

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## ***Area Planning Subcommittee East Wednesday, 22nd April, 2009***

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

**Time:** 7.30 pm

**Democratic Services  
Officer** Gary Woodhall - The Office of the Chief Executive  
Email: [gwoodhall@eppingforestdc.gov.uk](mailto:gwoodhall@eppingforestdc.gov.uk)  
Tel: 01992 564607

Members:

Councillors A Green (Chairman), G Pritchard (Vice-Chairman), A Boyce, M Colling, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, Mrs M McEwen, R Morgan, J Philip, B Rolfe, 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.**

### **WEBCASTING NOTICE**

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

**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 - 26)**

To confirm the minutes of the previous meeting of the Sub-Committee held on 1 April 2009.

**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. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/48/08 - BURWINS, TEASELS & CHARWOOD, THE STREET, SHEERING (Pages 27 - 30)**

(Director of Planning & Economic Development) To consider the attached report.

**8. DEVELOPMENT CONTROL (Pages 31 - 48)**

(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.

**9. 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.

**10. 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.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Subcommittee before leaving.

### **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. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

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](http://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'

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East    **Date:** 1 April 2009

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 10.15 pm

**Members Present:** G Pritchard (Chairman), A Boyce, M Colling, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, Mrs H Harding, D Jacobs, Mrs M McEwen, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** A Green, Ms J Hedges and R Morgan

**Officers Present:** N Richardson (Principal Planning Officer), J Gravelle (Technical Co-ordinator (Contaminated Land), Planning Services), M Jenkins (Democratic Services Assistant) and A Hendry (Democratic Services Officer)

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### 113. 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.

### 114. ELECTION OF VICE CHAIRMAN

In view of the unavailability of the Chairman, Councillor A Green, it was noted that the Vice Chairman, Councillor G Pritchard, would be acting as Chairman for the meeting. Consequently the Sub-Committee was asked to appoint a Vice Chairman for the meeting.

**RESOLVED:**

That, Councillor B Rolfe, be appointed Vice Chairman for the duration of the meeting.

### 115. 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.

### 116. MINUTES

**RESOLVED:**

That the minutes of the meeting held on 11 March 2009 be taken as read and signed by the Chairman as a correct record.

#### 117. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in the following item of the agenda by virtue of being a member of Theydon Bois Parish Council. The Councillor had determined that his interest was not prejudicial and would stay in the meeting for the consideration of the application and voting thereon:

- EPF/2441/08 7a Piercing Hill, Theydon Bois
- EPF/1913/08 2 Theydon Park Road, Theydon Bois
- EPF/0064/09 44 Theydon Park Road, Theydon Bois
- EPF/0261/09 13 Forest Drive, Theydon Bois

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda by virtue of being the Housing Portfolio Holder. 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/0122/09 Land at Station Approach, High Street, Ongar

(c) Pursuant to the Council's Code of Member Conduct, Councillors D Stallan and Mrs A Grigg declared a personal interest in the following item of the agenda, by virtue of being a member of North Weald Parish Council. The Councillors had determined that their interests were not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0123/09 Cross Keys Café, High Road, Thornwood

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Collins declared a personal interest in the following item of the agenda. The Councillor had determined that her interest was not prejudicial but decided to leave the meeting for the consideration of the application and voting thereon:

- EPF/0241/09 Old Rectory Farm, Church Lane, Stapleford Abbots, Romford

(e) Pursuant to the Council's Code of Member Conduct, Councillors J Whitehouse and Mrs J Whitehouse declared a personal interest in the following item of the agenda, by virtue of being members of the Epping Society. The Councillors had determined that their interests were not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0123/09 Cross Keys Café, High Road, Thornwood

(f) Pursuant to the Council's Code of Member Conduct, Councillor R Frankel declared a personal interest in the following item of the agenda, by virtue of having expressed an interest in the property next door to the site in question. The Councillor had determined that his interest may have been prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1913/08 2 Theydon Park Road, Theydon Bois



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

- EPF/1913/08 2 Theydon Park Road, Theydon Bois

(h) Pursuant to the Council's Code of Member Conduct, Councillor G Pritchard declared a personal interest in the following item of the agenda, by virtue of the nature of the work he was involved in. The Councillor had determined that his interest may be seen as prejudicial and opted to leave the meeting for the consideration of the application and voting thereon:

- EPF/0122/09 Land at Station Approach, High Street, Ongar

(i) 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 stay in the meeting for the consideration of the application and voting thereon:

- EPF/0122/09 Land at Station Approach, High Street, Ongar

#### **118. ANY OTHER BUSINESS**

Councillor Mrs D Collins advised the Sub-Committee that some Gypsies and Travellers had gained access to a site at Epping Lane. It appeared that rubble, piled there to stop illegal access and two concrete barriers, had been removed allowing vehicles to enter. An enforcement officer had visited the site and ordered the rubble to be put back but it had seemed that this had only been partially completed. Councillor Mrs D Collins wished to alert members to this particular problem and encouraged them to report any illegal occupancies that they may see. Officers were currently attempting to resolve this problem.

#### **119. DEVELOPMENT CONTROL**

##### **RESOLVED:**

That the planning applications numbered 1 - 11 be determined as set out in the schedule attached to these minutes.

