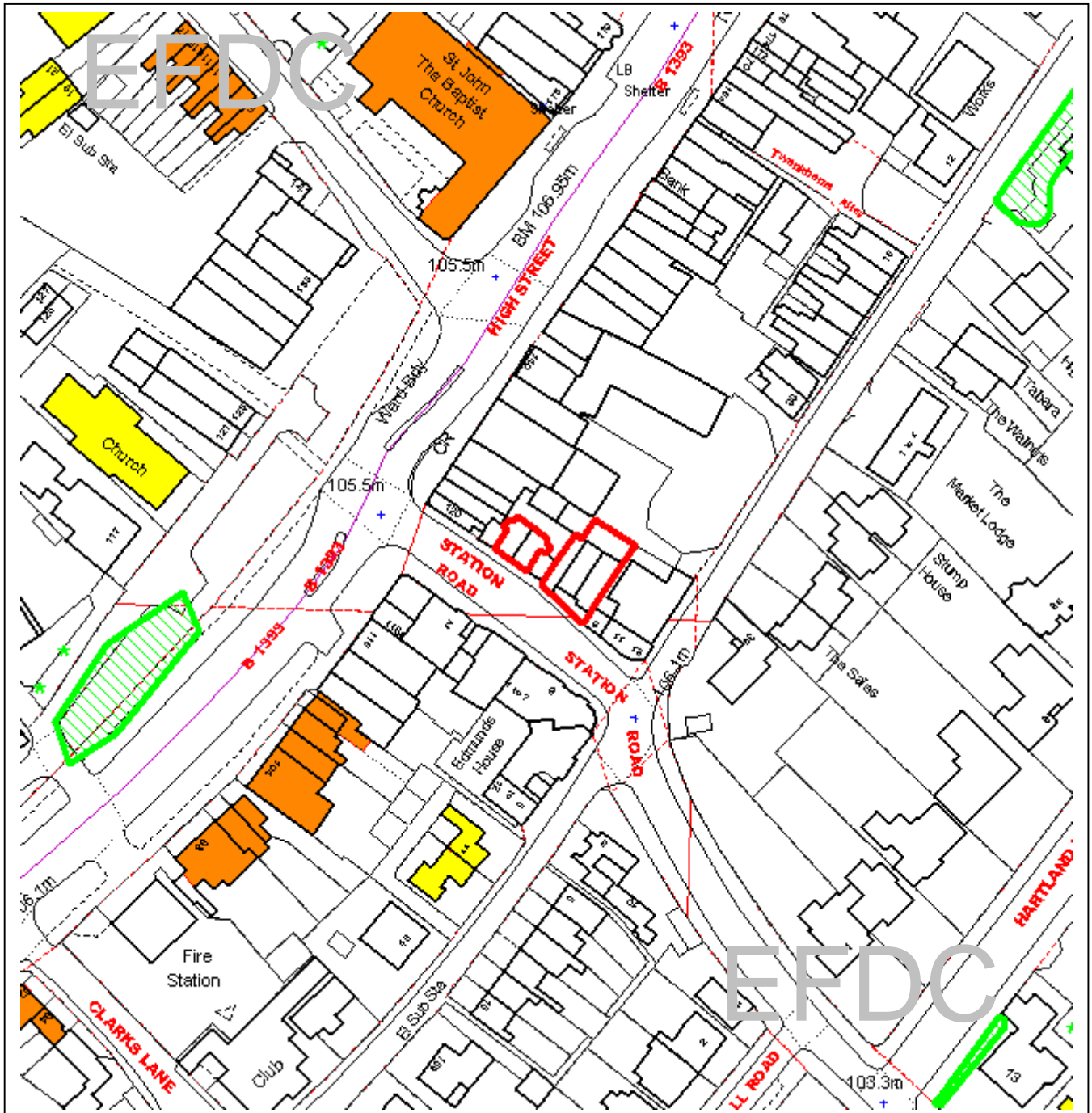
EPPING TOWN COUNCIL: Committee object to this alteration. The extra units created by this arrangement are very small and in terms of occupancy of the site, the arrangements represent an overdevelopment with a loss of amenity space for all applicants and a likely deterioration from lack of parking. It is also felt that four floors are too dominant in this location and potentially damaging to the street scene.

