

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 10th June, 2009

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

Time: 7.30 pm

Democratic Services Officer Adrian Hendry - The Office of the Chief Executive
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

Members:

Councillors M Colling (Chairman), G Pritchard (Vice-Chairman), A Boyce, Mrs D Collins, R Frankel, P Gode, A Green, 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. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

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

5. MINUTES (Pages 7 - 16)

To confirm the minutes of the Sub-Committee meeting of 13 May 2009.

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 - 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.

8. REMOVAL OF S106 OBLIGATION RE: ASHLING FARM (Pages 49 - 50)

To consider the attached report.

9. PROBITY IN PLANNING - OCTOBER 2008 TO MARCH 2009 (Pages 51 - 58)

To consider the attached report.

10. DELEGATED DECISIONS

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

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement: Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

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:** 13 May 2009

Place: Combined Committee Rooms 1 & 2 - Civic Offices **Time:** 7.30 - 8.45 pm

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

Other Councillors:

Apologies: A Boyce, R Morgan and B Rolfe

Officers Present: N Richardson (Principal Planning Officer), J Cordell (Senior Planning Officer), R Perrin (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

129. 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.

130. 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.

131. MINUTES

RESOLVED:

That the minutes of the meeting held on 22 April 2009 be taken as read and signed by the Chairman as a correct record.

132. DECLARATIONS OF INTEREST

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

- EPF/0454/09 – 186 High Street, Epping

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

- EPF/0454/09 – 186 High Street, Epping

(c) 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 prejudicial and she would leave the meeting for the consideration of the application and voting thereon:

- EPF/0111/09 – Land adj Horseshoe Farm, London Road, North Weald

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg and D Stallan declared personal interests on the following items of the agenda by virtue of being members of North Weald Parish Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the applications and voting thereon:

- EPF/0111/09 – Land adj Horseshoe Farm, London Road, North Weald
- EPF/0448/09 – Hanger 1, North Weald Airfield, Merlin Way, North Weald

(e) 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 he would stay in the meeting for the consideration of the application and voting thereon:

- EPF/0481/09 – The Cottage, Loughton Lane, Theydon Bois

133. ANY OTHER BUSINESS

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

134. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 6 be determined as set out in the schedule attached to these minutes.

135. CONSIDERATION OF 271 HIGH STREET, EPPING - ENF/0496/06

The Principal Planning Officer presented a report regarding ENF/0496/06 – 271 High Street, Epping. The Sub-Committee were asked whether they would like to give formal consideration to the ground floor use 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 unauthorised use of the premises as a mixed use for purpose within Use Class A1 (shops) and Use Class A3 (restaurants and cafes).

The Sub-Committee were informed that planning permission for Use Class A3 had been refused under powers delegated to officers, as the use had been contrary to planning policy TC4 on 15 September 2006. The use had continued and the District Council had issued an enforcement notice on 12 October 2006, which had been appealed against but dismissed and upheld with minor variation by the Secretary of State on 6 August 2007. Nero Holdings Ltd challenge in the High Court also failed on 12 March 2009. The compliance date had been 12 May 2009 and failure to comply with the notice would be an offence for which the occupier and those with an interest in the premises could be prosecuted.

The Sub-Committee were asked to consider whether officers should pursue with the enforcement notice or to request that Nero Holdings Ltd submit a planning application to be put before Members and the Sub-Committee, to consider the planning merits of the existing use.

RESOLVED:

That, officers enter into dialogue with Nero Holdings Ltd to give the opportunity of formal consideration for the ground floor use of 271 High Street, Epping, the suggestion being to submit a planning application within 4 weeks, prior to enforcement action being taken.

136. 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/0454/09
SITE ADDRESS:	186 High Street Epping Essex CM16 4AQ
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	New shop front and shutters. (Revised application)
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.

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
DESCRIPTION OF PROPOSAL:	New grain store incorporating extension to the existing grainstore at Horseshoes Farm.
DECISION:	Refuse Permission

REASONS FOR REFUSAL

- 1 The scale, bulk and position of the proposed grainstore, grainstore extension and hardsurface would be detrimental to the open character and appearance of the Green Belt, and therefore represents inappropriate development in the Green Belt and therefore is contrary to policies GB2A, GB7A and GB11 (ii) of the Adopted Local Plan and Alterations.
- 2 The proposed development and associated vehicular movements would result in unacceptable adverse impacts to neighbouring amenity, contrary to policies GB11 (ii) and DBE9 of the Adopted Local Plan and Local Plan Alterations.

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
DESCRIPTION OF PROPOSAL:	New build canopy to existing building and replacement of existing doors with roller shutter within a new steel frame.
DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 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.

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
DESCRIPTION OF PROPOSAL:	Single storey rear extension. (Revised application)
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.

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.

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.
- 7 The hedgerow on the boundary with Pigstye Green Road shall be permanently retained and details of landscaping on the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The landscaping planting as agreed shall be carried out prior to first use of the building hereby approved, and not be removed thereafter.

AREA PLANS SUB-COMMITTEE 'EAST'

Date 10 June 2009

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/0599/09	Oak Lodge, Maltings Drive, Epping CM16 65H	GRANT	19
2	EPF/1348/08	Matthews Yard, Harlow Road, Moreton, Ongar CM5 0LH	REFUSE	23
3	EPF/0596/09	Gosling Hall, Little Laver, Ongar CM5 0JH	GRANT	30
4	EPF/0786/09	North Weald Airfield, Hurricane Way, North Weald Bassett	GRANT	35
5	EPF/0713/09	Millrite Engineering, 151-153 London Road, Stanford Rivers, Ongar CM5	GRANT	40

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Report Item No: 1

APPLICATION No:	EPF/0599/09
SITE ADDRESS:	Oak Lodge Maltings Drive Epping Essex CM16 6SH
PARISH:	Epping
WARD:	
APPLICANT:	Mr Darren Hunt
DESCRIPTION OF PROPOSAL:	TPO/EPF/01/81 G1 Cypress - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size, and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This application is before this Committee since it is an application to fell preserved trees and is recommended for approval (Pursuant to Section P4, (3) of the Council's Delegated Functions)

Description of Proposal:

T1.Monterey Cypress – Fell to ground level

Description of Site:

This 18 metre tall tree stands at a close remove from a newly constructed detached dwelling. A fine Scots pine stands very close by and a variegated holly grows between the two. The applicant's house forms part of a housing development with an established landscape scheme, which contributes greatly to the secluded and leafy cul de sac. The subject tree is located behind a tall screen of mature mixed broadleaf and evergreen trees, which front onto Palmers Hill. This effectively obscures the tree from public view.

Relevant History:

There are no recent records of applications to carry out works to this or other protected trees at this address.

A current application; TRE/EPF/0703/09 is under consideration to allow crown lifting to 8 metres and will be deemed acceptable within landscape planning policy.

Relevant Policies:

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

SUMMARY OF REPRESENTATIONS

4 neighbours were consulted and the following responses were received.

EPPING TOWN COUNCIL made no objection provide that the works are supervised by council tree officer.

A petition signed by four residents within Maltings Drive, was submitted supporting the case for removing the tree.

Issues and Considerations:

Introduction

The application is made on the basis that the tree is over dominant in relation to the house and in declining health. It is submitted that growing conditions are congested with a variegated Holly, Yew, Ash and a Scots Pine in close proximity to the subject tree. The removal of the infected cypress will allow better growing conditions for these three trees.

The issue is whether or not the removal of this tree within the group is justified and necessary due to the problems occurring in the form of shading and debris to the side of the house and boundary fence.

Considerations

i) Excessive dominance and compatibility with house and garden.

The allegation of over dominance challenges the tree's suitability in this location. The tree shades and overpowers the corner of the house closest to it due to its massive height and volume. No direct branch contact is imminent to the house but branch and bird debris, water demand and the darkening presence of the tree detrimentally affect the border planting directly beneath the crown.

ii) Tree condition and life expectancy.

The tree appears to be infected by a fungal disease know as 'Coryneum canker,' which is easily detected in the crown where dieback occurs in small brown patches followed by whole branch death. This disease ultimately results in the death of the tree as the fungal infection spreads throughout the crown.

Initially, the spread of the disease can be slowed by regular pruning out of infected branches but this only delays the inevitable long term death by a matter of some years

iii) Amenity value

The tree stands effectively along the rear boundary of the property, when viewed from the main road. The roadside garden boundary is characterised by tall evergreen hedging, mixed with mature evergreen and broadleaf tree specimens, including a large copper beech, oak and sycamore. This tall screen obscures the Monterey Cypress from public view. The tree is publicly visible when viewed from a considerable distance from across the green but then only part of the top of the crown can be seen.

The proposed works will have little effect on the appearance of this part of Palmers Hill.

Amenity value in the form of bird life might be impacted upon but no evidence has been produced to establish bird nests within the tree.

Conclusion

The tree is a significant feature within the residential cul-de-sac of Maltings Drive but of little wider public value. The presence of the fatal canker disease seen to be killing parts of the crown places the tree in a weak position in terms of retention, since its life expectancy is compromised. The proposal includes an undertaking to replant a copper beech tree near to the location of the removed tree.