#### **120. 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**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2441/08
<b>SITE ADDRESS:</b>	7a Piercing Hill Theydon Bois Essex CM16 7JN
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear and side extensions, first floor front extension, new basement to rear and alterations to roof to include loft conversion with dormers to front and rear.
<b>DECISION:</b>	Refused Permission

**REASONS FOR REFUSAL**

- 1 The proposed rear extension and alterations would have an overbearing impact on the amenities of the occupants at 8 Piercing Hill, as well as result in undue loss of light to these residents, contrary to policy DBE9 of the Adopted Local Plan and Alterations.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0070/09
<b>SITE ADDRESS:</b>	Stanford Rivers Hall Farm Church Road Stanford Rivers Ongar Essex CM5 9QG
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing utilitarian farm buildings, erection of new farm buildings, relocation of listed granary, extension to listed house.
<b>DECISION:</b>	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 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 Excluding the area of the site of proposed Barn 'A', prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

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

- 5 Prior to commencement of development on the house extension, full details of window and door details, materials and surface finishes for walls and roof are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 6 Prior to commencement of development, full details of the proposed foul drainage and surface water drainage are to be submitted to and approved in writing by the Local Planning Authority. The development is to proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 7 Prior to commencement of works to demolish the barns, a Bat Survey is to be undertaken by a suitably competent person and a report submitted to and approved in writing by the Local Planning Authority.
- 8 Prior to commencement of works to demolish and resite the granary building, the existing granary building is to be recorded in drawings and photographs to be submitted to and approved in writing by the Local Planning Authority. The works are to be undertaken in accordance with the approved records and using the existing materials, unless otherwise agreed in writing with the Local Planning Authority.
- 9 No demolition/conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been previously submitted by the applicant and approved by the Local Planning Authority.
- 10 The barns shown to be demolished on the approved plan number 2, shall be demolished and all resulting material and hardstanding shall be removed from the site within 12 months of commencement of development.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1913/08
<b>SITE ADDRESS:</b>	2 Theydon Park Road Theydon Bois Essex CM16 7LW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment to provide three detached bungalows (revised application)
<b>DECISION:</b>	Granted Permission (With Conditions)

The Committee's attention was drawn to 3 letters of representation from Theydon Bois Parish Council, 1 Dossetts Retreat, The Green and 1A The Green, Theydon Bois.

**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 shall be carried out in accordance with the amended plans received on 17 March 2009 unless otherwise agreed in writing with the Local Planning Authority.
- 3 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.
- 4 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.
- 5 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 prior to the commencement of the development. The approved facilities shall be installed prior to the commencement of any works on site in connection with the development and shall be used to clean all vehicles leaving the site. For the purposes of this condition, commencement of development means works to demolish the existing house.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 The development, including site clearance, must not commence until a scheme of hard and soft 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.

- 8 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 The shared access should be a minimum of 4.8m wide for the first 6m from the highway.
- 10 Hard standing space(s) shall be provided within the curtilage of the dwelling(s) prior to occupation, and shall be permanently retained for the parking of residents' and visitors' cars.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 12 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 No development (including digging of foundations) shall take place on site until the position and setting out of the bungalows has been submitted to and agreed in writing by the Local Planning Authority. The work shall only commence thereafter in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0064/09
<b>SITE ADDRESS:</b>	44 Theydon Park Road Theydon Bois Epping Essex CM16 7LP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Front extension and first floor addition to alter the existing bungalow into a two storey dwelling with additional rooms in the roof space (Revised application)
<b>DECISION:</b>	Refused Permission

**REASON FOR REFUSAL**

- 1 The proposed extensions would result in undue loss of light to the detriment of the amenities of the occupants of 42 Theydon Park Road, and have an overbearing detrimental impact on both this and the neighbour at No. 45 Theydon Park Road, such that it will be contrary to policy DBE9 of the Adopted Local Plan and Alterations.



**Report Item No:5**

<b>APPLICATION No:</b>	EPF/0122/09
<b>SITE ADDRESS:</b>	Land at Station Approach High Street Ongar Essex CM5 9BN
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Reserved matters application for 49 units comprising 36 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 13 flats and associated facilities. (Revised application EPF/1145/08)
<b>DECISION:</b>	Granted Permission (With Conditions)

**CONDITIONS**

- 1 Before the occupation or use of any phase or part of the development, whichever is the soonest, a Landscape Management Plan (LMP) shall be submitted to and approved by the LPA.

The LMP shall contain a statement of the long-term aims and objectives covering all elements of the implementation of the agreed landscape scheme and full details of all management and establishment operations over a five-year period, unless otherwise agreed in writing by the LPA. It shall also include details of the relevant management, and supervisory responsibilities.

The LMP shall also include provision for a review to be undertaken before the end of the five year period. A revised LMP shall be submitted for the agreement of the LPA before five years has expired. The revised details shall make similar provisions for the long term maintenance and management of the landscape scheme. The revised scheme shall also make provision for revision and updating.

The provisions of the LMP, and subsequent revisions shall be adhered to and any variation shall have been agreed beforehand in writing by the LPA. No trees, shrubs, hedges or other plants shall be removed for the duration of the Landscape Management Scheme or its revisions, without the prior written approval of the LPA. Any trees, shrubs, hedges or other plants being so removed shall be replaced in the first available planting season by an equivalent replacement or replacements to the satisfaction of the LPA. Management of the landscape scheme in accordance with the LMP or their agreed revisions shall not cease before the duration of the use of the development unless agreed in writing by the LPA.

- 2 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 3 Notwithstanding the details shown on the approved plans, details of refuse facilities, including provision for recycling and wheelie-bins, shall be submitted and agreed in writing by the Local Planning Authority before work commences on site.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0166/09
<b>SITE ADDRESS:</b>	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar Essex CM5
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bedding building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. (Revised application)
<b>DECISION:</b>	Refused Permission

**REASONS FOR REFUSAL**

- 1 The scheme makes no practical provision for any affordable housing provision, contrary to policies H6A and H7A of the adopted Local Plan and Alterations.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0241/09
<b>SITE ADDRESS:</b>	Old Rectory Farm Church Lane Stapleford Abbots Romford Essex RM4 1ES
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of redundant agricultural buildings into 2 residential units. (Revised application)
<b>DECISION:</b>	Refused Permission

**REASONS FOR REFUSAL**

- 1 The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the adopted Local Plan and Alterations. The latter state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character.

In the view of the Local Planning Authority the proposed residential use will result in an adverse impact on the openness, character and appearance of the Green Belt, and will increase traffic generation. Furthermore, the applicant has not demonstrated why other alternative preferred re-uses are not suitable. The proposal is therefore contrary to Policy GB8A and GB9A of the adopted Local Plan and Alterations.