EPPING SOCIETY: Objection due to the concerns regarding the amount of parking provided and the view that the flats are now unacceptably small.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/1716/07
Site Name:	1-7a Station Road, Epping, CM16 4HA
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2123/07
SITE ADDRESS:	17 Lynceley Grange Epping Essex CM16 6RA
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
APPLICANT:	Mr & Mrs I Gillan
DESCRIPTION OF PROPOSAL:	Two storey extensions to side and rear and elevational changes.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 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 or roof slopes of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The applicant is seeking planning permission for the construction of a two storey side and rear extension of the existing building along with a smaller single storey rear extension.

The proposed double storey side extension will be located on the north western elevation of the dwelling. It will have a width of 4.1 metres by a depth of 11.7 metres and forms part of the double storey rear extension.

The proposed double storey rear extension is to project 5 metres from the original rear façade and will have a width of 7.3 metres. The small single storey rear extension is to be constructed behind the existing living dining area. It is to project 2.4 metres from the rear façade and have a width of 8.3 metres.

Both the double storey side and rear extension will have a gable roof form to match the existing dwelling. Dormer windows are proposed within the roof slope of the front, side and rear elevations to provide additional living space within the roof.

It should be noted that the detached garage has been deleted from the application since it does not require planning permission as it could be constructed under permitted development.

Description of Site:

The site is located at the end of a cul-de-sac on the south western side of Lyncely Grange. The site itself is mainly regular in shape and comprises of approximately 800 square metres. A medium size fence and mature vegetation are located on the side and rear boundaries.

Located to the front of the site is a small chalet bungalow with a single car space garage attached to the south western elevation.

Other buildings within the surrounding area are of a similar appearance, style and design to that of the subject site. Building form mainly comprises of chalet style bungalows. Materials include brick, and render with gable roof forms. The dwellings in the area are generally set off both side boundaries with spaces between buildings being a dominant feature in the street scene.

Relevant History:

EPF/0342/06 – Two storey extensions to side and rear, detached garage and elevational changes (refused)

EPF/1467/06 - Two storey extensions to side and rear, detached garage and elevational changes – revised application (refused and dismissed on appeal 13/8/07). A copy of the appeal decision is appended after the report.

Policies Applied:

Local Plan Polices:

DBE1, DBE2, DBE3, DBE9 and DBE10 relating to design, impact on neighbours and locality.

Issues and Considerations:

It should be noted that the Council refused the previous application (EPF/1467/06) for two reasons which are as follows:

1. The proposals represent overdevelopment of the site resulting in a building out of scale and character with the surrounding properties and thereby harmful to the amenities of the area, contrary to policies BE1 of the Replacement Structure Plan and DBE10 of the Adopted Local Plan.
2. The proposals will result in undue overlooking of the adjacent properties contrary to policy DBE9 of the Adopted Local Plan.

The applicant subsequently appealed the decision to refuse the application. This appeal was then dismissed. (Planning Inspectors report attached).

The key difference between this proposal and that previously dismissed on appeal is the change of the proposed dormer window that faces towards No. 15, which is to be "blind" and tile hung in its entirety. All other aspects of the scheme remain unchanged.

The Inspector dismissed the appeal not because of the first reason, as it was found that the proposed development would not cause harm to the character or to the appearance of the site, but agreed with the issue of overlooking. The Inspector stated (paragraph 4 of the appeal decision) that the proposed dormer window serving the upstairs bedroom that faces towards number 15 Lynceley Grange would cause a serious loss of privacy to the adjoining property, as it would overlook into the habitable room windows and private open space.

As stated above, the only change to the current scheme to that of the application that was previously refused, is that the dormer window in question above has been changed so that it has a solid tile hung face and not a window in order to meet the Inspector's concerns. There are to be no other changes in relation to the size and design of the extensions.

Given that the Inspector raised no objections to design and style of the proposed extensions in relation to their bulk and appearance, it would now be very difficult for the Council to raise a further objection to them since this would be very difficult to sustain on appeal. The central issue is whether the concern about the loss of privacy to adjoining properties is overcome.

Although it is an unusual design response to have a solid tile hung face on a dormer window, it does resolve the concerns as it would not cause any loss of privacy to the adjoining property of number 15 Lynceley Grange.

Therefore it is now considered that the proposed development is now acceptable as it would both reflect the character of the surrounding area in terms of appearance, siting and design and it would not cause an impact to the amenities enjoyed by surrounding property owners.

