

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 13th May, 2009

Place: Combined Committee Rooms 1 & 2 - Civic Offices

Time: 7.30 pm

Democratic Services Officer Rebecca Perrin- The Office of the Chief Executive
Email: rperrin@eppingforestdc.gov.uk Tel: 01992 564532

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 CABINET ROOM 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 - 16)

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

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. DEVELOPMENT CONTROL (Pages 17 - 46)

(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.

8. CONSIDERATION OF 271 HIGH STREET, EPPING - ENF/0496/06 (Pages 47 - 50)

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

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. 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:** 22 April 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 7.50 pm

Members Present: A Green (Chairman), G Pritchard (Vice-Chairman), A Boyce, M Colling, Mrs D Collins, R Frankel, Mrs A Grigg, Ms J Hedges, D Jacobs, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other Councillors: -

Apologies: P Gode, Mrs M McEwen, R Morgan and J Philip

Officers Present: B Land (Assistant Director Development), N Richardson (Principal Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

121. 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.

122. WELCOME AND INTRODUCTION

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

123. MINUTES

RESOLVED:

That the minutes of the meeting held on 1 April 2009 be taken as read and signed by the Chairman as a correct record.

124. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins, R Frankel and J M Whitehouse declared a personal interest in the following items of the agenda by virtue of having been a customer of the Applicant in the past. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0043/09 Aves, 221 High Street, Epping;
- EPF/0403/09 Aves, 221 High Street, Epping;
- EPF/0044/09 Aves, 221 High Street, Epping; and
- EPF/0404/09 Aves, 221 High Street, Epping.

(b) 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 would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0043/09 Aves, 221 High Street, Epping;
- EPF/0403/09 Aves, 221 High Street, Epping;
- EPF/0044/09 Aves, 221 High Street, Epping; and
- EPF/0404/09 Aves, 221 High Street, Epping.

125. ANY OTHER BUSINESS

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

126. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/48/08 - BURWINS, TEASELS & CHARWOOD, THE STREET, SHEERING

The Principal Planning Officer presented a report concerning the confirmation of Tree Preservation Order TPO/EPF/48/08 at the properties Burwins, Teasels and Charwood in The Street, Sheering.

The Sub-Committee were advised that this was a re-protection order as the trees had previously been protected by an Essex County Council Order. Two objections had been received from the owners of Teasels and Burwins regarding a number of the trees currently included under the Order. It was accepted that a number of the trees included had been of relatively low value and that one tree had been misidentified. Therefore, it was felt that one of the Sycamore trees should be omitted from the Group identified as G2, and that two Hawthorn trees should also be excluded, those identified as T3 and T9. The Principal Planning Officer pointed out that paragraph (10) of the report should have made reference to G2 rather than T2.

RESOLVED:

(1) That Tree Preservation Order TPO/EPF/48/08 be confirmed, subject to the following amendments:

(a) the omission of one Sycamore in G2, with G2 therefore reading "Sycamore and Hawthorn"; and

(b) the omission of T9 Hawthorn and T3 Hawthorn.

127. DEVELOPMENT CONTROL

RESOLVED:

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

128. 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

APPLICATION No:	EPF/0043/09
SITE ADDRESS:	Aves 221 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	New shop front.
DECISION:	Grant Permission (With Conditions)

The Committee's attention was drawn to a recently received withdrawal of their objection from Epping Town Council.

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.

Report Item No: 2

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

The Committee's attention was drawn to a recently received withdrawal of their objection from Epping Town Council.

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.

Report Item No: 3

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

The Committee's attention was drawn to a recently received withdrawal of their objection from Epping Town Council.

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.

Report Item No: 4

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

The Committee's attention was drawn to a recently received withdrawal of their objection from Epping Town Council.

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.

Report Item No: 5

APPLICATION No:	EPF/0190/09
SITE ADDRESS:	Belgique 14 Forest Drive Theydon Bois Epping Essex CM16 7EY
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	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.
DECISION:	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.

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AREA PLANS SUB-COMMITTEE 'EAST'

Date 13 May 2009

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/0454/09	186 High Street Epping	Grant Permission (With Conditions)	19
2	EPF/0111/09	Land adj Horseshoe Farm London Road North Weald	Grant Permission (With Conditions)	22
3	EPF/0448/09	Hangar 1 North Weald Airfield Merlin Way North Weald	Grant Permission (With Conditions)	29
4	EPF/0481/09	The Cottage Loughton Lane Theydon Bois	Grant Permission (With Conditions)	33
5	EPF/0352/09	The Laurels Masons Bridge Farm Theydon Garnon	Grant Permission (With Conditions)	36
6	EPF/0528/09	Land adj. The Steers Pigstye Green Road Willingale Ongar	Grant Permission (With Conditions)	41

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Report Item No: 1

APPLICATION No:	EPF/0454/09
SITE ADDRESS:	186 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Spirit
DESCRIPTION OF PROPOSAL:	New shop front and shutters. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The works to the shop front including the installation of the shutter and box as hereby approved shall be carried out within 3 months of the date of this permission and carried out strictly in accordance with the plans hereby approved.

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 and shutters. (Revised application). The proposal is a retrospective application for a replacement shop front and new shutters. The shop front is currently unauthorised. This is a revision on the previously refused application to make amendments to the existing shop front. Therefore while this is a retrospective application changes are proposed. The proposal replaces a modern shop front and includes a shutter which is part perforated/part grill. The difference between this and the previously refused application is that the stall riser has been increased from 50mm to 150mm and the shutter has a grill panel incorporated at a height of 1m.

Description of Site:

186 High Street is a two storey property with 'Spirit' clothing shop occupying the ground floor with residential above. The building is not of historic value itself, but is within the Epping Conservation Area. The shop was previously Heal Charity Shop. The shop is on the east side of the High Street and is not within the Metropolitan Green Belt.

Relevant History:

EPF/0013/90 - Installation of new shop front – App/Con
EPF/1772/08 - New shop front and shutters – Refused

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

SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL: Object to this application which is retrospective and for development which makes no attempt to comply with conservation area requirements in the conservation area.

NEIGHBOURS

13 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:

- Appropriateness of the design within the Conservation Area

Appropriateness of the design within the Conservation Area

The revised plans take into account comments made by the Council's Conservation Officer which included the raising of the stallriser and having a part open grill to the shutter.

The Council's Conservation Officer is happy with the revised plans as the shutters overcome both the applicant's security issues whilst maintaining a section that is partly see through to avoid a dead frontage at night. The raised stallriser is also considered an improvement to the previously refused design.

Although this is not a traditional shop front, the changes from the previous Heal Charity Shop front are not vastly different. It is considered that this proposal has updated the previous shop front and with the use of the black cladding for the pilasters and background for the signage creates a more cohesive appearance to the shop rather than the appearance of two separate shops that was the case with the Heal Shop.

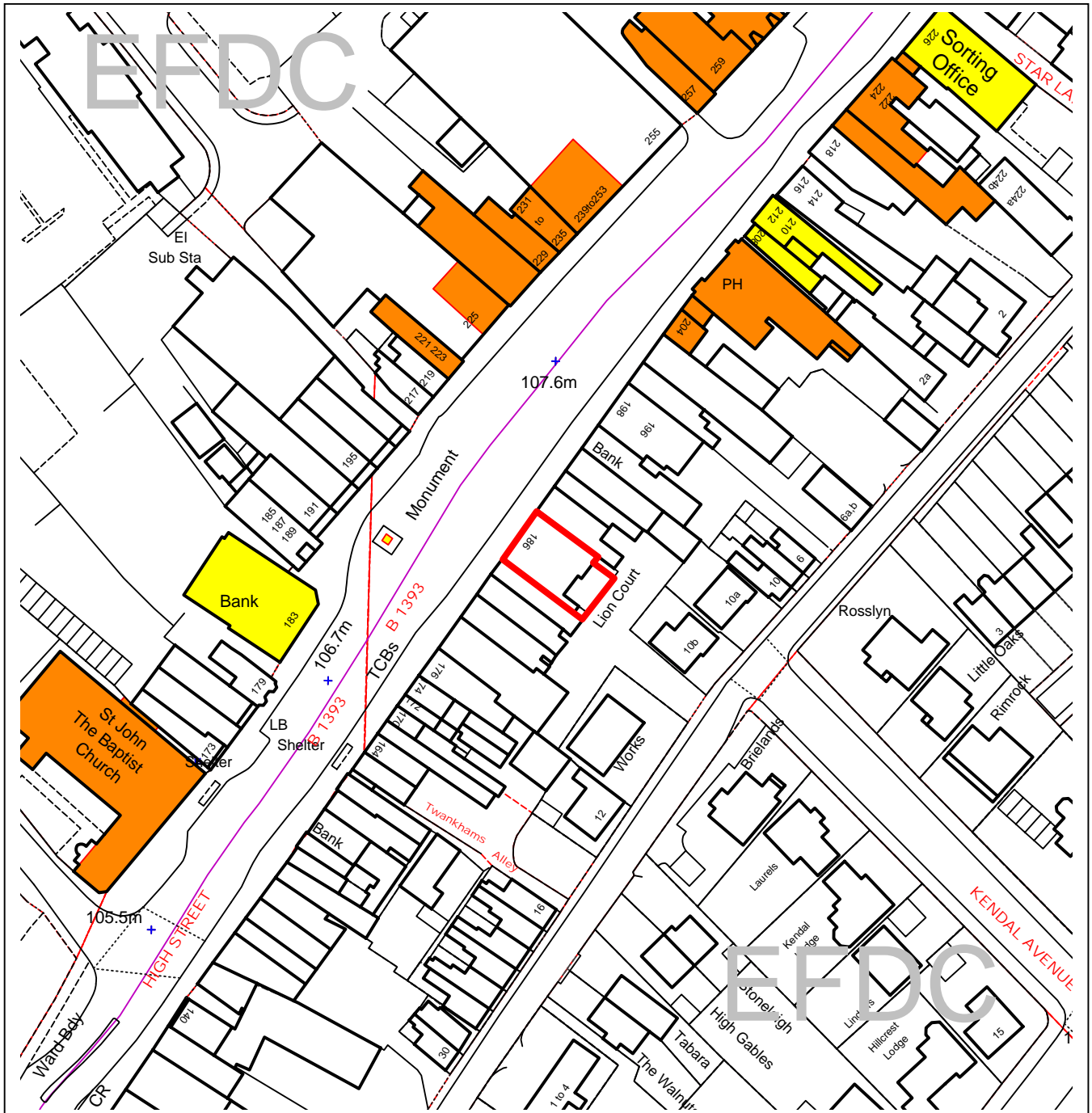
Conclusion:

The proposal is not considered to have a detrimental effect on the appearance of the Conservation Area as it is a modern shop front on a modern building. Revisions have been incorporated to alleviate any impact on the Conservation Area, which are considered to overcome the previous reason for refusal. It is therefore recommended that conditional planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0454/09
Site Name:	186 High Street, Epping, CM16 4AQ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0111/09
SITE ADDRESS:	Land adj Horseshoe Farm London Road North Weald Essex CM17 9LH
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Ian Padfield
DESCRIPTION OF PROPOSAL:	New grain store incorporating extension to the existing grainstore at Horseshoes Farm.
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 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; 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.
- 4 The approved storage buildings shall be used only for storage and operations in association with agriculture and not for any other use whatsoever at any time.
- 5 The approved hard surface shall not be used for open storage at any time, with the surface intended solely for use for the vehicles turning and waiting, loading/unloading.

This application is before this Committee because 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 consent to erect a new grain store and extend the existing grain store on land adjacent to Horseshoes Farm.

The proposed extensions extend the depth of the existing block which was allowed under permitted development, the depth is doubled with a further 18.5m across the entire width of the existing unit at 24.5m. This extended unit is then duplicated immediately adjacent with a further unit 18.5m x 24.5m. The proposed units reach 9.5m at the maximum pitch and 6m at the eaves.

The application also seeks consent to hard pave an additional 22m length resulting in a total length of surface of 67m, increasing in width by 16m. This area is proposed to enable heavy goods vehicles to turn within the site and provides some vehicular waiting areas within the site.

Description of Site:

The site is located on the eastern side of Thornwood High Road, known as the B1393, a main route connecting Epping to the M11, Harlow and beyond. The application site is restricted to the area of the proposed structure and hard surface only. The applicant has provided detail of land ownership in the near surrounding area which amounts to an excess of 2,000 acres in Thornwood and south of Epping. The areas south of Epping are significantly lesser than the areas in Thornwood. The applicant may own additional land elsewhere in the District, however this is not relevant to this application.

The site is situated adjacent to Horse Shoe Farm, opposite Horseshoe Farm west and adjacent to the open fields.

The site level is above that of the roadside, and the fields are screened from view along the B1393 to a moderate extent by unmanaged deciduous vegetation.

Access off the B1393 is shared with Horseshoe Farm.

The site is within the Metropolitan Green Belt and has an existing grain store structure approved as an agricultural determination.

Relevant History:

EPF/0713/07 – Erection of agricultural storage building – Planning required and approved.

Policies Applied:

Epping Forest District Local Plan and Alterations policies:

GB2A – Development in the Green Belt

GB11 – Agricultural Buildings

DBE4 – Design in the Green Belt

LL1 – Rural Landscape

LL4 – Agricultural/Forestry related development

ST4 – Road Safety

SUMMARY OF REPRESENTATIONS:

11 neighbouring properties have been notified, as some properties are registered on the database under more than one address this has resulted in some properties receiving duplicate notifications. A site notice has been erected and the proposals were advertised in the Guardian. The amended scheme resulted in re-consultation with neighbours, and a further site notice was erected.

NORTH WEALD PARISH COUNCIL: Strongly object due to visual impact and traffic implications on the B1393. Furthermore the Parish alleges that GB11 is not complied with and that insufficient demonstration that the proposals are necessary for agriculture within the proposed unit, would be detrimental to character and appearance and have an adverse impact to highway safety, water quality and watercourse. This objection is maintained with the revised scheme and further concerns are raised over the potential for other uses to utilise the buildings and the Parish asks that the application is considered by the Area Sub Committee.

Four neighbouring properties have objected to the proposals, with one neighbour employing a consultant to make additional comments. The responses received are as follows;

HERB FARM GRANARIES: No objection in principle subject to the proposals not being used for future industrial use or storage of non agriculture goods.

HORSESHOE FARM: Objections have been received for the original and revised scheme. Speculation on the future sub-letting of the structures in a position on the most northerly point of the land being farmed. The neighbour also expresses concern over adverse impact to the Green Belt, visual intrusion and increased traffic.

HERB FARM HOUSE: Objection to the original application on grounds of highway safety and visual intrusion adjacent the highway. The second objection to the revised scheme maintained concern over the size of the building and effect on the countryside and traffic concerns were maintained.

HORSE SHOE FARM: Objection. Concerned over the scale of the proposals and potential for non-agricultural activity. Observation is made that no evidence is provided to demonstrate no vacant buildings exist elsewhere on the applicant's land and that the size of the proposed structures will be larger than those owned by the objector. Concerns relating to a shared access which has been improved by the objector not the applicant and historic issues with access and turning to the existing storage building onsite and overflow to the objector's land. Issues relating to highway safety are also raised. Concerns are raised in respect of address and allocated planning unit references. A number of queries are raised in respect of the responses on the application form and detail in the Design and Access Statement. Furthermore concern is raised that the shared access is incorrectly illustrated in the submission.

In respect of the revised scheme, the objection is maintained with acknowledgement that despite improvement, the proposals still represent an eyesore in the Green Belt and result in a strip of potentially unusable farmland which may potentially be driven on. Highway concerns are maintained and concerns relating to the requirement for a significant enlargement remain. Furthermore issues are reiterated in respect of non-central location of the site and a request for condition requiring that the site not only be used solely for agricultural use, but also be returned to farmland if/when no longer required.

JOHN BISHOP PARTNERSHIP ON BEHALF OF HORSE SHOE FARM: Objection to the original scheme on the grounds of scale which it is not felt is adequately supported by the supporting information, adverse impact to the Countryside and Green Belt and highways issues, particularly stating that historically the applicant has used 44 tonnes vehicles as opposed to 25 tonnes as stated in the supporting text

Issues and Considerations:

The main issues that arise with this application for consideration by Members are as follows:

- Principle of development and Green Belt/Landscape issues
- Layout and form of development
- Impact on neighbouring amenity
- Highways and transportation matters

Principle of development and Green Belt/Landscape issues

The site is within the Metropolitan Green Belt where development is usually resisted by Government Guidance and Local Planning Policies in order to retain the open character of the Green Belt.

Local Policy GB2A sets out development which may be considered appropriate within the Green Belt and this includes development for the purposes of agriculture, horticulture or forestry. Therefore in principle agricultural development is considered acceptable subject to the criteria set out in policy GB11.

Policy GB11 sets out the following requirements:

- i) That the proposals are demonstrably necessary for the purposes of agriculture within that unit.
- ii) Would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents
- iii) Would not have an acceptable adverse effect on highway safety, or with regard to water quality and supply, any watercourse in the vicinity of the site.
- iv) Would not significantly threaten any sites of importance for nature conservation.

The applicant has provided confirmation of nearby land holdings equating to in excess of 2,000 acres. Furthermore confirmation has been received that previously set aside land has now been brought into farm production. The volume of crop produced from this area of land would vary dependant on crop farmed and number of harvests annually, therefore a direct calculation is difficult to make. Notwithstanding this the policy does not require a sequential analysis of other land and buildings which may be appropriate, and on balance, from the information supplied, it is not unreasonable that a large volume of storage is now required. A condition can be affixed requiring agricultural storage only, to prevent inappropriate use.

In respect of appearance of the locality the revised scheme has repositioned the storage building away from the road and adjacent to the existing structure. In this position, although noticeable and having some adverse impact, the proposals would appear in the context of existing commercial structures and as such Officers do not consider, on balance, the proposals would be unacceptably detrimental in the locality to either the appearance of the landscape or the Green Belt.

In respect of neighbouring amenity, most neighbouring properties are well separated, however Horse Shoe and Horseshoe Farm are immediate neighbours, and would potentially suffer an increase in vehicular movements associated with additional storage. Notwithstanding this, vehicular movements are frequent to a haulage company currently situated on the site and the B1393 is a busy through route where additional vehicular traffic would not likely be noticeable. In respect of movements alongside Horse Shoe Farm, these take place on a shared access, and issues relating to this access are beyond the remit of the Council, with the current access clearly acceptable for heavy goods vehicles already using the site. Furthermore, it should be noted Highways raise no objection. In respect of outlook, the proposals are considered sufficiently

separated from neighbouring properties so that any overshadowing or loss of outlook is minimal and in the context of the existing structure.