It has also not been proved to the Council's satisfaction that the building is worthy of retention and that the site is unsuitable for a business use, contrary to Policy GB9A of the adopted Local Plan and Alterations.

- 2 The site is an isolated site in a rural area. The scheme will promote commuting, as it is poorly served by public transport and most access will be by private motor vehicle, it will therefore fail to enhance the rural environment. Therefore the proposal does not constitute a sustainable development in this rural location, contrary to policies CP1, 2, 3, & 9 of the Adopted Local Plan and Alterations.

- 3 Having regard to the existing traffic use and the additional traffic which this proposal is likely to generate or attract, the road which connects the proposed access to the nearest traffic distributor is considered to be inadequate to cater for the proposal while providing reasonable safety and efficiency for all road users owing to its unsatisfactory width, alignment and construction, contrary to policies ST4 and ST6 of the adopted Local Plan and Alterations.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0123/09
<b>SITE ADDRESS:</b>	Cross Keys Cafe High Road Thornwood Essex CM16 6LZ
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of 3 no. outbuildings and cafe business and replacement with 1 no. hotel building and business to compliment previously approved bar/restaurant.
<b>DECISION:</b>	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 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 4 Notwithstanding submitted plan number BRD/08/056/2 dated 27/10/08 , 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.

- 5 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 6 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 7 Prior to implementation, details shall be submitted and agreed in writing by the Local Planning Authority with regards to the improvements and safety of the existing access to provide a bellmouth access to include 2 no. kerbed radii (each with a footway and dropped kerb/tactile paving) and a suitable visibility splay which is to be maintained clear to the ground at all times.
- 8 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 9 Prior to implementation of the development hereby approved details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to occupation and retained at all times thereafter.
- 10 Within 3 months from the date of first occupation of the hotel building hereby approved, the three outbuildings shown to be removed on plan Ref: BRD/08/056/2 shall be demolished and all materials removed from the site.
- 11 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 customers of the restaurant and hotel and shall not be used for the overnight parking of commercial vehicles at any time.
- 12 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.
- 13 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0261/09
<b>SITE ADDRESS:</b>	13 Forest Drive Theydon Bois Essex CM16 7EX
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from A1 to A3.
<b>DECISION:</b>	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 The rating level of noise (as defined by BS4142:1997) emitted from the mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.
- 3 The A3 restaurant use hereby permitted shall not be open to customers outside the hours of 17.30 to 23.00.
- 4 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.
- 5 Adequate provision for foul drainage from the kitchen shall be submitted to and approved in writing by the Local Planning Authority. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0205/09
<b>SITE ADDRESS:</b>	56 a The Plain Epping Essex CM16 6TL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	New single storey garage in front garden. (Revised application)
<b>DECISION:</b>	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 garage, shall match those of the existing house.
- 3 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

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

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



**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0296/09
<b>SITE ADDRESS:</b>	25 Laburnum Road Coopersale Epping Essex CM16 7RA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage, and erection of a two storey side and single storey rear extension. (Revised application)
<b>DECISION:</b>	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.

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## **Report to Area Plans Sub-Committee East**

**Date of meeting: 22 April 2009**

**Epping Forest  
District Council**

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**Subject: Confirmation of Tree Preservation Order TPO/EPF/48/08 - Burwins, Teasels and Charwood, The Street, Sheering.**

**Responsible Officer: Chris Neilan (01992 564117).**

**Democratic Services: Gary Woodhall (01992 564470).**

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### **Recommendation(s):**

**That the tree preservation order TPO/EPF/48/08 should be confirmed but subject to the following modifications:**

- (a) omission of one Sycamore in G2, G2 therefore reading Sycamore and Hawthorn; and**
- (b) omission of T9 Hawthorn.**

### **Report:**

#### Background

1. Tree Preservation Order TPO/EPF/48/08 was made on 6 November 2008. It was made as a re-protection order in respect of trees previously protected by an Essex County Council Order of a general nature on the site. It is one of a number of re-protection orders being made prior to the County Council withdrawing protection for the trees.
2. The Tree Preservation Order is based on information collected during a survey funded by Essex County Council. The aim is to continue the long-term protection of the trees that the County Council Order has afforded. It protects a total of 11 individual trees, several Hawthorns, Poplars and Silver Birch, Ash and Larch. It also protects two groups, a group of 5 Sycamore and a group of 2 Sycamore and 1 Hawthorn (G2).

#### Objections

3. Two objections have been received from the owners of Teasels and Burwins.
4. The owner of Teasels has pointed out that T3 (Hawthorn) is, in his opinion, a bush and therefore should not form part of a Tree Preservation Order. If T3 remains part of the order he requests permission for pruning outside the order because the tree obstructs the adjacent footpath and vehicular access to the site and required regular pruning. Letters have been sent to him requiring such pruning from the Highway Authority (N.B. The letter sent refers to T4; however it has been ascertained and agreed that the objection in fact relates to T3).
5. The objection from the owner of Burwins is as follows:
  - (a) the Hawthorns are in principle bushes and should not be included in the Order;

- (b) that those designated T8 and T9 are in fact In Green Acres and not as shown on the plan;
- (c) that of the several Hawthorns designated T6 and T7 in particular have the size of bushes and are smaller than, for example, an adjacent Elderberry;
- (d) the group designated T2 is already congested;
- (e) the Sycamore to the west of the group is a relatively poor specimen, its under the shadow of T4, a larger and better Ash, and has no significant public value.

#### Comments of the Director of Planning & Economic Development

6. In relation to the objection from the owner of Teasels it is accepted that T3 should be excluded from the Order. The tree is growing on the southern bank of a deep ditch, which runs inside a small verge area. The tree has collapsed across the ditch and is supported by the further bank. It is noticeable in the street scene but it also impedes clear views along the grassed area. If it were removed the better trees to the rear would be less cluttered visually.

7. In relation to the comments of the owner of Burwlns it is not accepted that Hawthorns are necessarily bushes and not trees. It is a matter of expert evidence as to whether a particular Hawthorn is a tree or not, in accordance to its form, but in principle it may be a tree and so Hawthorns cannot be excluded wholesale from Tree Preservation Orders.