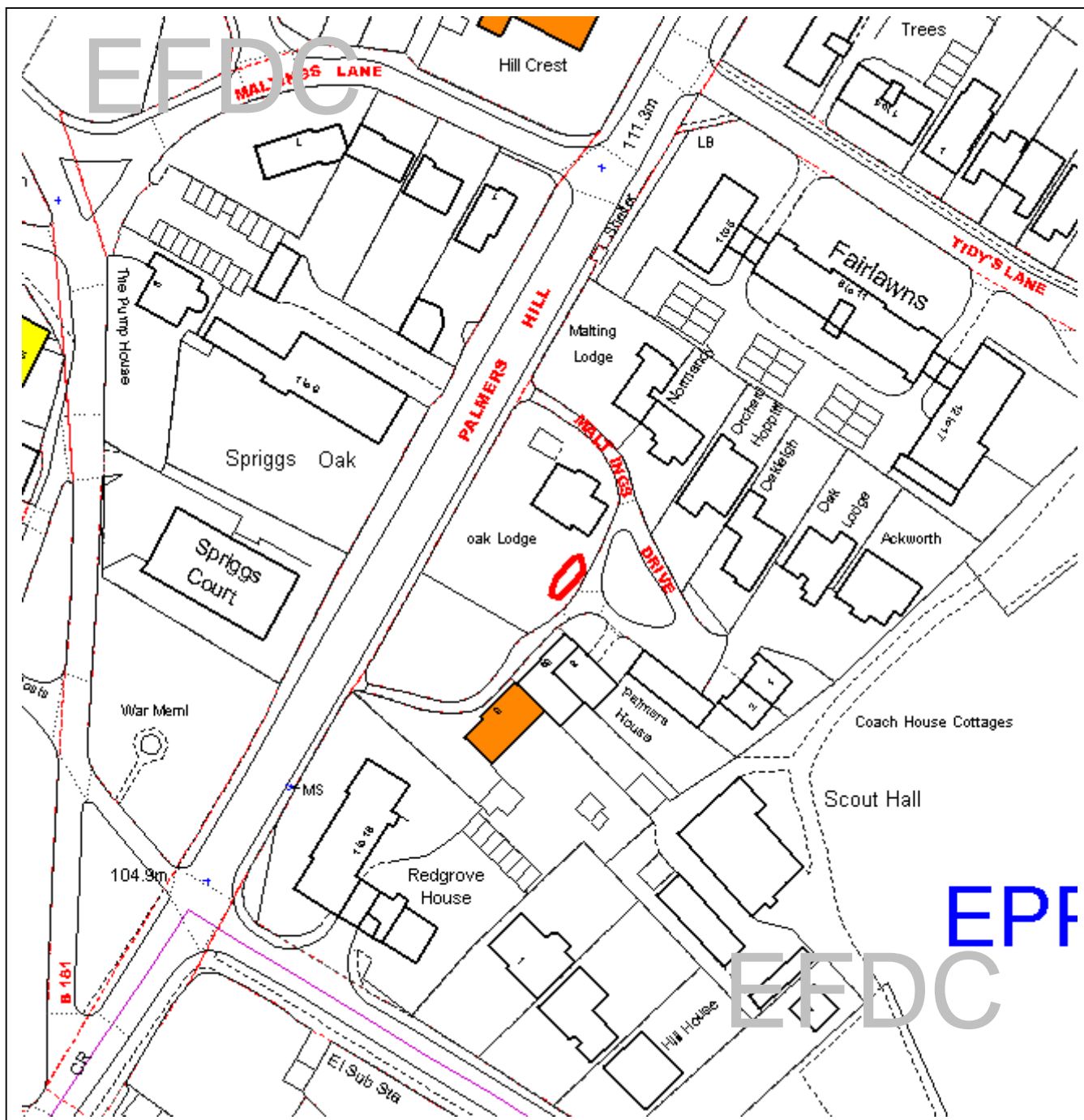
It is recommended to grant permission to this application on the grounds that the problems encountered justify the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

It is recommended that, in the event of members granting permission to fell this tree, a condition be attached to the decision notice requiring the replanting of an agreed suitable replacement at an agreed location on the site.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0599/09
Site Name:	Oak Lodge, Maltings Drive, Epping CM16 6SH
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1348/08
SITE ADDRESS:	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Wickford Development Company
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and commercial buildings and erection of 8 dwellings including surface water sewer to existing watercourse. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area and that new developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. The proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.
- 2 The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear unacceptably dominant and visually intrusive and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

The applicant is seeking planning permission to demolish an existing dwelling known as Cedar Lodge and a number of redundant buildings on the subject site. These are to be replaced by 8 dwellings that are to be located around an internal access road. The dwellings will comprise of:

3 Terrace 2 storey dwellings
3 Detached 2 storey dwellings
1 Detached 2 storey dwelling with attic rooms
1 Detached 1.5 storey dwelling.

The dwellings will range from two bedrooms to five bedrooms with each having its own private open space and associated car parking either within the designated parking bays or within detached garages. Plots 1, 2, 3 and 5 also include studios over the garages.

The proposed development is to be located towards the front of the subject site where the existing dwelling and redundant buildings are located. The vacant transport yard towards the rear is to be transformed into a paddock.

It should be noted that this application is a revised application as Council recently refused a similar scheme (EPF/2580/07) in January 2008.

Description of Site:

The subject site is located on the western side of Harlow Road within the village of Moreton. The site as a whole is known as Matthews Yard and it comprises approximately 0.415 of a hectare. Located on the boundaries is a medium size timber paling fence. Mature vegetation is located on the rear boundary of the site.

Currently the site has two different uses. Located on the north eastern corner of the site there is a small bungalow with small detached outbuildings located behind it. A large timber framed weatherboard building that is in a poor condition is located south of the existing bungalow. The building is currently vacant but was once used as a filling station with associated workshops and vehicle repairs. It should be noted that it appears that the building has not been used for many years due to its derelict condition.

The existing transport yard towards the rear currently has a large hardstanding area and some small disused outbuildings.

The subject site is located within the residential ribbon of Moreton, with bungalows to the north and larger properties to the south. Opposite the site are allotment gardens and to the west are fields. The site and the surrounding area are located within the Metropolitan Green Belt.

Relevant History:

The subject site has had a number of previous planning consents dating back to 1958. These include permission for the site to be used as a filling station with associated storage tanks, vehicle maintenance and the development of a residential bungalow (Cedar Lodge). The most recent applications are as follows:

EPF/1470/77 - Retention of use of portion of building for storage purposes and siting of 2 no. free standing steel storage tanks for storage of cleaning solvent (approved)

EPF/0275/87 – Temporary office, welfare and vehicle maintenance accommodation (approved with conditions)

EPF/2580/07 - Demolition of existing dwelling and commercial buildings and erection of 8 dwellings. (refused)

Policies Applied:

DBE1 Design of New Buildings
DBE2 Detrimental Effect on Existing Surrounding Properties
DBE4 Development in the Green Belt
DBE6 Car Parking
DBE8 Private Amenity Space
DBE9 Loss of Amenity for Neighbouring Properties
LL10 Adequacy of Provision for Retention of Landscaping
LL11 Landscaping Schemes
CP1 Sustainable Development
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
H1A Housing Land Availability
GB2A Development in Green Belt
GB7A Conspicuous Development
GB15A Replacement Dwellings
GB16A Affordable Housing
E4A Employment

Summary of Representations

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL: The committee strongly objects to the application as the proposal is considered to be an excessive development within the Green Belt and no on-site affordable housing is proposed.

14 Neighbours were consulted and a site noticed erected. The following responses were received:

2 LANDVIEW COTTAGES (2 letters) – Objects to large buildings which are out of the price range for local residents and would rather see affordable housing within the site. Also the proposed development is an overdevelopment of the site which would not reflect the character of the area and would be detrimental to the openness of the Green Belt.

Issues and Considerations:

Green Belt:

Under the previous scheme that was refused, the Council considered that the special circumstances that were put forward did not outweigh the harm that the development would cause in relation to the openness, appearance and the character of the Green Belt. It was also considered that the construction of 8 open market housing with no provisions of affordable housing on site and only £400,000 to facilitate the purchase of existing properties to be used as affordable housing within the two nearest towns of North Weald or Ongar was inadequate to justify a development of this size and scale within the Green Belt.

Therefore the main issues to be addressed in this case are whether the applicant has addressed the Council's first reason for refusal of the previous application which was:

- The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area and that new developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. Furthermore the

development does not provide affordable housing, and the proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.

It should be noted that no additional very special circumstances have been put forward to Council from those that were submitted under the previous scheme that was refused.

Also, since the refusal of the previous application there has been no material change in relation to the number of dwellings on the site. Under the revised scheme the applicant proposed a financial contribution of £200,000 to facilitate the purchase of properties to be used as affordable housing off site, however this was increased to £251,000 following post application discussions. This is significantly less than the £400,000 that was offered under the previous scheme.

The applicant has argued that the amount of affordable housing provision should not be the same as previously, due to the decrease in the overall value of the site and the potential building and sale prices of the dwellings.

The applicant has explained that this is an economic viability assessment prepared by a company called 'Three Dragons'. In the assessment it was stated that if the Council's normal affordable housing requirements were applied, the residual value of the development would be insufficient to fund the affordable housing requirements. Therefore because of this, it would not be economically viable for the applicants to go ahead with any residential development.