In respect of watercourses and nature conservation no issue or concern is raised and Environmental Health has raised no objection.

The hard surface is inappropriate development and by definition, harmful to the open character of the Green Belt, however the associated agricultural use mitigates the principle objection and the hard surface goes some way to alleviating issues which have historically been apparent with the turning and loading of vehicles on the site and land adjacent, therefore the proposed hard surface on balance is considered acceptable.

Layout and form of development

The proposed development would mimic the form of the existing storage building on the site, at an increased depth. This form would be viewed in the context of existing industrial buildings and as a result is not considered detrimental.

Impact on neighbouring amenity

As discussed above, the proposals are well separated from neighbouring properties and only visible in the context of existing structures, therefore the proposed built form is considered to have minimal impact. Notwithstanding this, it is appreciated that the proposals will result in additional vehicular movements into the site. On balance Officers consider this would not be detrimental with existing heavy good vehicles frequenting a number of businesses on the wider site, and the existing grainstore. Were the use to be intensified, it would be able to accommodate a greater number of vehicle movements without consent. For these reasons the proposals are considered acceptable, particularly with the introduction of the turning area which it would appear would alleviate some neighbouring concerns in respect of turning and waiting areas for vehicles.

Highways and transportation matters

As outlined above, the proposals do result in additional traffic load in the shared access, however in light of the existing heavy goods movements into the site, it is not considered that the addition of a greater number of movements would be detrimental. Furthermore, Highways have raised no objection and the proposals incorporate a vehicular waiting and turning area which would potentially alleviate existing concerns in respect of the movement of vehicles on the present site.

Other Matters

The revised scheme is considered by Officers to reduce the visual impact of the scheme setting the building further from the highway. Conditions are possible to prevent uses other than agriculture and to improve landscaping in the immediate area to mitigate the appearance of the building, particularly on the strip of land adjacent the highway.

The scale of farmed land can be considered sufficient to justify a structure of the proposed size, and the proximity of the majority of the farmed areas to the M11 could be considered sufficient to justify the positioning of the proposals close to the M11. It would clearly be the Council's preference to position storage relating to the land relating to this application north of Epping to minimise disruption. Whilst it is appreciated the applicant may own land elsewhere in the district, no detail of this land has been provided and as such it does not relate to the application.

In respect of details provided on the application form and within the Design and Access Statement, the information supplied is considered sufficient to enable Officers to assess the proposed scheme.

In respect of conditions requested, it is considered acceptable to affix a condition restricting the use of the storage to agricultural only, however the use of the proposed structures at the end of any agricultural lifespan would be subject to a separate application and policies in place at that

time, therefore a condition requiring removal of the structures at the end of agricultural use in this location is not considered reasonable.

Conclusion:

The information provided by the applicant is considered sufficient to require additional agricultural storage. The location of the proposed site in relation to trunk roads and the applicant's land is considered acceptable.

Green Belt policy enables agricultural development where justified and accepts that adverse impact will arise, seeking instead to ensure that impact would not be detrimental. In this instance, at an established storage location, visible in the context of industrial structures, the proposals are not considered detrimental.

Impact to neighbouring amenity is again recognised to occur, the majority of which relates to noise and disturbance from vehicular movements. This site is already characterised by a haulage business with existing agricultural traffic, therefore additional vehicular traffic associated with the proposals is not considered detrimental.

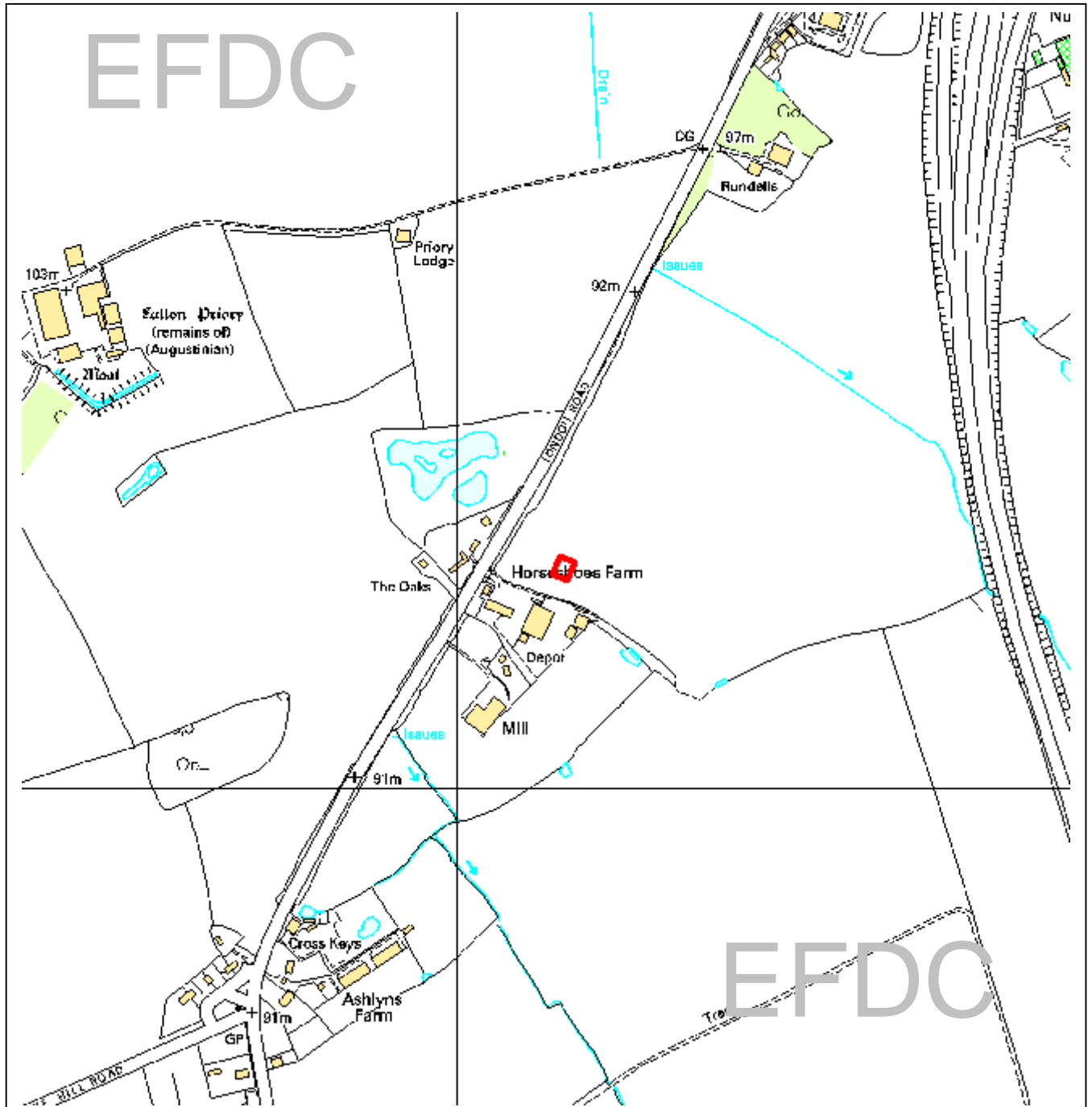
Issues relating to access and traffic are raised and noted, however with existing heavy goods traffic and no objection from highways, refusal on traffic or access grounds is considered difficult to maintain. Furthermore the proposals improve existing access and turning circumstance.

Therefore mindful of the above, the proposals in the revised location are on balance considered acceptable, and subject to conditions, particularly restricting use to agriculture only, Officers recommend approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0111/09
Site Name:	Land adj Horseshoe Farm, London Road, North Weald, CM17 9LH
Scale of Plot:	1/7500

Report Item No: 3

APPLICATION No:	EPF/0448/09
SITE ADDRESS:	Hangar 1 North Weald Airfield Merlin Way North Weald Epping Essex
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Becro Eng Ltd
DESCRIPTION OF PROPOSAL:	New build canopy to existing building and replacement of existing doors with roller shutter within a new steel frame.
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 Prior to commencement of works the applicant shall submit in writing details of a method of conservation and retention of the existing doors to be removed as part of the proposals. The supplied details shall be approved in writing by the Local Planning Authority and works shall be carried out in accordance with the approved details.

This application is before this Committee because 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 consent to erect a new canopy to the existing building and replace the existing doors with roller shutters and a new steel frame. The proposals also incorporate an external overhead crane to operate beneath and outside of the proposed canopy with a south and westerly movement.

The proposed canopy would measure 22m in width from the side of the building for the depth of the main building at 37m. The canopy roof would pitch up separately from the main building at a shallow angle reaching 10m in height at the maximum.

Description of Site:

North Weald Airfield is an unlicensed Local Authority owned airfield. The airfield still operates as an airfield for small scale private aircraft, hosting occasional aerial and motorsport events and a regular weekend market. Hangar 1 is situated on the boundary of the airfield and as such fronts into the airfield with smaller subdivided unit areas fronting onto the industrial estate accessed from Hurricane Way.