Conclusion:

In conclusion it is considered that the proposal can now be supported as the size and design of the extensions have not been found unacceptable by the appeal Inspector and the overlooking issue has been resolved. Therefore it is recommended that the application be granted permission subject to conditions.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL - The committee objects to the application as it is considered that the development is an overdevelopment, out of character with the surrounding area and that it would cause a loss of privacy to adjoining properties.

8 LYNCELEY GRANGE - Overdevelopment of the site. Intrusion into the quiet and beautiful nature of Lynceley Grange.

28 LYNCELEY GRANGE - The size of the development would dwarf the surrounding building and is out of character. The proposed extension would cause a loss of daylight to habitable rooms. Traffic and parking issues

20 LYNCELEY GRANGE - Traffic and parking issues. The proposed development would not be in keeping with the surrounding area. There is a shortage of this style of home in Epping.

14 BEULAH ROAD - The proposed development would be out of keeping with the dwellings in Lynceley Grange in terms of size and design

13 LYNCELEY GRANGE - The appearance or the proposal would be out of character with the surrounding area. The building would appear out of scale and overbearing. Loss of privacy to rear garden

7 LYNCELEY GRANGE - The proposed development is out of character with the surrounding area and would cause a precedent for other developments within the street. Not enough width between the front boundary and the dwelling for an access to the proposed garage.

15 LYNCELEY GRANGE - The potential to add a window in the future to the solid tiled hung face dormer window. The propose garage would be in breach of the covenant. The proposed extensions would overlook adjoining properties causing a loss of privacy. The proposed construction would result in damage to my property. Traffic and parking issues. The development would be out of keeping with the surrounding area. Noise during construction

26 LYNCELEY GRANGE - Overdevelopment and out of character to the surrounding area. Traffic and parking issues

11 LYNCELEY GRANGE - Loss of privacy to adjoining properties. The proposed extension is out of scale in relation to the surrounding area. Traffic and parking issues. The development would cause a precedent for other developments in the street.

5 LYNCELEY GRANGE - The proposed development would be out of keeping with the character of the area.

6 LYNCELEY GRANGE - Overdevelopment of the area and not in keeping with existing properties. Intrusion of sight and sound to neighbouring properties. Will cause more vehicle movement in an already congested space. Would set a precedent for further overdevelopment in the estate

4 LYNCELEY GRANGE - The proposed development would be out of character with the surrounding area.

18 BEULAH ROAD - Overdevelopment of the existing property in relation to the surrounding area. The development if allowed would set a precedent within the area. There is no need for a diversity of housing styles and forms within Lynceley Grange. Traffic and parking issues. The proposed garage would be in breach of a covenant

3 LYNCELEY GRANGE - The proposed extension represents an overdevelopment of the site. The proposed extension represents a loss of privacy to adjoining properties



Appeal Decision

Site visit made on 6 June 2007

by **John Felgate** BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Date: 13 August 2007

Appeal Ref: APP/J1535/A/07/2034767

17 Lynceley Grange, Epping, Essex CM16 6RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs I Gillan against the decision of Epping Forest District Council.
- The application Ref EPF/1467/06, dated 25 July 2006, was refused by notice dated 20 September 2006.
- The development proposed is "2 storey extensions to side and rear, detached garage and elevational changes".

Decision

1. I dismiss the appeal.

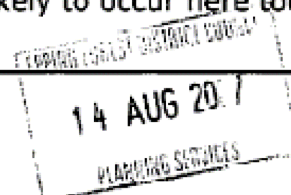
Main issues

2. The main issues in this appeal are the effects of the proposed development on the living conditions of adjoining occupiers and on the character and appearance of the surrounding area.

Reasons for decision

Living conditions of adjoining occupiers

3. The appeal building is a modest chalet bungalow, set within a cul-de-sac. Other properties in the road are mostly of a similar style and size, though some have been extended. The appeal proposal would extend the building to the side and rear, mainly in the same chalet style, together with a smaller single storey extension to the rear only, and a detached double garage to the side.
4. That part of the main extension containing the proposed new living room, with the main bedroom above, would project from the rear of the dwelling, parallel with the boundary of No 15 Lynceley Grange. This bedroom would have a large dormer window, measuring about 2.5m by 1m, in its side roof slope facing towards No 15. From this window there would be clear views over the proposed single storey extension, into No 15's rear garden at a distance of about 9.5m. Notwithstanding the distance from the boundary, I consider that this juxtaposition would give rise to a serious loss of privacy to a large part of the garden area. Beyond this there would also be views from the same dormer towards No 15's kitchen/diner, lounge and first floor windows. Whilst the distance in this case would be in excess of 20m, nevertheless I consider that some overlooking (actual or perceived) would be likely to occur here too.