The application along with the supporting documentation was referred to the Council's housing officer who accepts the argument put forward by the applicant in relation to the amount of affordable housing that can be contributed due to the evidence contained within the viability assessment. The housing officer also stated that the Council could not reasonably expect to receive any greater contribution than the £251,000 offered.

Although the Council accepts that the amount of affordable housing contribution is acceptable for the size of the scheme, the Council still considers that were we to accept that the site could be developed for housing, there should be some form of on-site affordable housing for the benefit of the local community and to provide some justification to outweigh the harm the development would cause on the Green Belt.

Development on a site like this for residential development is clearly contrary to Green Belt policy, unless it is for 100% affordable housing and is accepted as an exception to normal Green Belt restraint because of an identified local need for such housing. A site like this is ideal for affordable housing and this is justified under Policy GB16A. The lack of affordable housing which is 'affordable' to rent or buy may often result in villagers (particularly those starting new households) being obliged to move away in search of accommodation and work. Moreton is considered to be a suitable settlement and a scheme here could be beneficial to local people who may wish to live and work in the area. This in turn would benefit the local economy in terms of services and amenities being used. The applicant is not however arguing that this should be regarded as an exception site.

It should also be noted that a housing survey for Moreton, Bobbingworth and the Lavers has been carried out in Oct/Nov 2007 however it has not been formally published. A brief summary that was issued stated that 77% of the residents responding are in favour of the provision of affordable housing and 30 individuals have indicated a need. The Parish Council considered that these numbers justify an affordable housing scheme for the village of Moreton.

Given the location of the site within the village, and the acknowledged cost of removing the existing building and decontaminating the land, there is an argument that the site could perhaps be developed for 50% affordable housing and 50% market housing to help meet the local need, but

the scheme would need to relate better to the surrounding development. However the open market housing would have to be on the bottom strata of the housing market.

Not only does the proposed development result in no affordable housing on the site, but it is considered that the proposed scheme incorporating 8 dwellings results in a development that would have a detrimental impact to the Green Belt due to excessive bulk, scale and form.

Despite the above discussion of affordable housing contributions the applicant is not putting forward this offer of £251,000 as part of very special circumstances to justify the development. In the view of the applicant, the very special circumstances are entirely that the site is currently occupied by a large unsightly building and has a lawful use for a transport depot, which, if used to its full extent could be harmful to the amenity of the village.

Whilst the council accepts that the site is not currently attractive and that the removal of the fronting building and the threat of the use of the rear land, would be of some benefit, it is not accepted that these circumstances are 'very special'. Similar unsightly buildings and inappropriate uses exist in many locations throughout the Green Belt. Additionally the amount of built development proposed for this site will have a significant and harmful impact on openness.

Design and the Built Environment:

Council considered that the design and appearance of the development under the previous application was not acceptable and therefore refused the application for the following reason:

- The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear as an unacceptably dominant and visually intrusive feature in the street scene and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

Therefore the main issue to be addressed is whether the applicant has addressed Council's concern in relation to the above reason of refusal.

Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

Previously the Council was satisfied that the development made adequate provisions for off street car parking in accordance with the adopted standards and that there would be no detrimental impact in terms of highway safety or traffic congestion. The Council was also satisfied that the amount of private amenity space for each dwelling was sufficient in that it would meet the recreation needs for future occupiers. Once again the Council is satisfied with these details under the revised application. Further information such as a detailed landscape plan and a contamination report would be sought by planning conditions if the application were granted permission.

In relation to the design and appearance of the proposed development, the only difference between the scheme that was refused and the proposed application is that the applicant has changed the appearance of the dwellings in that instead of them appearing more like a Georgian style of dwelling, they now tend to look more like traditional rural dwellings that you see in the rural countryside. It should be noted that the building footprint, size and scale of each dwelling is the same as the previous application that was refused.

New buildings should be consistent with the overall shape and form of those dwellings which are predominant in the street and general neighbourhood. Building bulk and scale should also be consistent with the nature of the surrounding and adjacent properties. As mentioned above the

majority of the surrounding buildings are residential bungalows. It is considered that there is the potential for double storey dwellings to be located within the site however once again in this case the bulk and scale of the proposed dwellings are excessive and are an inappropriate design response as they will appear as dominant features within the street scene and to adjoining property owners. The loose cul-de-sac of properties is not a traditional form of development in village areas and it is not considered an appropriate layout in this location.

Impact on Neighbours:

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

Given the orientation of the site and the siting of dwellings, overshadowing to the adjoining properties private open space including the dwelling within the development is minor.

It is noted that there are flank and rear windows on the first floor of the proposed dwellings. It is considered that there is a significant distance between these windows and the adjoining habitable room windows on the dwellings of the adjoining properties. There will be no significant loss of privacy to the occupiers.

Conclusion:

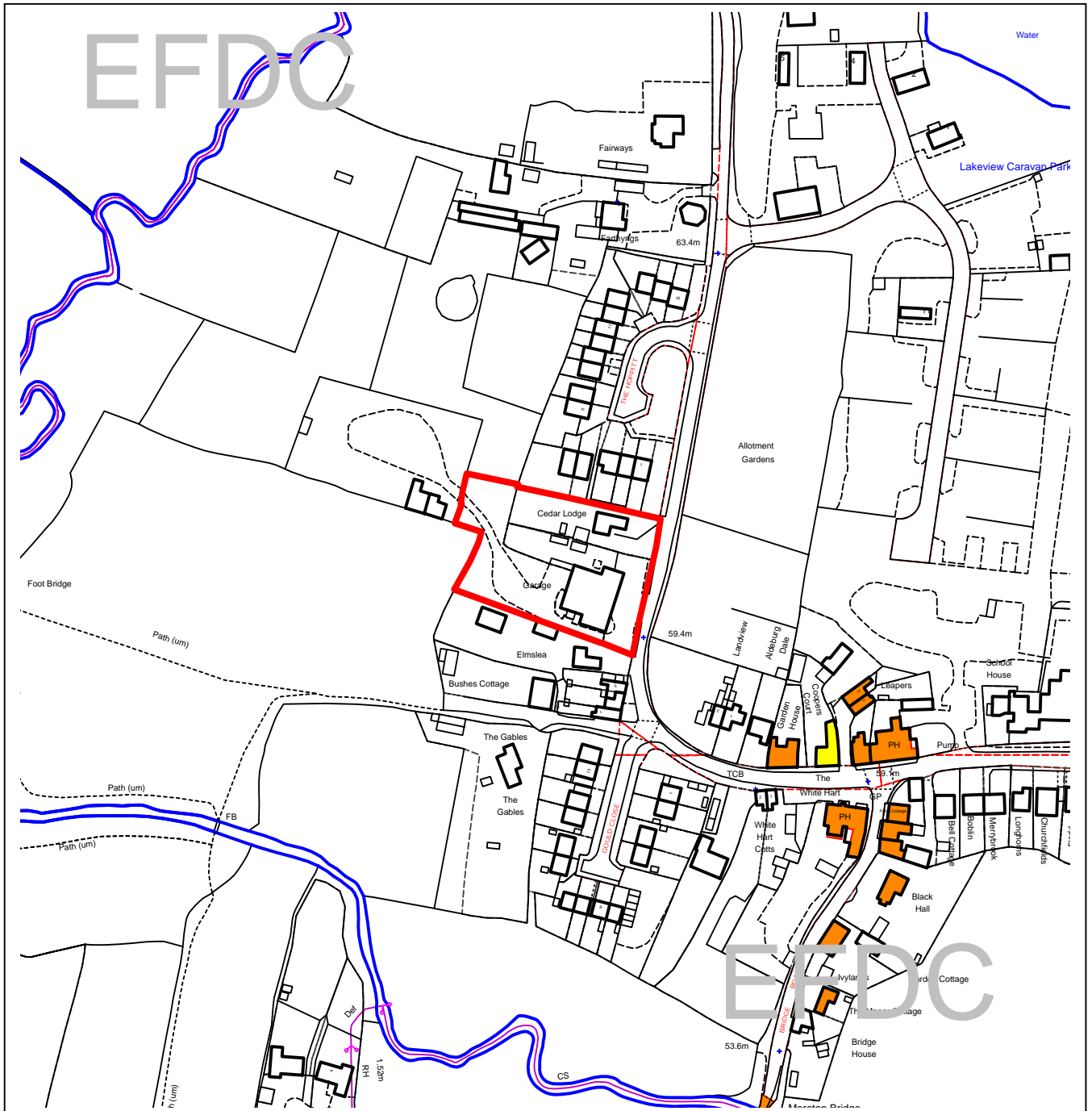
In conclusion it is considered that the construction of 8 new dwellings in this location extending deep into the site beyond the depth of the existing buildings would have a detrimental impact on the open character of the Green Belt, and is inappropriate development and that there are no very special circumstances sufficient to outweigh this harm. It is also considered that the development is of a poor design response. In particular, there are concerns with the bulk, scale, size and layout of the development as it would not reflect the character of the area.