8. In that respect the objection to the inclusion of T6 and T7 (and indeed the other Hawthorns) necessarily fails. It is considered that these do add to the general amenity; they are visible from the street, are reasonable specimens at present but have the capacity to grow and therefore contribute more to the street scene in future.

9. In relation to T8 and T9, the plan in relation to T8 shows it situated on the fence line. While the tree is in fact immediately beyond the fence line, as seen from Burwlns, the map is not inaccurate in showing it. However, it is accepted that T9 is inaccurately plotted and in fact is shown in the position of an Elder, there is a further Hawthorn some 5m further away, and in the garden of Green Acres, but it is not considered that the surveyors would have wished to have included this tree because of its limited public value. It is also not considered safe or necessary to preserve the Elder. Elders have relatively short life expectancy and should only be preserved in exceptional circumstances. In respect of this location the more important tree is the Hawthorn T8.

10. In relation to the comments on T2 it is accepted that the Ash tree is a relatively poor tree and will in future have an adverse impact on the more important tree T4. It is therefore accepted that this tree could be excluded from the order without loss of amenity.

#### Conclusion

11. The objections are detailed objections to particular aspects of the Tree Preservation Order but not objections to the Tree Preservation Order as a whole. However, the surveyors have included a number of trees of relatively low value and in one case appear to have misidentified a tree. For the reasons given in the report it is recommended that these are excluded and the Tree Preservation Order therefore revised by the omission of one Sycamore in G2, G2 therefore reading Sycamore and Hawthorn; and omission of T9 Hawthorn.

**KEY**

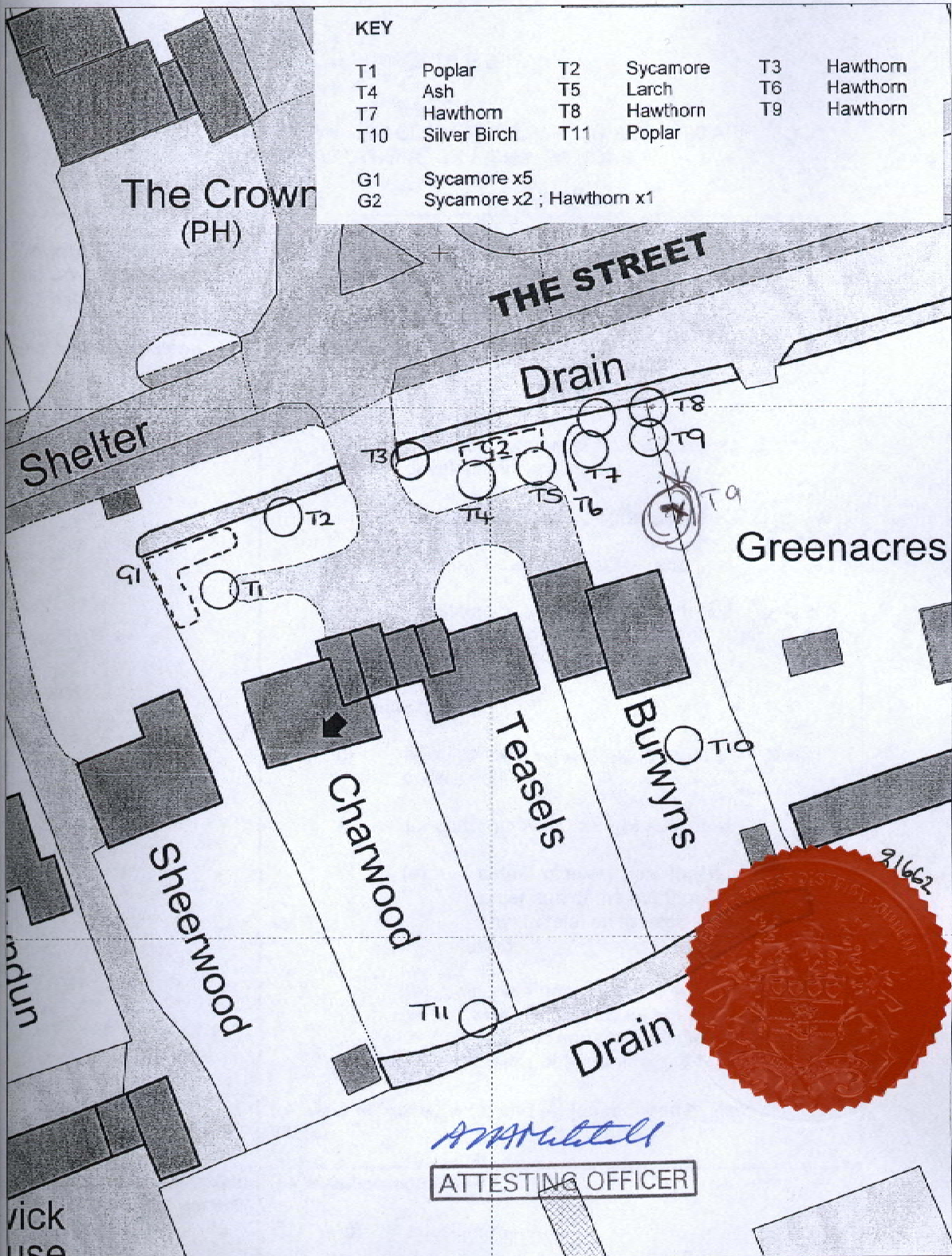
T1	Poplar	T2	Sycamore	T3	Hawthorn
T4	Ash	T5	Larch	T6	Hawthorn
T7	Hawthorn	T8	Hawthorn	T9	Hawthorn
T10	Silver Birch	T11	Poplar		
G1	Sycamore x5				
G2	Sycamore x2 ; Hawthorn x1				

Situation

Situation

Situation

Situation



*AMMuttell*  
**ATTESTING OFFICER**



Epping Forest District Council  
 Planning Services  
 Civic Offices  
 High Street  
 Epping CM16 4BZ