Given the number of rooms that would be affected, I consider that this would constitute a further threat to privacy, and that combined with the overlooking of the garden, the result would be a significant reduction in the occupiers' enjoyment of their property.

5. I accept that due to the existing screening (which is not proposed for removal) and the distances from most boundaries, no other adjoining properties would be significantly affected, either by overlooking or in any other way. Nevertheless, for the reasons stated, I consider that the proposed development would have a serious adverse effect on the living conditions of the occupiers of No 15 Lynceley Grange, and this would be contrary to Policy DBE9 of the Epping Forest Local Plan (adopted 1998).

Character and appearance

6. I accept that the footprint and overall mass of the building would be significantly increased by the proposed extensions, and I appreciate the concerns of the Council and local residents to preserve the present low rise, low density character of the estate. However, the proposed development would not exceed the height of the existing dwelling, and would match the prevailing style of other dwellings in the area in terms of its width and general design. Furthermore the appeal site appears to me to be of ample size to accommodate the extended dwelling. In this context I can see no reason to discount the additional land which has been incorporated into the site, particularly since any covenants are a private rather than a planning matter.
7. Consequently I do not consider that the proposed development would cause harm to the character or appearance of the area. Nor do I find any conflict with Local Plan Policy DBE10, nor with Policy BE1 of the Essex and Southend-on-Sea Replacement Structure Plan (adopted 2001), in so far as these relate to the protection of local character. However, this finding does not overcome the harm that I have identified to living conditions at an adjoining property.

Other matters and conclusion

8. I appreciate that the appeal scheme has been amended following an earlier refusal, and that approval was recommended by the Planning Officer. However, I have considered the current proposals on their own merits in the light of the relevant policies.
9. I note that the Council have raised no objection to the proposed garage, but in the absence of full details of the garage design, I am not in a position to consider this element of the scheme further.
10. I have considered all of the other matters raised, but I find nothing further to affect my decision. Although the proposed development would cause no harm to the character or appearance of the area, it would nevertheless cause significant harm to the living conditions of occupiers of No 15 Lynceley Grange, by reason of overlooking of that property's garden and rear windows. Accordingly, I conclude that the appeal should be dismissed.