Therefore, given the reasons stated throughout this report, it is recommended that the application be refused.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/1348/08
Site Name:	Matthews Yard, Harlow Road, Moreton, Ongar, CM5 0LH
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0596/09
SITE ADDRESS:	Gosling Hall Little Laver Ongar Essex CM5 0JH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Keith Hart
DESCRIPTION OF PROPOSAL:	Replacement dwelling & replacement garage/outbuilding.
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 Within 3 months of the occupation of the house and garage hereby approved the existing house and garage as shown on the approved plans shall be demolished in entirety and all materials removed from site.
- 3 Details of the types and colours of the external finishes of both the house and garage 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 occupation of the development hereby approved the existing northern access shall be removed and the verge reinstated for use as approved in writing by the Local Planning Authority.
- 5 No development 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 submitted by the applicant and approved by the Planning Authority.
- 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, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

- 8 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.

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

Description of Proposal:

Replacement dwelling and replacement garage/outbuilding. The proposal is for a two and a half storey dwelling measuring 18.2m wide with two gable features, and 8.7m in height. The house will be finished in render with a plain tile roof. The garage is a 3 car pitched roof finished with feather edged timber boarding and a pan tile roof 4.7m in height.

Description of Site:

The property is a detached two storey property within the rural area of Little Laver. The property has a Grade II Listed thatched barn within its curtilage which will not be altered through this application; this is located at the front of the site at the boundary with the road. There is also a detached single storey outbuilding to the north of the property which is also to be replaced. The property is set approximately 9.5m from the road within an extensive plot. The front of the property is screened by mature hedging and is surrounded by mature trees at the side and rear boundaries. The property has three jettied gables to the front, rendered with pargetting detail. The proposal is within the Metropolitan Green Belt but not a Conservation Area.

Relevant History:

Varied history with various applications

The property was a listed property and back in 1970 in a very poor condition. The then owners wanted to refurbish and add a new wing to the rear. Whilst in the process of refurbishment when the house had been stripped down to just the timbers a gale blew the house down.

The owners then applied for the re-building of the hall along with the new wing. Permission was granted subject to a condition requiring the timbers to be re-used under reference EPO/0845/72. The resultant building is not, however, listed.

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 - Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE9 – Impact on amenity
GB2A – Development in the Green Belt
GB14A – Residential Extensions within the Green Belt
GB15A – Replacement Dwellings within the Green Belt

SUMMARY OF REPRESENTATIONS:

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL: Support in principle. Some concerns on the overall size of the proposed development but recognise that the existing building was rebuilt over 30 years ago and is therefore not a listed building to be preserved.

NEIGHBOURS

4 properties were consulted and Site Notice erected and the following responses were received:

LAVERS LOCAL HISTORY SOCIETY –Although plans satisfactory, wishes to highlight historical merit of building

PIPPINS – Existing building is a bit of an eyesore and this new development will enhance surrounding area

LITTLE LAVER GRANGE – Buildings are of historical and architectural merit

RED HOUSE COTTAGE – Objection – building has historical merit proposal is charmless

OAK COTTAGE – Objection

Issues and Considerations:

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

- Amenity of Neighbouring Properties
- Design and Impact on the Setting of the Listed Building
- Impact on Highway Safety
- Appropriateness within the Green Belt

Amenity

The site is fairly isolated with the nearest neighbours some 120m to the south east. Although slightly taller than the existing property, due to the isolation of the property the proposal is not considered to impact on any neighbours.

Design and Impact on the Setting of the Listed Building

The design of the building is considered to be acceptable, copying the form of a large 'Essex' farmhouse with a symmetrical finish to the front in a 'Georgian' style. The proposal does include a large area of flat roof but it is considered that as this will not be visible when viewed from the ground, although not traditional, it is acceptable in this instance. It is the intention that the tiles will be reused from the existing house, which will aid the aging of the new proposal. A jetty feature, the use of a pargetted design and timber windows all aid in the creation of a vernacular type building.

The historic features of the existing house have been raised by several local residents, including the Lavers Local History Society and have also been investigated by the Council's Conservation Officer. Although as mentioned above, when the house was re-built the historic timbers were re-used this house is no longer listed and as such neither the Council nor any other body can enforce

the re-use of the timbers again. Although it is noted that the timbers are clearly historic they have no statutory protection as it was only by condition that they had to be re-used when the house was re-built not for any subsequent works. The existing house itself has been altered with new jetty features and a rear wing when it was rebuilt and it is considered that the property has no justifiable historic merit to warrant a refusal to this proposal.

The proposed replacement house and garage are within the setting of a listed building; a Grade II Listed thatched barn. The replacement house and outbuilding will be relocated to create a 'courtyard' style setting around the listed barn, with the house moved back from the road and the garage 'squared' off opening up the area in front of the listed barn. The Council's Conservation Officer has no objection to the proposal and it is the view of the Council that the relocation of the proposed house and garage will enhance the setting of the listed barn as the creation of a 'courtyard' is more in keeping with a traditional building layout.

Highway Safety

The proposal sets back the house from the road frontage and closes one of the existing vehicle accesses. It is considered that this will improve visibility when entering/exiting the site and Essex County Council Highways have no objection to the proposal.

Appropriateness within the Green Belt

Policy GB15A suggests that a replacement dwelling may be permitted within the Green Belt provided they are not materially greater in volume than that which it would replace and not have a greater impact on the openness of the Green Belt and that the size of the cultivated garden does not change.

This proposal represents an approximately 40% increase in size above the original dwelling, which although it may be considered a large increase, the width of the dwelling will be reduced by 2m and as the replacement dwelling will be re-located away from the road this will reduce the overall impact when viewed from the front. It is therefore considered that in this instance the proposal does not have a materially greater impact on the character and openness of the Green Belt than that it replaces.

The detached garage is a relatively modest replacement building that will provide adequate parking for the dwelling and will be well screened by existing planting.

Both the proposed house and garage have been designed to complement the surrounding vernacular architecture and detailing which is considered to reduce any potential impact on the Green Belt, the garden is also well screened by mature planting at the boundaries.

There is no proposed increase in the residential curtilage of the property.

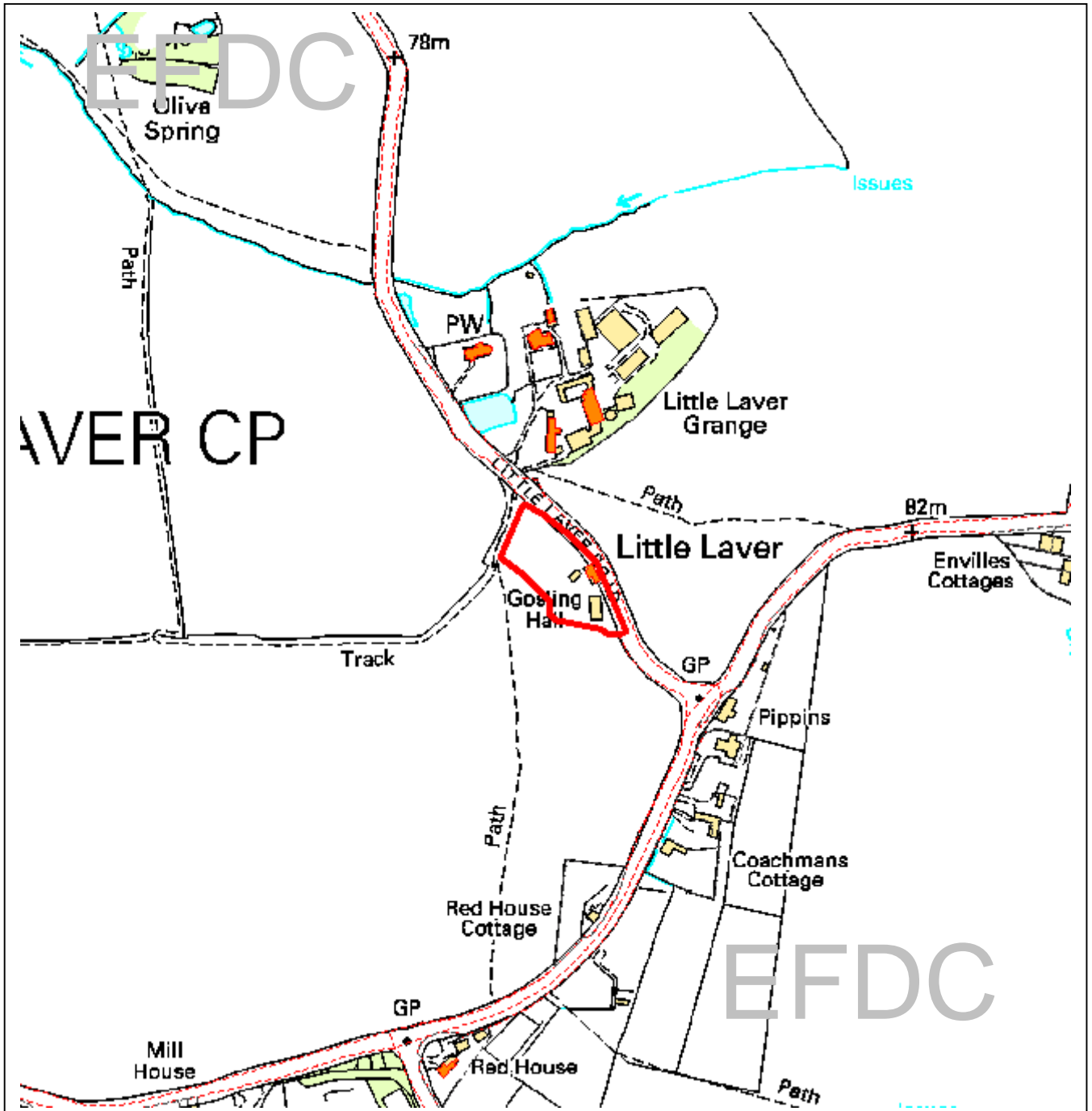
Conclusion:

On the particular merits of this proposal the balance of issues as outlined above were considered such to justify recommending that conditional planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0596/09
Site Name:	Gosling Hall, Little Laver, CM5 0JH
Scale of Plot:	1/5000

Report Item No: 4

APPLICATION No:	EPF/0786/09
SITE ADDRESS:	North Weald Airfield Hurricane Way North Weald Bassett Epping Essex
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr William McSweeney
DESCRIPTION OF PROPOSAL:	Erection of a storage unit.
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 The external finishes for the proposed development shall be carried out in Goosewing Grey and shall thereafter be permanently maintained at such a colour.
- 3 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.