BURWYNS, TEASELS,  
 CHARWOOD,  
 THE STREET, SHEERING  
 TPO/CP/148/08

Centre X: 550498.597
Centre Y: 213819.913
Width : 90.000
Angle : .000
Scale : 1:500
Date : 14 Aug 2008
Time : 02:34:41 PM

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## AREA PLANS SUB-COMMITTEE 'EAST'

22 April 2009

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

<b>ITEM</b>	<b>REFERENCE</b>	<b>SITE LOCATION</b>	<b>OFFICER RECOMMENDATION</b>	<b>PAGE</b>
1.	EPF/0043/09	Aves, 221 High Street, Epping	GRANT	33
2.	EPF/0403/09	Aves, 221 High Street, Epping	GRANT	37
3.	EPF/0044/09	Aves, 221 High Street, Epping	GRANT	39
4.	EPF/0404/09	Aves, 221 High Street, Epping	GRANT	42
5.	EPF/0190/09	Belgique, 14 Forest Drive, Theydon Bois	GRANT	44

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0043/09
<b>SITE ADDRESS:</b>	Aves 221 High Street Epping Essex CM16 4BL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Tim Dulley
<b>DESCRIPTION OF PROPOSAL:</b>	New shop front.
<b>RECOMMENDED DECISION:</b>	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 The development shall be carried out in accordance with the amended plans received on 05/03/09 unless otherwise agreed in writing with 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:**

New shop front to existing shop frontage. The proposal removes the existing bow window and 'porch' area to create a slightly larger shop window whilst retaining and introducing a stallriser, mullions and pilasters in a traditional manner.

**Description of Site:**

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front and offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area.

### **Relevant History:**

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front  
EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented  
EPF/0403/09 – Grade II listed building application for a new shop front and internal alterations – Concurrent Application  
EPF/0044/09 – New projecting sign and fascia sign both externally illuminated – Concurrent Application  
EPF/0404/09 – Grade II listed building application for a new projecting sign and fascia sign both externally illuminated – Concurrent Application

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

DBE12 – Shopfronts  
HC6 – Development within the Conservation Area  
HC7 – Development and materials within the Conservation Area  
HC10 – Works to Listed Buildings

### **Summary of Representations:**

EPPING TOWN COUNCIL: Object to the loss of the bow frontage  
At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

#### NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

### **Issues and Considerations:**

It is noted that an application was approved in 2006 for a new shopfront at this property but not implemented. This current proposal is similar as both the approved and current proposal relate to the removal of the bow window and a replacement shopfront with larger window area, stallriser, mullions and pilasters.

The main issues that arise with this application are considered to be the following:

- Impact on the Listed Building
- Appropriateness of the design within the Conservation Area

#### **Impact on the Listed Building**

HC10 requires any work to a listed building not to detract from the historic interest or architectural character and appearance of the buildings. The County Council Historic Buildings and Conservation Advisor has no objection to the proposed shop front and felt that the main value of this property is the group contribution it makes to the High Street. The replacement shopfront does not remove any historic feature as the existing shop front dates from the 1960's.

Appropriateness of the design within the Conservation Area

The amended plans take into account earlier comments by the Council's Conservation Officer regarding the retention of some sort of 'pargetting' feature which has been incorporated by introducing rendered pilasters with stippled effect, which is more in keeping with the existing building.

The proposed shopfront has been designed in a traditional manner and it is considered that the design complies with advice contained within the Council's Shopfronts and Advertisements Design Guidelines 1992.

**Conclusion:**

Since this proposal is to replace a modern shopfront with one of a traditional design it would preserve the special architectural and historic interest of this listed building and preserve the character and appearance of the Epping Conservation Area. It is therefore recommended that conditional planning permission be granted.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>1</b>
<b>Application Number:</b>	EPF/0043/09, EPF/0044/09, EPF/0403/09, EPF/0404/09
<b>Site Name:</b>	Aves, 221 High Street, Epping, CM16 4BL
<b>Scale of Plot:</b>	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0403/09
<b>SITE ADDRESS:</b>	Aves 221 High Street Epping Essex CM16 4BL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Tim Dullely
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for a new shop front and internal alterations.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Notwithstanding the approved drawings, details of the proposed pargetting/stippled design to the render shall be submitted for approval by the Local Planning Authority prior to commencement of development and the development shall be implemented in accordance with such approved details.

*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:**

Grade II listed building application for new shop front to existing shop frontage and internal alterations. The internal alterations include the removal of the existing porch and removal and relocation of internal partitions.

**Description of Site:**

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front and offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area.

**Relevant History:**

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front

EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented

EPF/0043/09 – New Shop front – Concurrent Application

EPF/0044/09 – New projecting sign and fascia sign both externally illuminated – Concurrent Application

EPF/0404/09 – Grade II listed building application for a new projecting sign and fascia sign both externally illuminated – Concurrent Application

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

HC10 – Works to Listed Buildings

### **Summary of Representations:**

EPPING TOWN COUNCIL: Object to the loss of the bow frontage

At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

### **Issues and Considerations:**

It is noted that an application was approved in 2006 for a new shopfront at this property but not implemented. This current proposal is similar as both applications propose the removal of the bow window and a replacement shop front with larger window area, stallriser, mullions and pilasters.

The main issue that arises with this application is considered to be the following:

- Impact on the Listed Building

#### **Impact on the Listed Building**

HC10 requires any work to a listed building not to detract from the historic interest or architectural character and appearance of the buildings. The County Council Historic Buildings and Conservation Advisor has no objection to the proposed shop front and felt that the main value of this property is the group contribution it makes to the High Street. The replacement shopfront does not remove any historic feature as the existing shop front dates from the 1960's.

The interior of the shop has also been inspected and it is considered that the partitions proposed for removal have no special historic architectural interest and again no objections were raised to this element of the proposal.