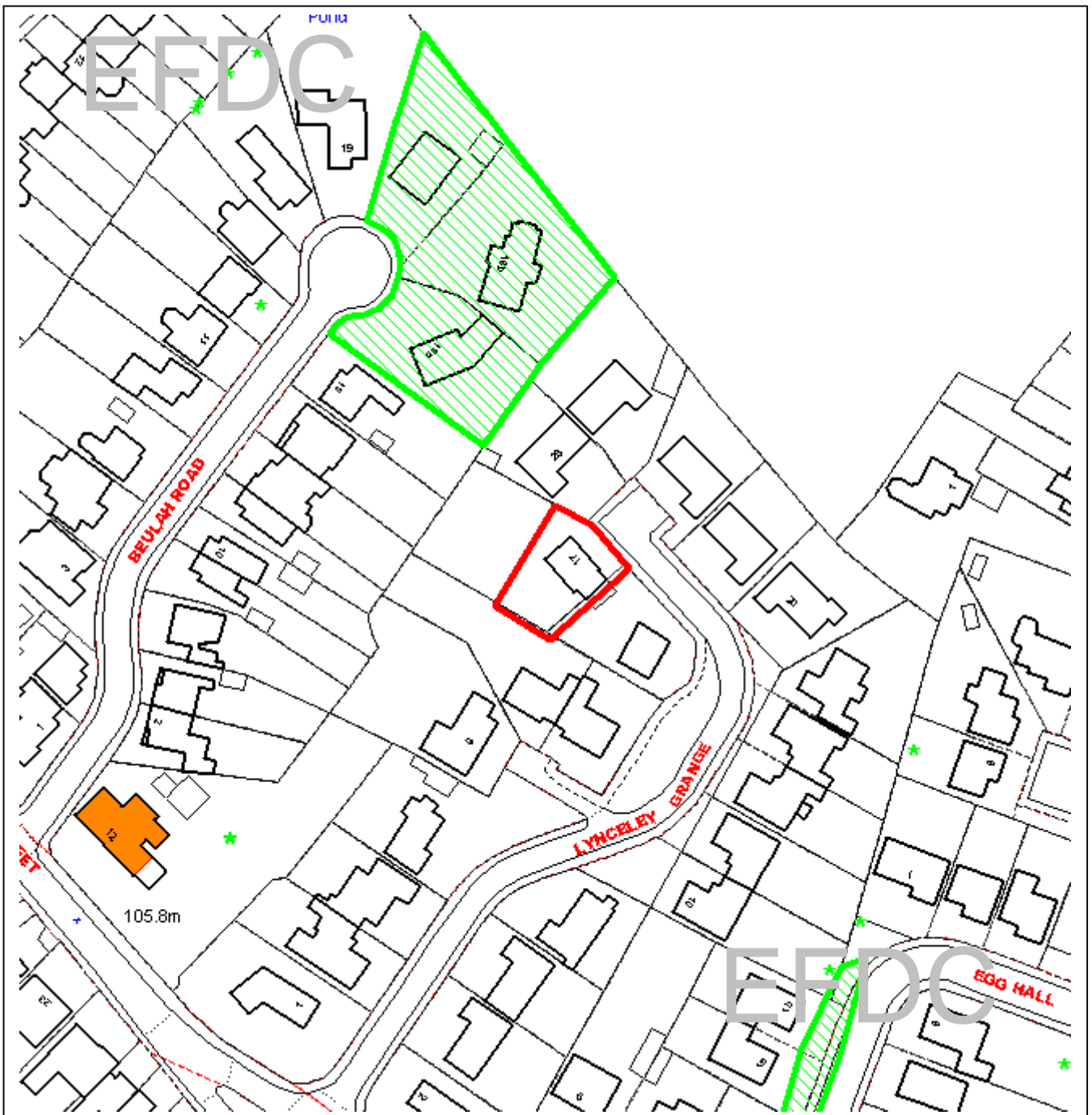
John Felgate

INSPECTOR



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/2123/07
Site Name:	17 Lynceley Grange, Epping, CM16 6RA
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1967/07
SITE ADDRESS:	40 Landview Gardens Ongar Essex CM5 9EQ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr S Silver
DESCRIPTION OF PROPOSAL:	Two storey side and rear extensions and single storey rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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 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.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks planning permission to construct a two storey side and rear extension and a single storey rear extension.

It should be noted that the existing single storey front and side extension is to remain and will form the basis of the side extension. The double storey side extension will be constructed over the existing single storey side extension. The side extension will have a width of 5 metres by a depth of 12.4 metres and it wraps itself around the rear façade. The extension will be setback 1 metre from the eastern side boundary.

The proposed single storey rear extension will project 3.6 metres from the original rear façade of the dwelling and will have a width of 5.6 metres. The double storey rear extension also projects 3.6 metres from the rear façade however it has a width of 7.3 metres.

The roof form of the side extension will comprise of a gable roof form whilst the rear extension will comprise of a hipped roof form. Materials for the extensions are to match those of the existing dwelling.

Description of Site:

The subject site is located on the northern side of Landview Gardens approximately 28 metres east of Kettlebury Way. The site is regular in shape comprising of approximately 585 square metres. A medium size timber paling fence and mature vegetation are located on the side and rear boundaries. Located towards the front of the site is a detached double storey dwelling constructed from brick with a plain tiled roof. There is room for off street parking either within the existing garage or on the hard surface towards the front of the dwelling. A large private open space area is located behind the dwelling.

Located in the surrounding area there is a mixture of semi detached and detached dwellings with all of them having different styles and bulk. Front setbacks from the highway are mainly consistent and spaces/gaps between buildings form a dominant part of the character of the area.

Relevant History:

There is no relevant recorded planning history for the subject site however, as stated above, a single storey front/side extension has been constructed, most likely under permitted development rights.

Policies Applied:

Local Plan Policies:

DBE1, DBE2, DBE3, DBE9 and DBE10 relating to design, impact on neighbours and locality.