Relevant History:

The airfield site has a history dating back to 1974 for uses and activities in association with the airfield.

There is no specific history relating to the present proposals.

Policies Applied:

Epping Forest District Local Plan and Alterations

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of Amenity

RST28 – Character and Historic Interest of North Weald Airfield

E2 – Redevelopment/extension of premises for business and general industrial uses

SUMMARY OF REPRESENTATIONS:

20 neighbouring properties were notified of the proposals and a site notice was erected. No objections have been received from neighbouring properties.

NORTH WEALD PARISH COUNCIL: Objection. The replacement of the existing doors is inappropriate as the original doors have historic value due to containing bullet holes in the original fabric of the doors.

CIVIL AVIATION AUTHORITY – No comment

Issues and Considerations:

The main issues that arise with this application are the principle of the extension of the business premises, the siting design and appearance of the proposals, any potential adverse impact on neighbouring properties and the potential impact to the historic interest of the airfield.

The proposed extension of the business premises within the designated employment areas is supported by policy E2. In light of current economic circumstance, where policy supports the principle of development, Members may be inclined to be particularly sympathetic to proposed development.

The siting, design and scale of the proposals is not unacceptable within an employment area. Industrial activities characteristically require large buildings and associated structures to operate and the proposals are not out of scale with the main building. The design of the canopy and crane is acceptable being positioned on the furthestmost point from the Hurricane Way access, with minimal visual impact on the street and a position which will be largely obscured by the existing

hangar. The canopy is intended to house the gantry crane in the area immediately adjacent to the building where loading/unloading to vehicles for the steel fabrication plant take place. The remaining elevations not screened from the street will be visible only from within the constraints of the airfield where industrial machinery will not appear uncommon.

Neighbouring properties are industrial/business units, the airfield and open space, Norway House and residential properties on the opposite side of Epping Road. These neighbours are well separated and would not be affected by the proposals, particularly where separated by the road, therefore the proposed canopy, external alterations and crane are considered to have minimal impact to amenity.

In respect of the historic value of the building, this is neither listed nor protected in any firm means by the Council. Policy RST28 seeks to protect any historic interest on the airfield. The Parish Council is concerned by the loss of the door opening which contains bullet holes of historic interest. The applicant has confirmed that the mechanisms operating the current doors has been removed for safety reasons, namely the frames have been removed to three doors, and the rusted state of the forth frame is structurally unsound. In addition the ground bearing tracks are of no use, as a result the existing door openings cannot be used. The applicant is currently making enquiries with the airfield manager and North Weald Airfield Museum and Memorial to confirm the most appropriate way to retain the doors. The outcome of these enquiries will be made available for Members at the Committee, and as a precaution, the applicant has agreed to a condition requiring the storage and reinstatement of the doors in a satisfactory manner on the airfield.

In respect of highways and access no concerns are raised, the access would remain unchanged and continue through the airfield entrance.

Conclusion:

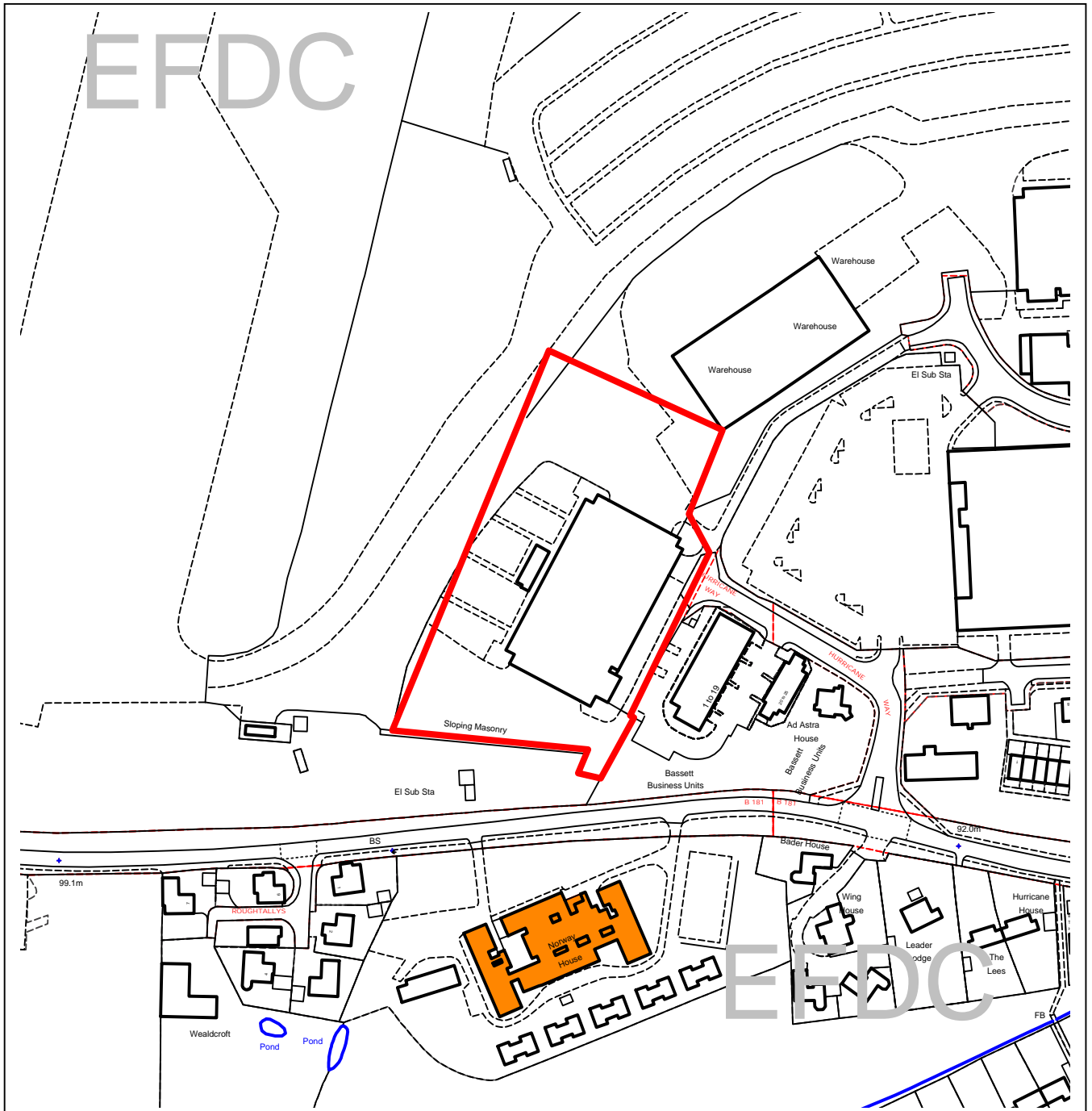
Industrial development on an allocated employment/industrial site is considered acceptable in principle and supported strongly by policy.

The proposals result in no adverse neighbour or highway issues and the applicant is seeking to ensure a suitable method of the retention of the doors which hold historic interest at an appropriate location in the area, therefore subject to appropriate conditions, Officers recommend approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0448/09
Site Name:	Hanger 1, North Weald Airfield Merlin Way, North Weald,
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0481/09
SITE ADDRESS:	The Cottage Loughton Lane Theydon Bois Epping Essex CM16 7JZ
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr David Priest
DESCRIPTION OF PROPOSAL:	Single storey rear extension. (Revised application)
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.

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 proposal is for a single storey rear extension to a depth of 4m (revised from a previous 5m submission). The proposal would have a pitched roof to match the existing structure.

Description of Site:

The proposal is a detached property on Loughton Lane with neighbouring properties of similar size, though different in style along the road. The property has been extended in the past as have other dwellings along the road including the neighbouring properties. The houses have large gardens and the proposal site is well screened with a 2m fence on either side.

Relevant History:

EPF/1123/85 - Side and rear extensions and rooms in the roof space. Grant Permission (with conditions) - 25/11/1985.

EPF/2012/08 - Single storey rear extension. Refuse Permission - 25/11/2008.

EPF/0099/09 - Certificate of lawful development for a proposed single storey rear extension. Not Lawful - 13/03/2009.

Policies Applied:

Policy DBE9 – Loss of Amenity
Policy DBE10 – Design of Residential Extensions

SUMMARY OF REPRESENTATIONS:

4 properties were consulted and no replies were received.

THEYDON BOIS PARISH COUNCIL: Objection. Extension is in front of building line of neighbouring property and would result in a significant loss of amenity.

Issues and Considerations:

The main issues to consider are potential impact on the amenity of neighbouring properties and impacts on the appearance of the local area.

Impact on Neighbours

The proposal is to a depth of 4m adjacent to the boundary with the neighbouring property, Deerview. The adjacent property has a conservatory on this side, beyond which the proposed extension would project to an overall depth of 5m. Potentially, at this depth, the conservatory would experience some loss of sunlight in the afternoon. However a solid fence and existing vegetation screening on the neighbour's property would offer some protection from significant loss of light. It is also the case that as the roof pitches back from the neighbouring property this would significantly reduce its impact. The conservatory being exclusively glass as opposed to a rear extension served by a single means of glazing, would still retain daylight and an acceptable level of sunlight.