- 4 The building hereby approved shall be used for the storage of aircraft and ancillary aircraft related equipment and for no other purpose.

- 5 There shall be no external storage in association with the approved use.

This application is before this Committee since it is an application for commercial development and it is anticipated that there will be more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions) and since it is an application for the Council's own development or is on its own land or property (Pusuant to Section P4, Schedule A (e) of the Council's Delegated Functions).

Description of Proposal:

The application seeks consent for the erection of a storage unit with concrete hardsurface to the front. The proposed storage unit would be used for storing small aircraft and other ancillary equipment.

The proposed building would be 13.5m long, 17.4m wide and 6.7m high at the maximum pitch. The proposed hardsurface would measure 16m deep by 17.4m wide immediately in front of the new hanger and adjacent the runway.

This application differs from one which was previously considered by the Council as the proposed structure is situated offset from the tapered area adjacent the runway as oppose to centrally over this tapered area. This results in a siting less than 30m from the previously approved position.

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.

Relevant History:

The site has a history dating back to 1974 for uses and activities in association with the airfield. Application EPF/0172/09 – Erection of storage unit – Approved is particularly relevant being for an identical structure in a similar location. Clarification of airfield safety areas has led to the requirement for the position of the hangar to be adjusted and the submission of this fresh application. The discrepancy with safety zones was highlighted by a member of the public, therefore Officers considered it prudent to allow this person and others the opportunity to comment on the revised position.

Policies Applied:

Epping Forest District Local Plan and Alterations

- GB2A – Development in the Green Belt
- DBE2 – Effect on neighbouring properties
- DBE4 – Design in the Green Belt
- DBE9 – Loss of Amenity
- RST29 – New Buildings on North Weald Airfield

SUMMARY OF REPRESENTATIONS:

No neighbouring properties have been notified of the proposals. A site notice has been erected at the main entrance to the Airfield near the Tower and in the airfield refreshments area known as the 'squadron'.

No objections have been received at the time of writing the report, however a user of the airfield has objected to the previous application and it has been suggested verbally that this objection would be forthcoming again alongside others from various users of the airfield.

The Parish Council have not commented yet, but no objection was raised to the previous application.

Issues and Considerations:

The main issues that arise with this application are considered to be the appropriateness of the development in the Green Belt, its effect on the openness and character and its impact upon neighbouring properties and the operation of the airfield.

Green Belt and Airfield Related Development

Policy GB2A establishes that in principle development in association with outdoor participatory sport and recreation is acceptable. Private flights are considered to relate to outdoor recreation, furthermore policy RST29 specifically seeks to enable development of the airfield in relation to operations on the airfield subject to specific criteria. Policy RST29 seeks to encourage development adjacent the M11 motorway and the southeast corner of the site as long as development is necessary and appropriate, not a safety hazard and would not result in further pressure to develop the remainder of the airfield.

The proposals accord with the Council's locational preference for development, are proposed for the storage of aircraft and have been confirmed to be outside of the RESA (Runways End Safety Area) by the Council's Safety Officer.

The proposals are situated in close proximity to the M11, viewed only in the context of existing structures onsite and aircraft, as a result, the proposals are likely to have only minimal impact on the openness and character of the Green Belt, therefore no objection is raised on Green Belt grounds.

Design

Policy DBE4 seeks to ensure development within the Green Belt respects the wider landscape setting and local character. The proposed hanger is of similar design to neighbouring structures and the design reflects the proposed use. No objections are raised to the proposed design.

Impact to Neighbouring Properties

Policies DBE2 and DBE9 seek to minimise adverse impact to neighbouring properties. The proposals would appear visible adjacent to the runway and M11 areas, however the nature of the operations taking place on site and separation distance from the nearest property is considered sufficient to prevent loss of light and overshadowing. Noise and disturbance associated with the structure would not be likely to increase beyond that which currently exists, and visual impact in the context of site operations and similar structures on site would be minimal.

Access and Highway matters

No concerns are raised, no additional traffic to and from the wider site would be likely and air traffic in this location is clearly commonplace.

Conclusion:

The proposed development is aircraft related, on an airfield, of a scale not out of character with surrounding structures and sufficiently separated from neighbours whilst positioned outside of the RESA area. Furthermore Officers do not consider there to be any additional impact than that which may have arisen with the previous scheme which was considered acceptable.

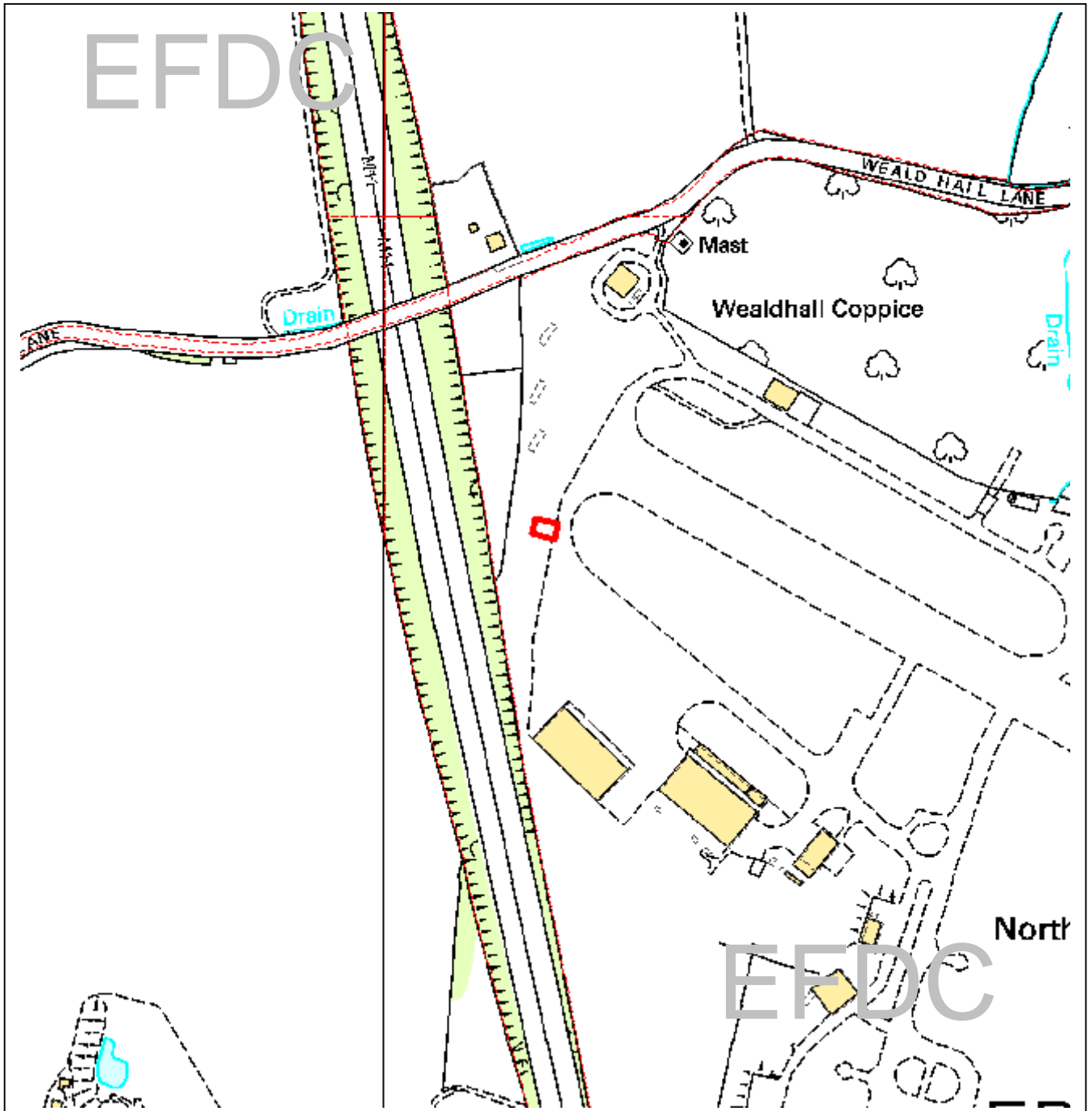
Although approval of this application will result in two planning permissions, it is not considered necessary to revoke the previous consent EPF/0172/09 as the Airfield Manager, who has control of development within the airfield will not allow development within the Runway End Safety Area

The application is therefore recommended for approval (with conditions).