Issues and Considerations:

The main issues to be addressed would relate to the design of the development, character of the surrounding area and if there is any impact to adjoining property owners.

1. Design and the Built Environment:

Policies DBE1, DBE2 and DBE10 of the Epping Forest District Local Plan seeks to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The surrounding area is generally characterised by dwellings where gaps/spaces form an integral component of the streetscape. It is Council Policy that two storey side extensions would not normally be allowed to extend to the plot boundary, as they would remove the visual break between buildings. Although part of the ground floor of the side extension is to be constructed on the boundary, the first floor is setback 1 metre. This is sufficient to ensure that there are spaces/gaps between the subject dwelling and the adjoining dwelling creating a visual break between buildings.

It is also policy that first floor rear extensions would only be allowed for detached properties where it is considered that they would not have an excessive adverse effect upon adjacent properties. The proposed extension projects 3.6 metres. This would not cause a significant impact to adjoining properties as it is far enough away from these properties.

Dwellings in the area range from single to double fronted facades, with many dwellings incorporating a porch, decorative details and a mixture of materials to provide articulation. The proposed side extension includes articulation at both ground and first floor levels. Each façade is appropriately articulated to reflect the general patterns found within the street scene and creates visual interest.

New extensions should be consistent with the overall shape and form of those dwellings which are predominant in the street and general neighbourhood. It is considered that the double storey nature of the side/rear extension would not appear dominant in relation to the form of the street scene and to adjoining property owners.

Building bulk and scale should be consistent with the nature of the surrounding and adjacent properties. It is considered that the bulk and scale of the proposed extensions would reflect the character of the area without causing material detriment to adjoining property owners. It is not considered that proposed development would be an overdevelopment of the site or out of scale with the surrounding environment.

In terms of proportions, scale and external appearance, the proposed extensions would be designed in sympathy with the main dwelling and it does not upset the balance of the existing building.

The proposal is considered acceptable in terms of sitting, design and appearance and it is not considered that the proposal would be detrimental to the existing street scene.

2. Impact on Neighbours:

Consideration has been given to the impact of the proposal to the adjoining and adjacent properties, primarily in respect to privacy and overshadowing.

Given the orientation of the site and the siting of dwellings, overshadowing to the adjoining properties private open space is minor, with the shadow generally cast over the subject site itself. It is noted that the development will cast a shadow into adjoining properties, however it is believed that adequate sunlight will still be received to secluded open spaces areas and habitable room windows of the properties throughout the day.

It is considered that there would not be a significant difference between existing conditions and what is proposed as there are already first floor windows that have the potential to overlook into private open space of adjoining properties. The only flank window proposed is to service a bathroom which is on the ground floor. There would be no direct overlooking into adjoining habitable room windows and it is considered that there wouldn't be a significant impact to adjoining properties in relation to a loss of privacy.

Conclusion:

In conclusion it is considered that the proposed extensions are acceptable in terms of scale, form, bulk and that it would be subservient to the original dwelling whilst reflecting the character of the surrounding area. Also it is believed that the proposed extensions would not have a detrimental impact to the adjoining properties. It is therefore recommended that planning permission be granted subject to conditions.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL: Object - The Council considers the two storey extension to be out of scale with its location and detrimental to the street-scene. The proposal is in very close proximity to the

neighbours boundary and would result in a loss of privacy. However, no objection was made to the proposed single storey extension.

39 LANDVIEW GARDENS - The proposed development would be out of character in relation to the surrounding area and would have an impact to adjoining properties foundations.

7 KETTLEBURY WAY - The proposed development would cause structural damage to existing garage and house. The development is out of keeping with the surrounding area resulting in a cramped form of development due to its height, bulk and scale. Loss of privacy. The development will have an impact to existing drainage and sewers

5 KETTLEBURY WAY - The proposed development is out of keeping with the surrounding area. Loss of privacy. Would have an impact to adjoining properties foundations due to construction. It would have an impact to the exiting drainage and sewer system.

38 KETTLEBURY WAY - Loss of daylight and sunlight due to the construction of the development. The proposed development is out of keeping with the surrounding area. The proposed development would have an impact to foundations of adjoining properties. Noise and disturbance whilst constructing the development.