Impact on Appearance of Area

The extension at the rear, in a well screened garden would have minimal impact. The gardens are very long and could easily accommodate such an addition. Previous extensions mean that there is no constant building line at the rear of the properties, so the extension would not be out of character. In fact, it would align with a rearward projection next door to the south west at Dorri, and next door but one to the north east at Alcombe. The general dwelling mix also allows for greater scope in relation to additions. In relation to the existing building it is felt that the style and form would be complementary.

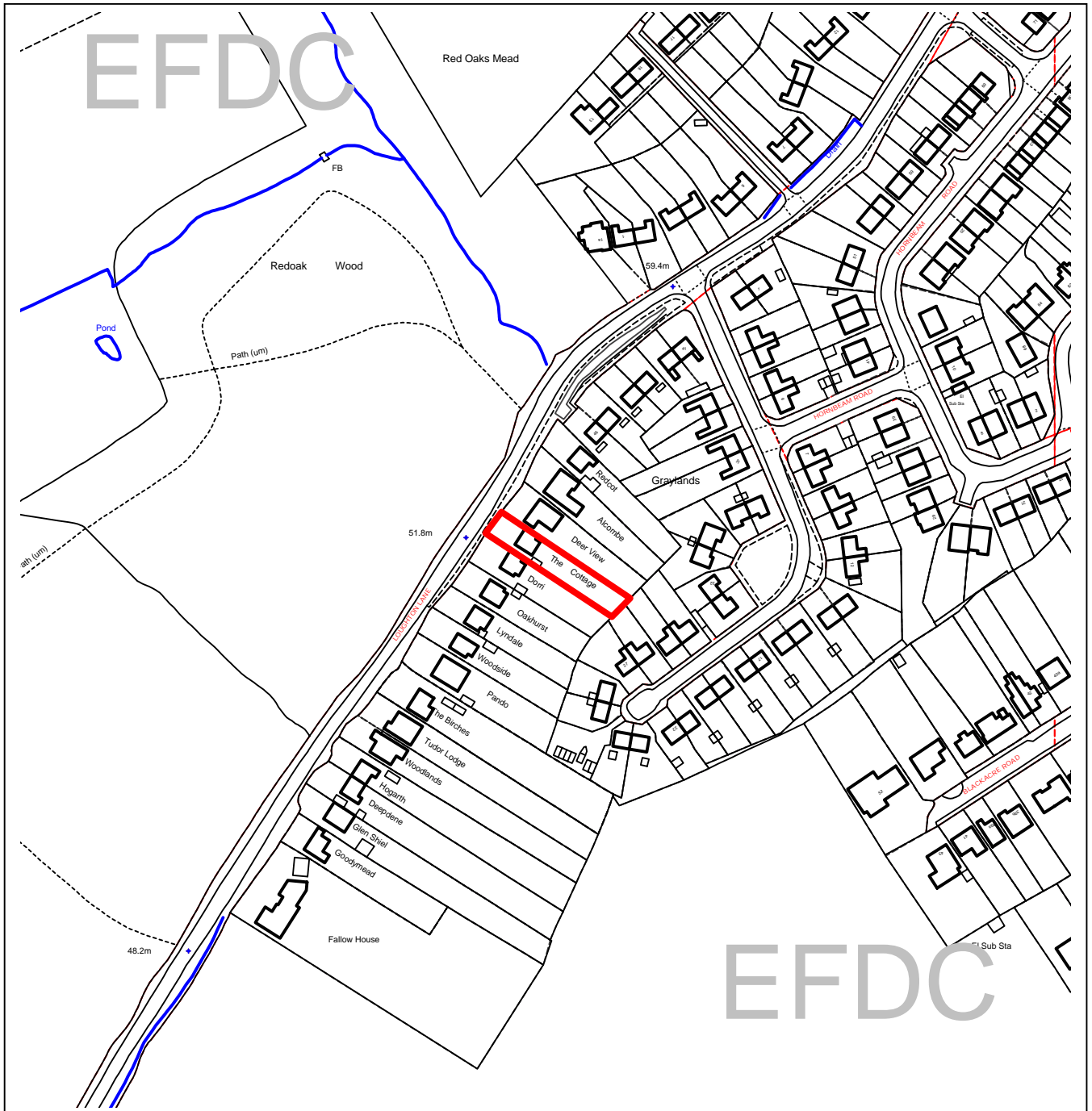
Conclusion:

Although the proposal is quite deep on the boundary, it is considered that there will not be a material, visual or light loss to an unacceptable level. The proposal would have no discernable impact on the appearance of the area. Consequently it is recommended the application should be approved (with conditions).



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0481/09
Site Name:	The Cottage, Loughton Lane Theydon Bois, CM16 7JZ
Scale of Plot:	1/2500

Report Item No:5

APPLICATION No:	EPF/0352/09
SITE ADDRESS:	The Laurels Masons Bridge Farm Theydon Garnon Epping Essex CM16 7PB
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Alan Bryce
DESCRIPTION OF PROPOSAL:	Retention of existing dwelling, curtilage and vehicular access.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 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 Schedule 2, Part 1, Class A, B, E or F and Schedule 2, Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 2 The curtilage for the dwellinghouse shall be restricted to the area of land outlined in red on drawing no 2845/1C and shall at no time be extended.
- 3 The fence on the western site boundary separating the site from Masons Bridge Barn shall be removed from the land within 3 months of the date of this decision.
- 4 Full details of the proposed means of enclosing the site boundary with Masons Bridge Barn shall be submitted within 28 days of the date of this decision to the Local Planning Authority for approval in writing.
- 5 The means of enclosing the site boundary with Masons Bridge Barn approved pursuant to condition 4 shall be fully implemented within 2 months of its approval by the Local Planning Authority and thereafter permanently retained unless otherwise agreed in writing by 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 proposal is for the continuance of the use of ancillary living accommodation as a dwellinghouse, together with the continuance of the use of agricultural land and land associated

with an adjacent dwelling as the garden for the new house. It includes the retention of a hard surface that comprises a driveway and a parking area. The building was originally a garage/store and planning permission was granted to use it as ancillary living accommodation to an adjacent barn converted to a dwellinghouse, known as Masons Bridge Barn.

Description of Site:

The site is within the Metropolitan Green Belt, west of Masons Bridge Barn, a Grade II listed building. The property is now divided from the barn by a fence and laurel hedge. The site is bordered to the south and east by open agricultural land. To the north are Grade II listed outbuildings in the garden of Masons Bridge Farm. An access pathway and extended curtilage has been created to the south of the property.

Relevant History

There is an extensive history to the site the most relevant and recent being;

EPF/1039/93 - Conversion of barn to dwelling (Renewal of permission EPF/1769/87). Grant Permission (with conditions) - 11/01/1994

EPF/0127/00 - Erection of building for use as garage store and wood shed. Refuse Permission - 10/04/2000

EPF/0826/00 - Erection of garage, store and wood shed. Grant Permission (with conditions) - 21/07/2000

EPF/1681/04 - Change of use and conversion of garage/wood store into accommodation. Refuse Permission - 22/10/2004

EPF/0422/06 - Alteration and conversion of garage/wood store to living accommodation. Grant Permission - 26/04/2006. Permission was granted subject to the following condition (No. 3)

“The application building shall only be used as ancillary accommodation for the existing building known as Mason’s Bridge Barn and shall at no time be separated from that property”

EPF/2207/08 - Removal of condition 3 'ancillary accommodation' on EPF/0422/06. Withdrawn Application

EPF/2208/08 - Alterations to existing curtilage and formation of new vehicular access. Withdrawn Application

Policies Applied:

CP2 – Protecting the quality of the rural and build environment

GB2A – Development in the Green Belt.

GB4A – Extensions of Residential Curtilages.

GB8A – Change of Use or Adaptation of Buildings.

GB9A – Residential Conversions

HC12 – Development Affecting the Setting of a Listed Building.

DBE4 – Design in the Green Belt.

DBE10 – Impact on Amenity.

SUMMARY OF REPRESENTATIONS:

2 properties were consulted, a site notice was erected, and no replies were received.

EPPING TOWN COUNCIL: Objection. Committee object to this proposal which appears to be merely an attempt to overcome restrictions on Green Belt development. If the ancillary residence has now been sold as a separate dwelling, "caveat emptor" could easily be applied.

Issues and Considerations:

The property now known as The Laurels was originally granted planning permission for use as a garage, store and wood shed. Planning permission was subsequently granted for its conversion and use as living accommodation, ancillary to the use of Masons Bridge Barn as a dwellinghouse. Two recent applications relating to the property proposing the removal of a condition requiring the residential use to be ancillary, the retention of new residential curtilage and hard standing were withdrawn on the advice of officers. This application has merged the two to form a single application.