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0786/09
Site Name:	North Weald Airfield, Hurricane Way North Weald Bassett,
Scale of Plot:	1/5000

Report Item No: 5

APPLICATION No:	EPF/0713/09
SITE ADDRESS:	Millrite Engineering 151 - 153 London Road Stanford Rivers Ongar Essex CM5
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Berden Enterprises Ltd
DESCRIPTION OF PROPOSAL:	Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bending building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. (Resubmitted 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 The development hereby permitted shall be carried out in accordance with detailed plans and particulars which shall have previously been submitted to and approved by the Local Planning Authority, showing the layout of proposed development including the provision of garaging/visitors' car parking spaces/vehicles loading or unloading, and turning areas, and the siting, design and external appearance of each of the buildings and the means of access thereto.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 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.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A-E shall be undertaken without the prior written permission of the Local Planning Authority.

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

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

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 7 Prior to the commencement of the development details of the proposed surface materials for the driveway shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

- 8 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.

- 9 No development hereby approved shall take place until measures to meet the Council's requirements for affordable housing within the Epping Forest District Council area are secured.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).

Description of proposal:

Retention of existing forge building and conversion to two bedroom dwelling (Building 2), retention of spray and bending building and conversion to a two bedroom bungalow (Building 3) and retention of a two storey workshops and office building and conversion to a four bedroom house (Building 4). Gardens will be provided for the new dwellings. It should be noted that the 5 bed roomed house (Building 1) that exists on the site will be refurbished, and this does not require planning permission. For the sake of clarity the original building numbering will be retained. The proposal therefore results in a total of 3 conversions.

This is a revised application which has provided further information on the issue of the affordable housing and has offered a unilateral undertaking for the payment of a sum of £50,000 for the provision of affordable housing off of the site. The other details of this scheme remain as the previous scheme.

Description of Site:

A small engineering works and detached house on the London Road between the Woodman Public House and White Bear Mews, both of which are Grade II listed buildings. The site has the house to the north west frontage, a single storey ex forge to the north east frontage, and the main workshops (with first floor offices) to its rear, and a single storey spray and bending shop to the rear of the house, forming a small yard area. There is a garden area to the west which has some single storey outbuildings on. The whole site is within the Green Belt. The site slopes down to the east by about 2m.

Relevant History:

Various applications regarding the engineering use of the site.
EPF/1959/08 Conversion, Demolition and rebuilding of B2 site to residential - refused
EPF/0166/09 Conversion, Demolition and rebuilding of B2 site to residential - refused

Policies Applied:

East of England Plan

SS1	Sustainable Development
SS7	Green Belt
E2	Employment
H2	Affordable Housing

Local Plan

GB2A	Green Belt
GB8A	Change of use of buildings
GB9A	Residential Conversions
GB15A	Replacement Dwellings
DBE 1 & 2	Design of new Buildings
DBE 4	Design in the Green Belt
DBE 8	Amenity Space
DBE 9	Neighbour Amenity

HC6A	Affordable housing threshold
HC7A	Level of affordable housing
H2A	Previously developed land
E4A	Employment Land
LL1	Landscaping
HC13	Setting of a Listed Building
ST 4 & 6	Highway and Parking
CP1	Sustainability
CP2	Rural Environment
CP3	New Development
CP9	Sustainable Transport

Summary of Representations

4 properties were consulted, a site notice was erected and the following responses were received

STANFORD RIVERS PARISH COUNCIL – No Objection

Issues and Considerations:

The main issues in this application are:

1. Green Belt
2. Design
3. Impact on Neighbours
4. Affordable Housing
5. Loss of Employment Land
6. Landscaping
7. Highway and parking
8. Setting of the Listed Buildings
9. Sustainability

And whether this scheme overcomes the previous reason for refusal which was the lack of affordable housing provision.

The Officer recommendation on the previous scheme also included a reason for refusal on the unsustainable nature of the site due to its isolation and limited access to public transport. Members decided that this was not a reason for refusal. It is the case that the Highways Department have again recommended refusal on these grounds, but given that Members did not agree this reason previously Officers are not pursuing this.

Green Belt

- The site is wholly within the Green Belt. There are a two factors to be considered with this scheme:
 - i) The change of use of the 3 buildings
 - ii) The residential use of these 3 buildings

Change of use of other Buildings

- Conversion of existing buildings to new uses can be appropriate in the Green Belt
- Policy GB8A of the adopted Local Plan allows for a change of use of buildings provided they meet a number of criteria:
 - (i) The building is:
 - (a) of permanent and substantial construction, capable of conversion without major or complete reconstruction and is in keeping with its surroundings by way of form, bulk and general design.

- (ii) The proposed use would not have a materially greater impact than the present use of the Green Belt and the purpose of including land in it.
- (iii) The use and associated traffic generation would not have a significantly detrimental impact on the character and amenities of the countryside
- (iv) & (v) are not relevant to this application.

- In addition, for a building to be converted to residential use the criteria of GB9A will need to be achieved. The relevant criteria is:
 - (i) The building must be worthy of retention and:
 - (ii) it has been clearly proven by the applicant that business reuse in line with Policy GB8A is unsuitable.
 - (iii) is not relevant

A. Building 2 – The Old Forge

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the weatherboarding refurbished. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
 - (ii) it is considered that this criteria could be met as the use as a dwelling on this previously developed land site would not have a greater impact on the Green Belt than the current use
 - (iii) will be dealt with under the Highway Issues section.
- GB9A; with regard to (i) the building is not unattractive and it is considered that it is worthy of being retained.
- (ii) is met as the applicant has submitted considerable information that the whole site has been actively marketed since 2004 to find a buyer; to no avail.

B. Building 3– The Spray and Bending Shop

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the walls rendered. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
- GB9A (i). Whilst the building is a utilitarian industrial building of no particular architectural merit, it is not an agricultural building and thus falls outside of the supporting text to the policy which states "this policy will be used to enable the reuse of vernacular rural buildings. It will not apply to modern or utilitarian **agricultural buildings** (*Officers emphasis*) as they are not generally considered worthy of retention or suitable for conversion".
- Therefore it is considered that this is a building which is relatively small scale, single storey and already has a semi domestic appearance being brick clad with roof tiles. The large front porch which is of corrugated iron sheets would be removed.
- Therefore retention of this modest industrial building would not harm the character and appearance of the site of the Green Belt, and it is the case that the scheme for conversion will improve its appearance.
- The proposed garden area is not excessive and takes advantage of the existing side garden of the current house on the site.

C. Building 4 – The Main Workshops

- GB8A (i) is met as the structure is permanent and substantial. The existing roof covering would be replaced with tiles, and the walls rendered. It is clear from the officer's site visit that the building is capable of being converted to its intended use, albeit it with remedial works to bring the building up to current standards.
- GB9A (i) is also met under the same assessment as with Building No 3. In this case the building is two storey, albeit it with dormers in the roof slope and is not an excessively large

building. It is partially wooden clad with a corrugated iron roof. However the conversion will see more suitable materials used, and part of the structure attached to the building (housing fork lift trucks) would be removed and would separate the structure from Building 2.

- This building is also largely screened by its position behind building 2 and next to outbuildings at The White Bear to the east.
 - The proposed garden is modest and well sited within the confines of the original site.
 - Whilst larger than Building 3 this is still a relatively modest building and its retention would not harm the openness and character of the Green Belt in this location, and the conversion would result in a improved appearance of this particular building.
-
- It is the case that the conversions of all three buildings are acceptable, and now meet the criteria of both GB8A and GB9A.
-

Design and Street Scene

- The site is prominent in the street scene and sees the reuse and refurbishment of the existing buildings on the site. Therefore there will be no change in terms of building sizes, but the appearance of the site will change from a run down industrial site to that of a small cluster of houses in close proximity, which will be part of the small settlement at this location.
- Due to the changes in this scheme from the previous scheme the design of the individual buildings is considered acceptable and there is no harm caused to the character and appearance of the street scene in this location.

Impact on Neighbours

- White Bear Cottage and Mews is to the immediate east of the site. The main part of the scheme which will affect this property will be the dormer windows on Building 4 which will overlook their site.
- The distance between the buildings is a minimum of 17m, with Building No 4 being at a higher level than the house due to the fall of the land.
- However, it is the case that White Bear Cottage is already overlooked by the existing dormers used as offices, and this scheme will reduce the size of the dormers, and an obscure glazing condition can be imposed for the bottom half of the two bedroom windows which overlook the site.
- Therefore it is considered that this impact can be overcome and would not harm the amenities of the neighbour.
- Whilst there will be no adverse impact on the amenities of the Woodman Public House to the immediate west, there is likely to be some impact on the occupants of the new house from the use of the pub, especially on summer evenings when the Beer Garden is in use, but due to the distance and the fact there is already a house of the site this would not justify a refusal on these grounds.

Housing Issues

- This scheme is for a residential development of 3 new dwellings. Under the recently revised Local Plan Alterations it falls within the criteria of policy H6A (ii) (b) and therefore 33% of the new dwellings on the site should be allocated for affordable housing units. In this instance it is considered that at least 1 of the properties should be affordable, with the two smaller units being suitable for this use, leaving the 4 bed house for market prices.
- The applicant argues that the policy only requires one unit to be affordable and that this scale of provision is unattractive to Registered Social Landlords (RSLs).
- He has now provided emails from Hastoe, Moat Housing and East Thames Housing Associations, stating that they have no interest in this scheme.
- He further offers a community benefit of £50,000 by way of a unilateral undertaking to assist in the provision of affordable housing at "a more suitable" location in the district.