### **Conclusion:**

Since this proposal is to replace a modern shopfront with one of a traditional design and to restore the original floor plan by removing modern partitions it would preserve the special architectural and historic interest of this listed building. It is therefore recommended that listed building consent be granted.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0044/09
<b>SITE ADDRESS:</b>	Aves 221 High Street Epping Essex CM16 4BL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Tim Dulley
<b>DESCRIPTION OF PROPOSAL:</b>	New projecting sign and fascia sign both externally illuminated.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Details of the type of materials and colours of fascia and projecting sign 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.
- 2 The signage displayed shall be in accordance with the amended plans received on 05/03/09 unless otherwise agreed in writing with 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:**

Projecting sign and fascia sign both externally illuminated by single 3.15m long trough light located under the jettied overhang of the first floor. The signage includes stand-off individual lettering spelling 'aves optometrist'. The stand-off lettering will have a maximum height of 0.3m. The projecting sign will state the same and measure 0.75 x 0.4m. The shop currently has a similar style stand-off lettering and projecting sign.

### **Description of Site:**

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front with offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area.

### **Relevant History:**

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front

EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented

EPF/0403/09 – Grade II listed building application for a new shop front and internal alterations – Concurrent Application

EPF/0043/09- New shopfront – Concurrent Application

EPF/0404/09 – Grade II listed building application for a new projecting sign and fascia sign both externally illuminated – Concurrent Application

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

DBE13 – Advertisements

HC6 – Development within the Conservation Area

HC7 – Development and materials within the Conservation Area

HC10 – Works to Listed Buildings

### **Summary of Representations:**

EPPING TOWN COUNCIL: Objection

At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

### **Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Impact on Amenity
- Impact on Public Safety
- Impact on the Listed Building and Character of the Conservation Area

#### **Impact on Amenity**

The signage will be externally illuminated by a trough light under the existing first floor jetty and it is not considered that the light from the signage or the signage itself will have any adverse impact on the amenities of any nearby residents. The signage will be positioned on the proposed replacement shop front and is of a similar design to the existing shop signage and is therefore not considered to be incongruous to the host building or the surrounding town centre area.



Impact on Public Safety

It is not considered that the proposed signage will have a negative effect on public safety, particularly that of highway safety. The shop front itself is set back from the High Road behind an existing parking area.

Impact on the Listed Building and Conservation Area

The signage proposed has a relatively modern, classic appearance, but it is considered to complement the surrounding listed building and the character of the Conservation Area. The impact of this proposal on the Listed Building is dealt with in more detail under the concurrent Listed Building Consent EPF/0404/09.

**Conclusion:**

The proposal is not considered to have a detrimental effect on amenity, public safety or the Listed Building and Conservation Area. It is therefore recommended that express consent for the display of the proposed signage be granted.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0404/09
<b>SITE ADDRESS:</b>	Aves 221 High Street Epping Essex CM16 4BL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Tim Dulley
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for a new projecting sign and fascia sign both externally illuminated.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Details of the type of materials and colours of the fascia and projecting sign shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the works and the works shall be implemented in accordance with such approved details.

*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:**

Grade II listed building application for projecting sign and fascia sign both externally illuminated by single 3.15m long trough light located under the jettied overhang of the first floor. The signage includes stand-off individual lettering spelling 'aves optometrist'. The stand-off lettering will have a maximum height of 0.3m. The projecting sign will state the same and measure 0.75 x 0.4m. The shop currently has a similar style stand-off lettering and projecting sign.

**Description of Site:**

221 High Street is a three storey Grade II Listed property with Aves Opticians occupying the ground floor shop front with offices above. The shop is on the western side of the Epping Town Centre and within the Epping Conservation Area. It is not within the Metropolitan Green Belt.

### **Relevant History:**

EPU/0062/61 – New Shopfront – Approved. This application is the approval for the existing bow fronted shop front

EPF/0235/06 - Internal alterations and new shop front. (Resubmitted application) – Approved but not implemented

EPF/0403/09 – Grade II listed building application for a new shop front and internal alterations – Concurrent Application

EPF/0043/09- New shopfront – Concurrent Application

EPF/0044/09 –Projecting sign and fascia sign both externally illuminated – Concurrent Application

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

HC10 – Works to Listed Buildings

### **Summary of Representations:**

EPPING TOWN COUNCIL: Object to the loss of the bow frontage

At the time of writing the Parish Council were intending to reconsider their comments on the basis of some confusion over the applications, however, the Parish Council meeting was postponed although it should be re-scheduled before the Committee meeting and any revised comments will be provided verbally.

NEIGHBOURS

3 properties were consulted and a site notice was erected, no responses were received

### **Issues and Considerations:**

The main issue that arises with this application is considered to be the following:

- Impact on the Listed Building

#### **Impact on the Listed Building**

HC10 requires any work to a listed building not to detract from the historic interest or architectural character and appearance of the buildings. The signage will be positioned on the proposed replacement shop front, and not attached to any historic fabric of the building. The proposal is of a similar design to the existing shop signage, and is considered to complement the existing and proposed elements of the building. The proposal is therefore not considered to detract from the historic value of this property.

### **Conclusion:**

Since this proposal is to replace acceptable existing signage with similar signage that is of sympathetic design in terms of its size, location, proportions and method of illumination it would preserve the special architectural and historic interest of this listed building. It is therefore recommended that conditional listed building consent be granted.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0190/09
<b>SITE ADDRESS:</b>	Belgique 14 Forest Drive Theydon Bois Epping Essex CM16 7EY
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mrs A Bekaert Woush Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Continuance of use of premises as a mixed use for purposes within Use Class A1 (shops) and as a cafe within Use Class A3 (restaurants and cafes) and retention of an outside freezer unit.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The seating area for the Cafe should not exceed 50% of the gross ground floor area.
- 2 The Use hereby permitted shall not be open to customers/ members of the public outside the hours of 8.00am to 6.00pm Monday to Saturday, 8.00am to 3.00pm on Sundays and Bank/Public holidays.