The main issues to consider are,

1. The Green Belt
2. The Setting of a Listed Building
3. Effect on Amenity

Green Belt

- The application can be judged against a number of Green Belt policies, chiefly policies GB4, GB8A and GB9A of the Adopted Local Plan and Alterations.
- Policy GB4A states that an extension to a residential curtilage which involves an incursion into the Green Belt will only be permitted where; it would not have an adverse impact on the open character of the landscape, it would relate well to adjoining curtilages and would not be excessive in size.
- Planning permission EPF/0422/06 identifies an area of residential curtilage for Masons Bridge Barn that includes land east of The Laurels which is not fully used.
- The new area of residential curtilage, inclusive of the driveway and parking area is greater than the unused area of approved residential curtilage. However in terms of overall size the proposed new residential curtilage is not excessive and does in part substitute unused approved curtilage. The garden areas to the east and south of the property are relatively modest and relate well to the curtilages of the neighbouring properties.
- It is considered that the parking area/access roadway has been constructed using sympathetic materials with the aim of causing minimum impact on the open character of the area. It is also the most practical way to provide parking and means of access at The Laurels.
- Policy GB8A relates to the change of use or adaptation of buildings with a set of criteria to be met. The first issue is whether the building is of permanent and substantial construction capable of conversion and in keeping with the surroundings in terms of form, bulk and general design. As the structure itself is already in place it would have no greater impact on the open character of the Green Belt. It is also the case that the completed, approved, conversion has been easily accommodated within the existing structure without any real change in the form or bulk and the design has not significantly altered the building.
- Policy GB8A also states that the proposed work should not have a materially greater impact on the Green Belt than the present use, especially in relation to traffic generation. It is considered that this is not the case, since the ancillary residential use could generate as much traffic as the new use as a dwelling. The site is also large enough to retain a well landscaped parking area, situated at the end of a no through road. This greatly limits the potential for the new use

to have a materially greater impact than the lawful use. Therefore the proposal complies with Policy GB8A.

- Policy G9A relates that residential conversions will not be permitted unless it has been clearly proven by the applicant that business reuse in line with Policy GB8A is unsuitable. No such supporting evidence has been provided by the applicant. However, an analysis of the site shows that it is not particularly suitable for use as a business. It is considered the amenity of nearby residential properties would be adversely affected by activities relating to a business, such as increased traffic generation, and that such activities could also be detrimental to the setting of the listed building. Therefore a business use would potentially be more harmful than the current lawful use as ancillary living accommodation or the existing use as a dwellinghouse.
- Policy GB9A also states that the conversion of a residential building must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically affected. The curtilage relates well to the property and, other than on the western site boundary with Masons Bridge Barn, the site is enclosed generally by post and rail fencing and Laurel trees, which have an acceptable impact on the open character of the Green Belt.

Effect on the Setting of a Listed Building

- Policy HC12 of the adopted Local Plan and Alterations states that the Council will not grant planning permission for development which will adversely affect the setting of a listed building. The building most affected is Masons Bridge Barn, for which The Laurels was created as an annexe. It is considered that the division of the curtilage of the listed barn, although not ideal, has been carried out sympathetically, and the character and appearance of the listed building has been retained. However a 2m solid fence currently divides the boundary of the two properties. This is not deemed acceptable and provides an intrusive barrier harmful to the setting of the listed building. This could however be remedied by its removal and a suitable replacement agreed by the Local Planning Authority. The application can be conditioned accordingly.

Amenity

- The retention of this dwellinghouse with curtilage and vehicular access would have no impact on the amenities of the area or those enjoyed by the occupants of the neighbouring dwellings.

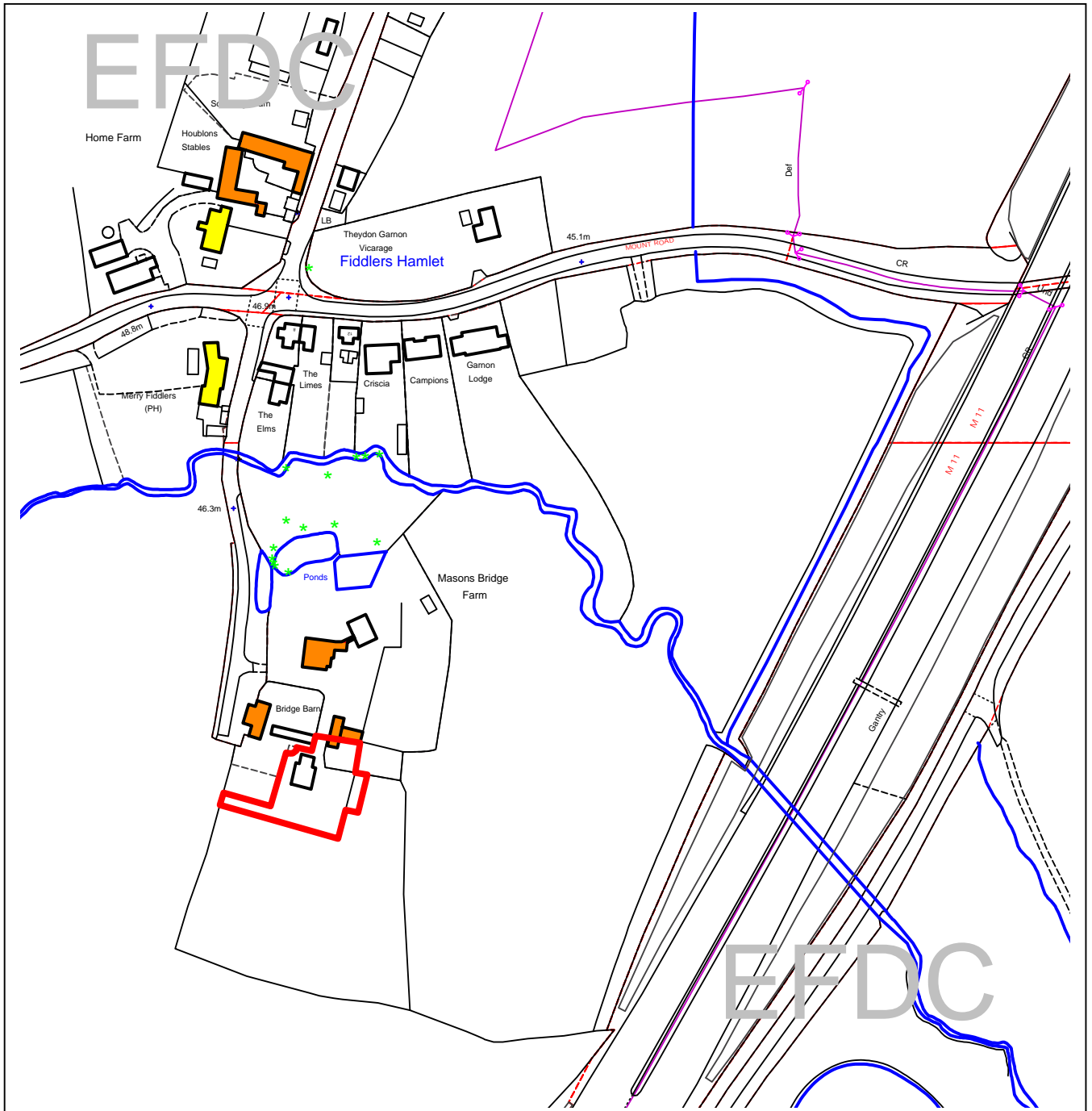
Conclusion:

A building which was originally developed as a garage/wood store was granted permission for use as ancillary accommodation to a Grade II listed barn. This has since been separated to form a separate dwelling with associated curtilage and access and parking area. The main issue is whether the current scenario would have greater impact on the open character of the Green Belt and if it complies with the relevant policies. In relation to the curtilage of the property it is concluded that as the area on the submitted plans replaces an approved area it would be acceptable. The parking area is well screened and the access has been constructed with sympathy for the Green Belt setting. The dwelling, an existing building, has been converted without any changes to its form or bulk. Traffic generation has not increased as a result of the change from ancillary use to a separate dwelling and the site's location at the end of a no through road would not result in a major incursion. Although part of the curtilage of the listed building has been separated it is considered that the character and setting of it has been preserved. Further development of the site can also be controlled by enforceable conditions. Therefore it is recommended the application should be approved (with conditions).



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0352/09
Site Name:	The Laurels, Masons Bridge Farm Theydon Garnon, CM16 7PB
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/0528/09
SITE ADDRESS:	Land adj. The Steers Pigstye Green Road Willingale Ongar Essex CM5
PARISH:	Willingale
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mrs Katrina Winner
DESCRIPTION OF PROPOSAL:	Change of use for stable block and hay barn for private use. (Revised application)
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 There should be no obstruction above ground level within the area of a 0.2m parallel band visibility required across the entire site frontage.
- 3 No unbound material shall be used in the surface finish of the driveway within 6m of the highway boundary of the site.
- 4 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 5 There shall be no commercial use of the site, including livery, whatsoever. Only private domestic stable use by the site owner is approved.
- 6 Details of the means of storage and disposal of manure shall be submitted to and approved in writing by the Local Planning Authority and works shall be carried out in accordance with the approved details prior to the first occupation of the stables.

This application is before this Committee because 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 permission for the change of the use of the land and erection of a stable block and hay barn for private use for two horses. The proposals have been revised following a previous refusal.

The proposals include a repositioned stable backing onto Pigstye Green Road at a reduced depth of 7.62m incorporating two stables, a tack room, hay barn, feed store, kitchen and w/c.

The proposals incorporate a reduced area of hardstanding at 12m in depth and 23m in width with a small additional grass reinforcement area for turning with horse boxes at 7m x 9m. This area would only be for occasional use and would incorporate the silage area.

The proposals reduce the depth of the block by 1.5m, position the block in a wholly revised position and reduce the hardstanding by some 100sqm.