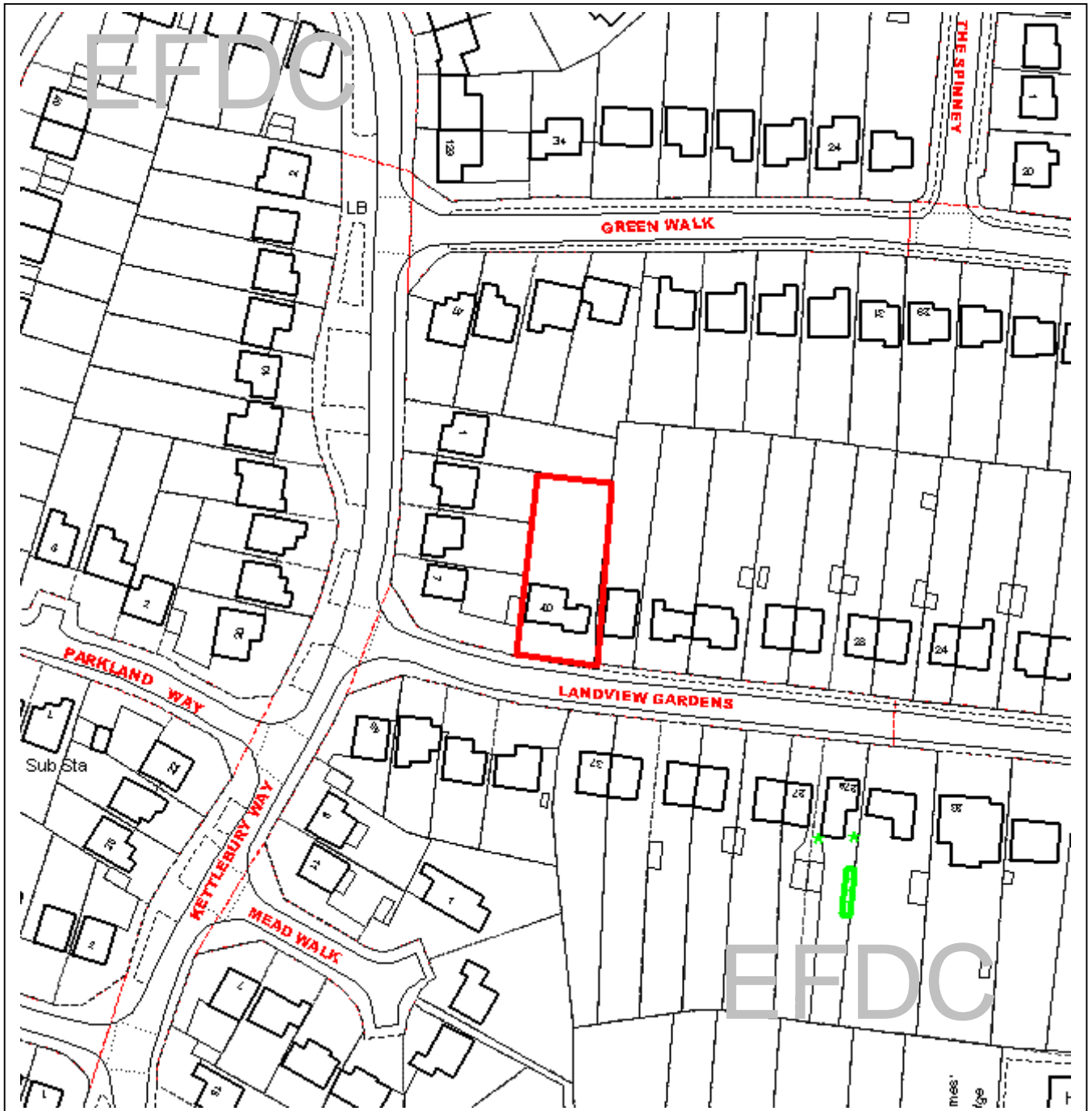
3 KETTLEBURY WAY - Would have an impact to adjoining properties foundations due to construction. Impact to the existing drainage and sewage system. The proposed development is out of keeping with the surrounding area. Noise and disturbance due to building works.

35 LANDVIEW GARDENS – Loss of light to adjoining properties. The proposed development is out of keeping with the surrounding area. The removal of vegetation spoils the aspect of adjoining gardens. Noise and disturbance due to building works.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/1967/07
Site Name:	40 Landview Gardens, Ongar, CM5 9EQ
Scale of Plot:	1/1250

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