*This application is before this Committee since it is an application contrary to an approved policy of the Council, and is recommended for approval (Pursuant to Section P4, Schedule A (b) of the Council's Delegated Functions).*

**Description of Proposal:**

This is a retrospective planning application to continue the existing use of the premises which was changed from the last known A1 use into a mixed use for retail purposes within Use Class A1 (shops) and as a Cafe within Use Class A3 (restaurants and cafes) and for the retention of an outside freezer unit located at the rear of the premises.

**Description of Site:**

The subject site accommodates a single ground floor unit in the middle of a three-storey block located on the eastern side of Forest Drive, Theydon Bois within the defined Theydon Bois local centre. Surrounding units within the local shopping area are commercial units on the ground floor

with a mixture of residential and office accommodation above. Council records demonstrate the lawful use of the premises is for retail purposes within Use Class A1 and the existing mixed use started in January 2008. The rear yard area of the premises is used for storage including storage of waste.

### **Relevant History:**

EPO/0216C/59 Approved in 1959 - Shop front

EPF/0415/93 Approved in 1993 - Single storey rear extension.

EPF/1124/96 Approved in 1996 - Erection for a temporary period of a single storey rear extension for storage use.

EPF/1604/97 Refused on 27/01/1998: - Change of use from retail shop (A1) to hot food takeaway (A3) and single storey structure to rear to house ducting.

Reasons: *The proposed change of use will lead to the loss of a retail unit in a defined shopping parade and the proposed ducting would be inadequate for its purpose.*

EPF/1697 Approved 2007 – Single storey rear extension for shop usage

EPF/2636/07 Approved 2007 – New illuminated shop sign

EPF/2635/07 Invalid 2007 – New shop front

EPF/1226/08 Withdrawn – Retention of change of use from Sui Generis to retain/ A3 use

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

TC1 – Town centre hierarchy

TC3 – Town centre function

TC6 – Local centres

ST6 – Parking provision

DBE9 – Neighbours amenity

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL: No objection to the proposal.

SITE NOTICE DISPLAYED – 19/02/2009

10 letters sent out with 1 letter of representation received.

- 15 FOREST ROAD OBJECTS: As this application is retrospective it would be unfair to other applicants that have been recently refused A3 license. It could also set precedence and encourage other businesses to not follow proper planning procedure.

### **Issues and Considerations:**

The key issues for consideration relevant to this application are the impact of the use on the vitality and viability of the local centre, the effect on the amenity of local residents and highway safety.

#### Retention of mixed A1/A3 Use

- Notwithstanding the applicant's description of the proposal on the forms that state the previous use of the unit was a non retail use in a class of its own (a sui generic use), the council's records show the last known use of the premises was for retail use as a planning application was approved under EPF/1697/07 in 2007 for a single storey rear extension for the retail premises. Photographs of the site taken in 2007 prior to the change of use demonstrate the last known occupier of the shop was a firm trading under the name Tropical Water Aquatics and is indicative of usage solely for purposes within Use Class A1.

- Policy TC6 sets out criteria against which the planning merits of a proposed change of use in a local centre should be assessed. The policy states the Council will not grant permission for the loss of a retail unit in a local centre unless it can be demonstrated that: (i) there is no market demand for a retail use, (ii) the service provided is continued in another location in the village or locality, and (iii) the new use would meet an identified community need. The policy seeks to ensure that local centres continue to serve a useful function in meeting shopping needs by protecting existing shopping facilities for the benefit of local residents.
- The applicant has not provided any supporting material with the application so it is not known what efforts, if any, were made to continue a retail use at the premises.
- There is no information submitted with the application dealing with the matter of whether there is no market demand for a retail use at the premises.
- The applicant has not provided any information on whether the service provided by the previous use is continuing in another location in the village or locality.
- The new use does not meet an identified community need.
- Consequently the proposal fails to comply with any of the criteria set out in policy TC6. In such circumstances it is necessary to consider whether there are any other material considerations to be taken into account that are of such weight they dictate the decision the application should not be in accordance with the adopted development plan policy for the locality.
- The Council's shopping policies seek to sustain and improve the vitality and viability of town centres and PPS6 supports the diversification of town centre uses as this can widen the range and quality of activities making the centre more attractive for local residents, shoppers and visitors.
- The unit this application relates to has been trading for over a year as "Belgique", a mixed use bakery with a counter take-away facility and Café/ coffee shop with a seating capacity of approximately 42 covers. Officers consider that over this time period, the use of the site has contributed to the vitality and viability of the local centre and has encouraged local residents to use the shopping centre at the weekend. This opinion is based on anecdotal evidence rather than any survey results, however, there certainly seems little or no evidence of harm being caused to the vitality and viability of the local centre by the new use during this time.
- Officer's opinion is that the use has a positive impact on vitality and viability and this has much to do with the fact that the use is a day time use generating footfall during the times other retail uses in the centre are open. In doing so, it is likely that some of the footfall generated will be as a result of linked shopping trips that support other retail uses. Even if no linked trips are generated, there is a benefit to the character of the centre in having a vibrant daytime use within it.
- Policy TC3 does not support proposals that would result in long stretches of 'dead' daytime frontage. As the application forms indicate, the premises open at 8am to 6pm Monday - Saturday and 8am to 3pm on Sundays. These opening times encourage daytime activities to the centre throughout the week and this serves as a positive reflection for the viability and vitality of this local centre.
- Therefore, while the retention of mixed A1 / A3 Use at the premises is a departure from the relevant adopted local plan policies, since the use includes a retail element and contributes to the vitality and vitality of this local centre, it is considered that, on balance, the proposal to continue the use is acceptable within the locality.
- If members agree that the use is, on balance, an acceptable use in this location, consideration should be given to whether this particular use is so unique it should only be allowed on the basis it is a unique use and therefore any planning permission given should be personal to the applicant.
- Officer's opinion is that the use is not so unique and that similar uses are common in shopping areas therefore a personal planning permission cannot be justified

### Impact on neighbouring amenity

- As a daytime use that generally does not carry out primary cooking on site, the only potential source of harm to amenity is through the impact of noise from the external freezer unit. No harm to amenity is caused by the ordinary activities of customers and staff at the premises.
- In considering neighbour amenity there are a number of flats above the ground floor commercial units within this parade. The only on-site external facility provided for the on-going use of the premises and forming part of the description, is an outside freezer unit measuring 2.0m x 1.6m sited at the rear of the premises.
- The freezer unit fits quite snugly between the flank wall of the subject building and the flank wall that demarcates the adjacent premises to the site No. 16 Forest Drive. As such the freezer unit is hidden from view and is not easily visible from the service yard.
- The freezer unit is also attached with a silenced Electrolux compressor attached, hence it does not generate a lot of noise, as such it does not result in any harm to the amenities of neighbouring occupiers and the retention of the unit is acceptable.