Description of Site:

The application site is 1.42 hectares, situated within the Metropolitan Green Belt, on the southern side of Pigstye Green Road in close proximity to the junction with Norton Heath Road and Spains Hall Road. Nearest neighbouring properties are Brocket Cottage and The Steers and Telford's Cottage. All properties in this area are characterised by relatively large plots and expanses of open space between. The area has a very rural character.

The site is currently vacant, slopes away from the road slightly and has a water trough indicating horses have been grazed here previously. Access to the field is via a gate and unmade track from the roadside.

Relevant History:

EPF/0036/09 – Change of use for stable block and hay barn for private use – Refused for two reasons:

- 1) The proposed development provides significantly more than the essential small scale structures for outdoor participatory sport and recreation which would be required to stable two horses, with floorspace devoted to ancillary uses exceeding the stable floorspace and a significant expanse of hard surface in a previously undeveloped plot. The proposals are therefore harmful to the openness of the Green Belt, contrary to the objectives of policy GB2A of the Adopted Local Plan and Alterations, and PPG2 (Green Belts) .
- 2) The proposed position of the stable block and hard surface is visually intrusive, situated immediately opposite the break in screening providing for the access to the site. As a result the proposals would appear uncharacteristically prominent situated at the head of an expanse of hard surface in an otherwise rural and open location contrary to the aims and objectives of policies GB2A, RST4, RST5 and DBE1 of the Adopted Local Plan and Alterations.

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A – Development in the Green Belt
RST4 – Horse Keeping
RST5 – Stables
DBE1 – Design of New Buildings
DBE9 – Loss of Amenity
LL1 – Rural Landscape

SUMMARY OF REPRESENTATIONS:

3 neighbouring properties have been consulted and a site notice has been erected. The following response has been received;

WILLINGALE PARISH COUNCIL – Object as the revisions are not considered to address the reasons for refusal. The impact of the proposal will not be minimal and insubstantial in an open rural location and the proposals would have a significant impact on Brocket Cottage and Steers Farm. Vehicular access is dangerously close to the Spains Hall/Norton Heath Road intersection and the blind bend in the lane at that point means a real risk to road users if traffic, particularly long slow horse boxes were to increase. The location is inappropriate for the proposed development.

BROCKET COTTAGE: Object, the application does not differ significantly from a previous scheme with only marginal reduction to hard surface and repositioned stables. The proposals have potential for commercial use. The proposals will be clearly visible from Brocket Cottage. The hedging separating the proposals from the road consists of a number of mature trees in poor health which would affect the screening. The proposals would add to the volume of horse and horse box traffic immediately opposite the entrance to Brocket Cottage and along Pigstye Green Road.

HIGHWAYS AUTHORITY – No objection subject to conditions relating to sight splays and surface finishes adjacent the highway.

Issues and Considerations:

The main issues that arise with this application are considered to be the appropriateness of the development in the Green Belt, the design, layout and appearance of the proposed stables, access and highway issues and potential impact upon neighbouring properties.

Green Belt

Policy GB2A seeks to prevent development within the Green Belt unless a number of criteria are met. This application may be considered acceptable under policy GB2A for the purposes of outdoor participatory sport and recreation or associated essential small scale buildings. For this reason, in principle, stabling for horses may prove acceptable, subject to siting, design and appearance.

Design, Layout and Appearance

The proposed stable block has been repositioned to follow the vegetative screening along Pigstye Green Road and reduced in depth. The repositioning also results in a reduction of hard surfacing. As a result of the revisions, the scale of the development has been reduced and has a lesser impact on the landscape, furthermore the repositioning of the stable block restricts views to those in the context of the highway. Officers now consider that the requirements of policies RST4 and RST5 have been met as follows:

RST4: Horsekeeping

- The revised reduced scheme will not have a significant adverse impact on the character and appearance of the landscape with the revised proposals and use having less hard surfacing and vegetative screening minimising adverse impact.
- The amount of horse riding would not lead to excessive highway danger with no objection from Highways and a level of riding associated with stabling of two horses not dissimilar to that which would be associated to the keeping of horses on the open field in fair weather months.

- The amount of horseriding would not have significant adverse impact on the management, ecology of public use of open spaces and rights of way. The proposals are based on private land.
- The amount of land is adequate for the welfare of the number of horses intended to use it. The proposals meet the minimum stabling size requirements for the British Horse Society and the size of the plot is above that which is required at a minimum for grazing of two horses.
- Appropriate fencing is already in place with horses already using the field for occasional grazing.

RST 5: Stables

- The stables have been reduced in size and repositioned to minimise visual impacts and adverse impact to the open character of this area. Furthermore the external elevations and materials proposed appear similar to others in the district and are usually acceptable for stable use.
- As considered above, the proposals would not result in excessive highway danger.
- As considered above, the amount of horse riding would not have significant adverse impacts to ecology or public use of rights of way and public open space.
- The stables are confirmed as meeting British Horse Society standards
- The site has sufficient hard surface for the parking and turning of vehicles within the site.

Highway Matters

Pigstye Green Road is a surfaced rural lane in generally good condition. Additional traffic movements relating to the stabling of two horses would not result in a significant number of additional traffic movements, most likely a morning and early evening visit for maintenance, with additional visits possible for exercise or veterinary purposes. The use of horses on the surrounding roads would not likely be either out of place or unacceptable. There is generally sufficient room for vehicles to pass horses in this area and Highways have raised no objection. The nearest bridleway is 1500m away which continues for a significant distance towards Fyfield. The application plot would also be capable of accommodating riding within the site.

Impact on Neighbours

The site and surrounding areas are generally rural, with neighbouring properties being well separated from the proposed stables. This is sufficient to mitigate any potential adverse impacts from overshadowing and noise, and although visible, Officers consider that the proposals would not result in significant adverse impacts to neighbours.

Other Matters

The applicant has verbally referred to a nearby proposal recently approved. This application in Willingale Road for 6 horses and stables under application EPF/2026/08 which was approved in 2008. This application had similar sized ancillary accommodation although a greater number of horses were being stabled, and the level of hard surfacing was not dissimilar to that which was previously refused on this site.

Since the previously refused scheme the applicant has reduced the size of the feed store, repositioned the block and reduced the hard surface. The stable sizes are at the minimum required by the British Horse Society, the tack room, kitchen and WC are of minimal area with the feed store and hay barn of an area which can be considered reasonable to support two horses. In terms of the scale of the block, there appears to be no further area for reduction to enable a functional stable for private use. The private use of the stables can be secured by condition.

Conclusion:

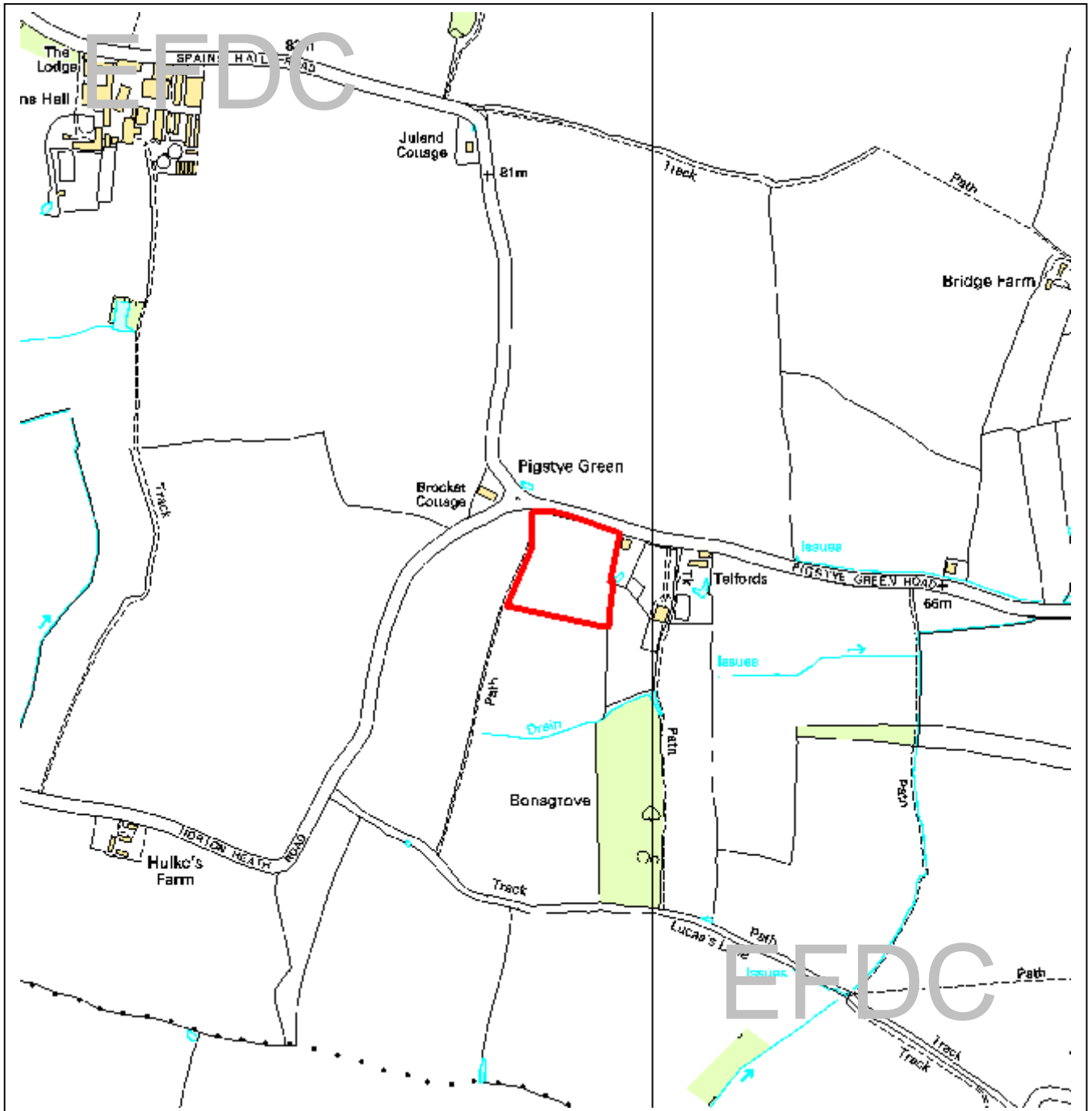
The proposed development comprises an acceptable use within the Green Belt in principle subject to siting, design and appearance and impact to neighbouring properties.