- Given that we now have evidence that housing associations are not interested in the scheme, the provision of a committed sum to provide affordable housing elsewhere appears an appropriate solution.

Employment Issues

- This is an existing employment site and thus its loss for such a use is to be regretted.
- However, evidence has been supplied of several marketing exercises over the past 4 years which have not resulted in any offers being made for the site.
- The current business has now ceased as the owners have sold the site to developers.

Landscaping

- The Landscape Section have commented that the current use of the site is engineering, predominantly either buildings or hard standing. There are no trees on the site worthy of protection. However, the evergreen hedge at the road frontage provides important screening to this development. A landscape scheme would provide some softening to this development.

Highways and Parking

- The Highway Section have commented that “the location, lack of footways and limited access to public transport would mean that virtually all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on the use of private car which is contrary to the aims and objectives of the relevant transportation policies contained within the County Council’s Highways and Transportation Development Control Policies”

Setting of the Listed Buildings

- The Council’s Conservation Officer has raised no objections to this scheme which will not have any adverse impact on the setting of the two adjacent listed buildings.

Sustainability

- The location of the site, which, at over three kilometres away from the closest significant settlement (Ongar), in a heavily rural area, is clearly in violation of policies ST1 and CP1, CP2 which seek to reduce car dependency and encourage walking, cycling and the use of public transport, as well as sustaining and enhancing the local rural landscape.
- As has been seen above this proposal would see three additional dwellings created on an isolated Green Belt site with very poor public transport links and infrastructure. It is the case that this is not a sustainable site for new residential development, as it would result in an increase in the reliance on car travel.

Conclusion

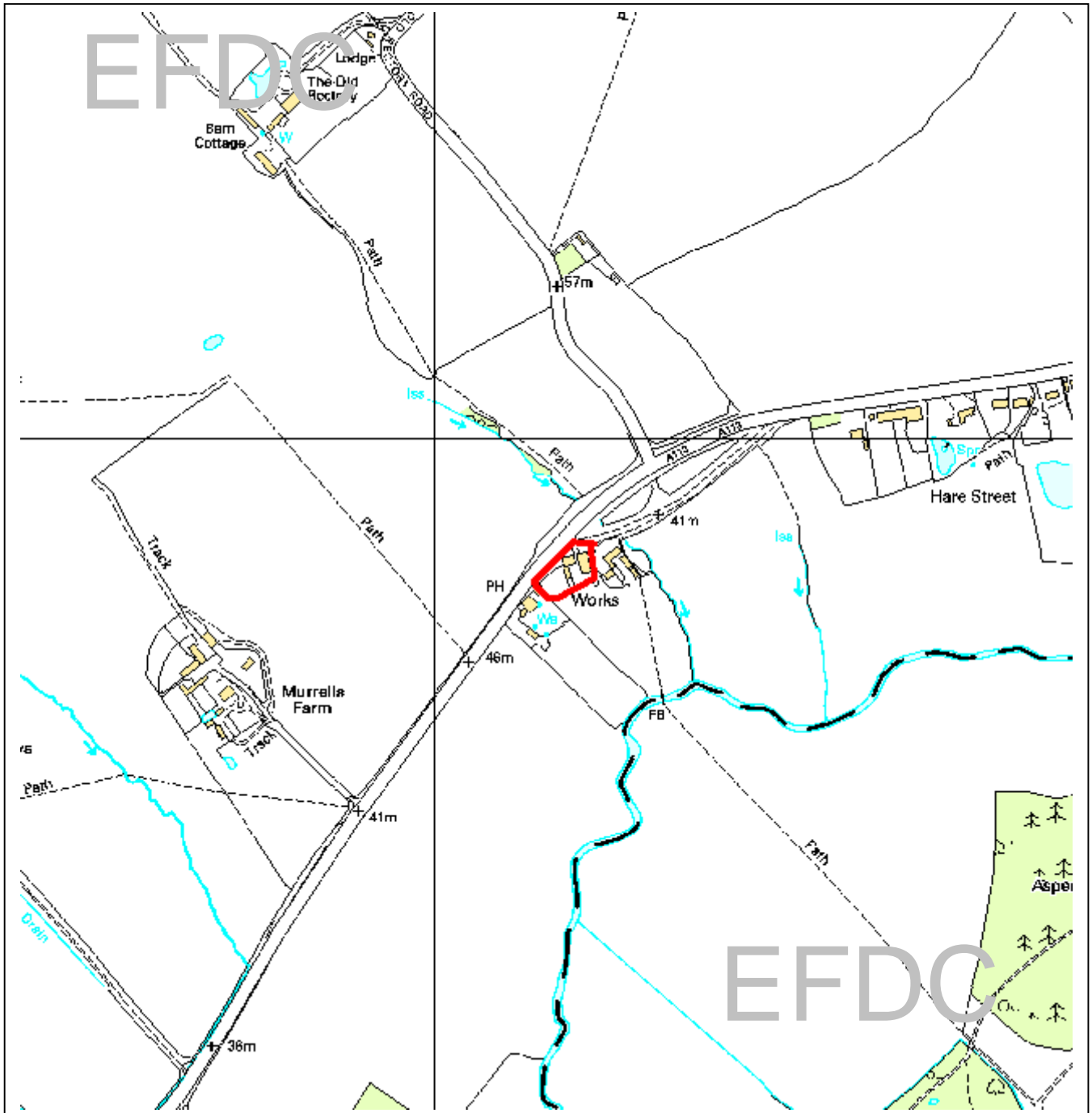
The conversion of these buildings to residential use is considered appropriate in the Green Belt and the officers main objection to the proposal, relating to the unsustainable location of the site has already been dismissed by Members on an earlier application. The remaining concern, relating to the lack of any affordable units within the site has now been addressed by the applicant and it is accepted that provision on site is not practical or appropriate. On balance therefore it is considered that in the current economic climate, given that the scheme is in all other respects in accordance with policy, the provision of £50,000 towards the provision of affordable housing elsewhere in a more appropriate location in the District, is sufficient to meet the affordable housing requirement and overcome the previous reason for refusal.

The application is therefore recommended for approval subject to conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0713/09
Site Name:	Millrite Engineering, 151/153 London Road, Stanford Rivers, CM5
Scale of Plot:	1/7500

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Report to Area Plans Committee East

Date of meeting: 10 June 2009



**Subject: Removal of s106 Obligation
Re: Ashlings Farm, Blackmore Road, Stondon Massey**

Responsible Officer: Barry Land

Recommendation:

That the s106 obligation be discharged.

Report Detail:

Background

1. In 1985 planning permission was given for a second dwelling at this farm which is at the very eastern extreme of the district. The site was in use as an intensive pig-rearing unit and justified the provision of a second dwelling (to be known as Ashlings Farm Cottage) in addition to the original house (known as Ashlings Farmhouse). The permission was subject to a condition and a legal agreement under s52 of the then Town & Country Planning Act 1971 restricting its occupation to an agricultural worker and preventing the severance of the Cottage from the remainder of the holding.

2. In 1996, after the pig-rearing enterprise ceased, the farm was purchased jointly by a brother and sister fully intending to run an agricultural business and comply with the condition and obligation.

3. In 2005, the circumstances of the sister, the occupier of the Cottage, changed so that she wished to sell the Cottage and thus an application was made to delete the condition and discharge the obligation in respect of the Cottage, offering somewhat reluctantly to transfer the obligation onto the original Farmhouse which was unencumbered by any restrictions, since it was erected long before planning controls. Permission was granted on this basis, so that the Farmhouse is now restricted by obligations in a planning agreement under s106 of the Town & Country Planning Act 1990 (as amended). The owner has now requested that this agreement be discharged. The agreement was dated 10 November 2005 so that, whilst there is now provision in the Act to apply for an agreement to be discharged, that can only be done after 5 years after completion which has yet to pass. Consequently, this 'application' is in the form of a request only and there would be no appeal against the Council's decision.

The Current Position

4. The extant agreement restricts the Farmhouse as follows:

- (a) the dwelling known as Ashlings Farm House, Blackmore Road, Ingatestone shall be limited to a person solely or mainly working or last working in the locality in agriculture or in forestry or a widow or widower of such person and to any resident dependants; and
- (b) Ashlings Farm House shall not be sold away or otherwise alienated from the remainder of the site (shown in blue on an accompanying plan).

5. The removal of an Agreement before 5 years has expired is entirely at the discretion of the Council but its decision must be reasonable in all respects. To this end it is suggested

that the Local Plan policy regarding the removal of agricultural occupancy conditions be applied since the agreement seeks controls that would normally be exercised by such a condition. That is policy GB17B that states that removal would not be permitted unless it is demonstrated that:

- (a) there is no longer a functional need for the dwelling on the holding;
- (b) there is no longer a need for this type of dwelling in the locality;
- (c) the dwelling has been marketed with its agricultural occupancy status made clear throughout for a minimum of 1 year. The marketing must include:
 - (i) 'for sale' signs visible from the road;
 - (ii) local newspaper advertising;
 - (iii) national and regional advertising in specialist publications
 - (iv) the asking price being 40% below its general housing market value;and
- (d) a survey of the agricultural community carried out to assess the need in the locality for the dwelling.