### Parking

- There is no evidence to show that demand for on street parking within the area has increased to the detriment of the locality as a consequence of the present use of the premises; however it is expedient to add a condition in order to limit the use of the premises, as over-intensification of the A3 use could potentially lead to an increase in traffic and parking.

### Neighbours Objections

- A neighbouring shop, No. 15 Forest Drive has raised an objection based on the retrospective nature of this planning application and the possibility that this method could be employed by other commercial premises within the locality.
- In addressing these objections, while a retrospective planning application is not encouraged and the partial loss of a retail unit has been enabled this proposal, the principle of a mixed retail / café use with a take-away facility at these premises contributes to the vitality and viability of this local town centre and as such an exception should be made to adopted local plan policy.
- The parish council has not raised an objection and with the exception of the letter from the neighbouring premises at No. 15 Forest Drive, no objections have been received from the local residents.

### Conclusion:

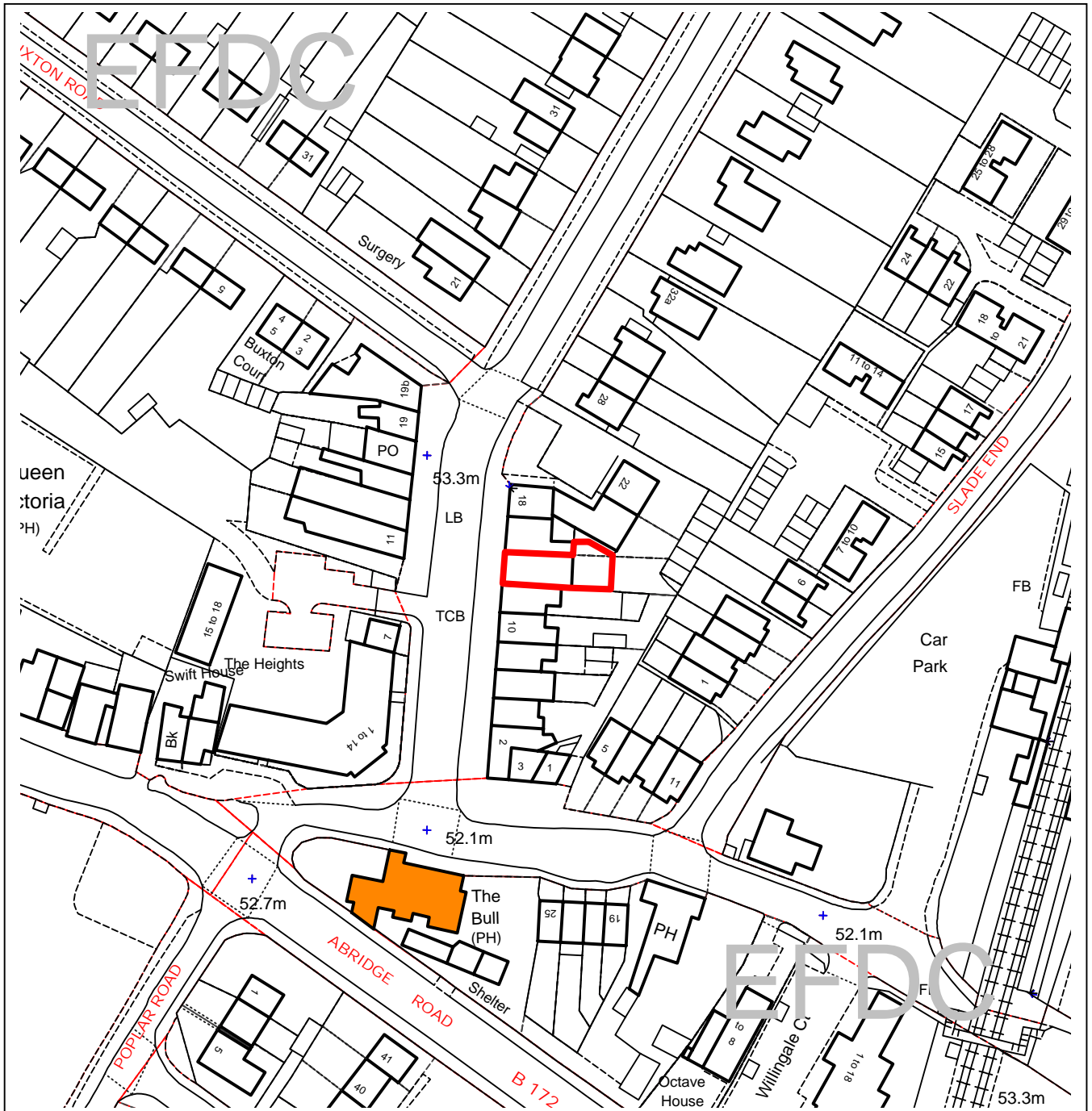
The present A1 / A3 use of this unit, while contrary to town centre policies adopted within the local plan, contributes to the vitality and viability of this local centre. As such it is recommended that planning permission is approved with conditions to ensure a percentage of the premises will be retained as retail use and to ensure that the future use of the premises will avoid long periods of dead daytime frontage.

This application is therefore recommended for approval. If members agree that planning permission should be granted, given the clear conflict with adopted planning policy this application should be referred to District Development Control Committee for decision.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0190/09
Site Name:	Belgique, 14 Forest Drive, Theydon Bois, CM16 7EY
Scale of Plot:	1/1250