The scale of the proposals has been reduced in this resubmission, the siting revised to minimise impact and the design and appearance is acceptable for the proposed buildings. With no significant adverse impact to neighbouring properties the revised scheme is considered acceptable and in accordance with the Council's Policies, Officers therefore recommend Approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/0528/09
Site Name:	Land adj. The Steers, Pigstye Green Road, Willingale, CM5
Scale of Plot:	1/7500

Report to Area Plans Sub-Committee East

Report reference: ENF/0496/06

Date of meeting: 13 May 2009



**Epping Forest
District Council**

Portfolio: Planning and Economic Development

Subject: 271 High Street, Epping

Officer contact for further information: Stephan Solon

Democratic Services: Rebecca Perrin

Recommendations/Decisions Required:

That Members decide whether they would wish to have the opportunity of giving formal consideration to the use of the ground floor of 271 High Street, Epping prior to action being taken to secure compliance with the requirements of the enforcement notice issued on 12 October 2006 in respect of the use of the premises as a mixed use for purposes within Use Class A1 (shops) and Use Class A3 (restaurants and cafes).

Background:

Nero Holdings Ltd occupy the premises, a shop unit that trade from it under the name 'Café Nero'. Having regard to the way Café Nero actually operates from the premises, investigation carried out by the District Council's Planning Enforcement Team between March and June 2006 concluded the use comprised 2 primary purposes: the sale of cold food and drink for consumption off the premises and for the consumption of food and drink on the premises. The former purpose falls within Use Class A1 (shops) and the latter within Use Class A3 (restaurants and cafes). Since the use carried out at the premises comprises more than one use and neither is merely ancillary to the other they amount to primary purposes in their own right. In such circumstances the use carried out as a whole is a mixed use that does not fall into any use class of the Town and Country Planning (Use Classes) Order 1987 (as amended). Nero Holdings Ltd cooperated with the Planning Enforcement Team's investigation and agreed with the finding that the way they actually operated from the premises was as a mixed use. Since the lawful use of the premises is solely for a primary purpose within Use Class A1, the new use amounts to a material change in the use of the premises that requires planning permission from the District Council.

Accordingly, Nero Holdings Ltd submitted a planning application to continue the use on 17 July 2006, Ref EPF/1456/06. The application was opposed by Epping Town Council on the grounds that the proposal "*represents a considerable loss of the percentage of retail space in the High Street*". No representations were received from neighbours or members of the public. Officers assessed the continuation of the use as contrary to then recently adopted planning policy (adopted July 2006) and planning permission was subsequently refused on 15 September 2006 under powers delegated to officers.

The reason for refusal is:

"The development results in an unacceptable amount of non-retail units within the identified primary shopping frontage and will result in more than two no-retail units together. The development therefore undermines the retail function of the Town Centre contrary to policy TC4 of the adopted Local Plan."

As the use was continuing the District Council issued an enforcement notice on 12 October 2006 which was subsequently upheld with minor variation by the Secretary of State on 6

August 2007 following consideration of an appeal against the notice by Nero Holdings Ltd that was heard at an inquiry. The Secretary of States' decision was challenged in the High Court but the Court decided to dismiss that appeal on 12 March 2009, when the notice, as varied, became effective.

The effective enforcement notice does not require the mixed use to entirely cease. In summary, the requirements of the enforcement notice are:

1. To stop the part of the use that is for the primary purpose of the consumption of food and drink on the premises.
2. To remove all furniture brought onto the premises solely for the purpose of facilitating the consumption of food and drink on the premises.

Compliance with these requirements would result in the use carried out by Nero Holdings Ltd being primarily for the sale of drinks and cold food for consumption off the premises, i.e. in accordance with the lawful use of the premises within Use Class A1. It would be possible for Nero Holdings Ltd to lawfully retain some ancillary seating but this would amount to about 4 tables and 12 chairs.

The compliance date is 12 May 2009. Failure to comply with the notice by that date is an offence for which the occupier and those with an interest in the premises could be prosecuted.

Report

At the time of writing this report the enforcement notice had not been complied with and Officers consider it likely the notice will not be complied with by the compliance date. There has been no communication between the Council and Nero Holdings Ltd since the notice became effective. Consequently, the next step for the Planning Enforcement Team is to take action to secure compliance with the requirements of the enforcement notice.

The planning enforcement position has been reviewed in anticipation of the need to take appropriate action that might include prosecution. In doing so a number of matters have been identified that could amount to material considerations, but no view has been taken on what if any weight should be attached to them. The matters are:

- A considerable amount of time has passed since the appeal against the enforcement notice was dismissed by the Secretary of State and recently there has been a significant change for the worse in trading conditions. Neither the Council nor the Secretary of State would have been able to take that into account when they made their decisions since that change had not yet occurred.
- On 22 April 2009 this Sub Committee decided to grant planning permission for a similar use in Theydon Bois that was contrary to adopted planning policy to safeguard the vitality and viability of a local shopping centre, Ref EPF/0190/09. While officers did support that application, Members made the final decision. In contrast, Members did not have the opportunity of considering the planning application submitted by Nero Holdings Ltd since it was refused under delegated powers.
- As a consequence of publicity given to the High Court's decision to uphold the Secretary of State's decision to dismiss the appeal against the enforcement notice by Nero Holdings Ltd, both the District Council and the Epping Town Council has received correspondence expressing concern about the possible loss of Café Nero from Epping town centre.

In the circumstances, prior to starting any action following the anticipated failure to comply with the notice, Officers would like a clear indication by the Sub Committee as to whether it would wish to have the opportunity to consider the planning merits of the existing use of the ground floor of 271 High Street, Epping when the above matters could be taken into account. If Members take the view that such steps should not be taken until they have had the opportunity to consider the planning merits, Nero Holdings Ltd can be invited to make a

further planning application to continue their use of the premises. In the event of planning permission being refused the Council would be able to demonstrate it had recently taken into account all material considerations in connection with this development. However, Members should be aware that, if Nero Holdings Ltd did make a further planning application, in the event that planning permission is refused the company will have an opportunity to make an appeal to the Secretary of State against that decision. Any action to secure compliance with the enforcement notice while a decision on such an appeal is pending is unlikely to be successful since a magistrate is likely to give weight to the argument that the planning appeal might be allowed and if it were the planning permission granted would override the enforcement notice.

On the other hand, if Members are content that steps be taken to secure compliance with the enforcement notice without further review by the Sub Committee the Planning Enforcement Team will proceed accordingly.

Conclusion:

Members should be clear that they are not being asked to take a view on the planning merits of the existing use of the ground floor of 271 High Street at this time. The decision to be made is whether or not Members would like to have the opportunity to take a view on that matter in the near future.

Members may take the view that it is in the interests of securing proper town planning for the locality that they be given the opportunity of considering the planning merits of the existing use. Members have not previously had this opportunity and, if that did arise they would be able to decide how much weight, if any, should be given to new material considerations that have not previously been assessed by any decision maker. If Members agreed that is their preferred approach, the only way the matter could be brought before them is in the form of a planning application to continue the existing use of the premises. However, if such an application was refused, it is likely that any steps to secure compliance with the extant enforcement notice would be considerably delayed to allow for any appeal process to be completed. In taking a decision that they would like to consider the planning merits of the existing use Members would not be fettering their discretion to make a decision on any planning application submitted proposing the continuation of the use since such a decision is neutral on the merits of such a proposal.

On the other hand, Members may take the view that there is no merit in revisiting a decision that has been upheld by both the Secretary of State and the High Court, even though they were not able to take into account the new material considerations identified in this report. Accordingly, they may be content that steps should be taken to secure compliance with the enforcement notice without further review by the Sub Committee.

Members are reminded that compliance with the requirements of the enforcement notice would result in the use carried out by Nero Holdings Ltd being primarily for the sale of drinks and cold food for consumption off the premises. This would be achieved by the remove furniture brought onto the premises solely for the purpose of facilitating the consumption of food and drink on the premises. In complying with the requirements of the notice it would be possible for Nero Holdings Ltd to lawfully retain some ancillary seating but this would amount to about 4 tables and 12 chairs.

Members are requested to decide whether or not they would like to have the opportunity of giving formal consideration to the use of the ground floor of 271 High Street, Epping in the light of the above report.

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