The Considerations

6. With regard to criteria (a): it is clear from evidence submitted that the previous enterprises carried out on this unit have all failed due to contamination of the soil. The holding only extends to 4.1 hectares and survey results submitted indicate that the site is heavily contaminated by levels of lead and zinc thought to have originated from when the site was used for the burning of batteries soon after the Second World War. Whilst an intensive pig-rearing enterprise proved marginally profitable in the early 1980s utilising a large barn on the site, such an enterprise would not be profitable today and in addition the site could not be used for any arable or grazing enterprise. Consequently it has to be acknowledged that there is no longer a functional need for an agricultural dwelling on this holding.

7. In respect to criteria (b), this is largely demonstrated by the responses to criteria (c) and (d). Evidence has been submitted of the marketing of this dwelling for some considerable time – since February 2006 and continued through to 2008. Since the holding is located some 500m back from the road, roadside advertising was not considered appropriate but the property has been advertised locally and through national websites, both general and those serving the agricultural industry. The local survey was carried out by NFU Mutual and NFUonline.com. The property, that is the house, residential outbuildings, agricultural buildings and land was valued at £1.8m without the restriction, but was advertised at £1.1m – a discount of 39%. No responses were received that met the terms of the legal agreement (those valuations will have changed over the past 9 months).

8. This lack of response to marketing and the survey that both meet the terms of the policy must reasonably be taken to be an indication that there is no longer a need for this type of dwelling in the locality.

9. It must also be recognised that, whilst in 2005 the transfer of the restriction from the Cottage to the Farmhouse was considered to raise few issues, the restriction now relates to a large detached house of 5 bedrooms & 3 reception rooms that is understandably difficult to sell within the restricted agricultural housing market.

Conclusion

10. It is accepted by the officers that there has been genuine attempts by the present owner over the past 15 years to comply with the restriction placed on these dwellings but the changing market and the contamination of the land has rendered this small agricultural holding unviable. It is therefore concluded that there is little justification for retaining this restriction upon this property and it is recommended that the s106 obligations be removed.

Report to Area Plans Sub-Committee South, East and West



**Epping Forest
District Council**

Date of meeting: East – 10 June 2009

Subject: Probity in Planning – Appeal Decisions, October 2008 to March 2009.

**Officer contact for further information: Nigel Richardson (01992 – 564018).
Democratic Services Officer:**

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal. The latest figure for the national average for District Councils is 30.9%. That BVPI was scrapped but replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals). That too has been dropped as a National Indicator but the Council has created a Local Performance Indicator with a target of 25% of allowed decisions. In recent years the Council had been more successful than the national average with only 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07 and 29% in 2007/08.

Performance

3. Over the six-month period between October 2008 and March 2009, the Council received 75 decisions on appeals – 71 planning and related appeals and 4 enforcement appeals. Of the 71 planning and related appeals, 35 were allowed (49.2%) but none of the 4 enforcement appeals – a combined total of 46.6% of the Council's decisions being overturned during this period.

4. For the year 2008/09 as a whole: a total of 153 decisions were received – 146 planning appeals and 7 enforcement appeals. Of the 146 planning appeals 59 were allowed and 2 of the 7 enforcement appeals – a total of 39.8% of the Council's decisions being overturned.

5. For LPI 45, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, CLD's, telecommunications or tree-related appeals, nor appeals against conditions), the 6-month performance figure is 50.7% allowed. For the full year the figure is 40.3%.

Planning Appeals

6. The proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers during the 6-month period was 24% - almost 1 in 4 appeals derived from committee decisions to refuse contrary to recommendation and of the 17 decisions that this percentage represents, the Council was successful in sustaining its objection in only 2 of them. The remaining 15 (88%) were lost:

EPF/0820/08 – Increased roof height of front apartment block at 1, Albert Road, Buckhurst Hill (Area Plans South)

EPF/0688/08 – Extensions and alterations at Belmont Lodge, Fencepiece Road, Chigwell (Area Plans South)

EPF/2279/07 – Single storey side and rear extension at 27 Hycliffe Gardens, Chigwell (Area Plans South)

EPF/0168/08 – Block of 8 one-bedroomed flats at 89, High Road, Loughton (Area Plans South)

EPF/2146/07 – Alterations and change of use to restaurant at Units 1 & 2, 258, High Road, Loughton (Area Plans South)

EPF/0178/08 – Elevational changes and decking at Bar 195, High Road, Epping (Area Plans East)

EPF/1167/08 – Replacement dwelling and development of 4 new dwellings at rear at 11, Sunnyside Road, Epping (Area Plans East)

EPF/1300/08 – Detached dwelling on land at 24, Bower Vale, Epping (Area Plans East)

EPF/0027/08 – Separation of the barn to be used as a separate dwelling at Maltings Barn, Matching Green (Area Plans East)

EPF/0313/08 – Detached garage with space for biomass boiler at The Rosaries, Harlow Common, Hastingwood (Area Plans East)

EPF/2188/07 – Conversion of outbuilding to separate dwelling at 162-164, High Street, Ongar (Area Plans East)

EPF/2189/07 – Balcony to rear flat roof and erection of entrance gates at 162-164, High Street, Ongar (Area Plans East)

EPF/0655/08 – Two storey side extension and detached garage at 64, Morgan Crescent, Theydon Bois (Area Plans East) (*This appeal was part allowed with the side extension being granted and the garage being refused.*)

EPF/2198/07 – Two storey side and rear extension and loft conversion at 7, Green View, The Green, Theydon Bois (Area Plans East)

EPF/0365/07 – Use as lorry park at Skillet Hill Farm, Honey Lane, Waltham Abbey (Area Plans West)

7. The 2 committee refusals that were sustained were:

EPF/0354/08 – Erection of 13 flats with underground parking at 51, Epping New Road, Buckhurst Hill (Area Plans South)

EPF/1517/08 – Erection of replacement dwelling at The Old Rectory, Mount Road, Theydon Mount (Area Plans East).

8. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases

where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.

9. It will be noted that 5 of the cases allowed directly involved the erection of new dwellings and 2 others indirectly and it is understood that the Inspectorate have been charged to allow appeals for new dwellings whenever possible in order to assist in meeting housing need. Refusals based upon density factors or overdevelopment are therefore unlikely to succeed unless real harm to the surroundings or adjacent properties can be shown, or poor design can be identified. It would seem that only the very worst are being dismissed at appeal.

10. However, this period also saw an unusually high number of officer decisions taken under delegated powers overturned at appeal. A total of 19 out of 53 cases were allowed (36%). Whilst 3 of these involved the creation of new dwellings, the majority – 13 – were householder applications for extensions and alterations, as indeed were 5 of the allowed appeals resulting from committee decisions. This may indicate that the Council may be over-concerned with householder proposals at a time when the Government has increased permitted development rights so that more alterations can be carried out without the need to even apply for permission. It may also indicate that the Council is too willing to concede to third party objections rather than look objectively at the planning merits of such proposals as a Planning Inspector is more able to do.

11. However, it would not be wise to draw too many firm conclusions from one 6-month set of results.

Costs

12. During this period, there were no awards of costs made for or against the Council.

New Appeal Procedures

13. New appeal procedures were introduced from 6 April 2009. These concern two main issues:

- (a) for householder applications made after 6 April 2009, that is applications for extensions or alterations to single dwellings or works within the curtilage of a single dwelling, applicants will only have 12 weeks (instead of 6 months) from the decision in which to appeal. Once an appeal has been received, the Council has to provide the Inspectorate with the officer's report under delegated powers or to committee, minutes of the committee meeting, a copy of the reasons for refusal and notification of the relevant policies. The Council is not able to make any further statement. Objectors will also not be able to make further comment but copies of letters of objection received at the application stage will be passed on the Inspectorate as at present; and
- (b) appellants (and the Council) will in future be able to make an application for costs for appeals dealt with by written representations, which is, by far, the most common method of considering an appeal. Until now costs have only been possible to claim for Hearings and Inquiries. The Council has been protected from accusations that it has acted unreasonably in the majority of cases because the appeals have been dealt with by written representations. That will no longer be the case and so there is added responsibility upon all decision-makers, whether the committee or officers, to act responsibly and make decisions on planning merits alone.

Conclusions

14. The Council's performance for this 6-month period has been the worst for many years. There has been continuing support for Green Belt policies and the support for the Council's decisions to take enforcement action is particularly encouraging but overall the results have been poor.

15. A full list of decisions over this six month period appears below.

Appeal Decisions April to September 2007

Planning Appeals Allowed:

Buckhurst Hill

1. EPF/0114/08 – ground and first floor extensions at 24, Russell Road
2. EPF/0820/08 – variation to roof height of front apartment block at 1, Albert Road
3. EPF/1986/07 – loft conversion at 5, Birch Close

Chigwell

4. EPF/0688/08 – extension and alterations at Belmont Lodge, 392, Fencepiece Road
5. EPF/2279/07 – single storey rear and side extension at 27, Hycliffe Gardens

Epping

6. EPF/0030/08 – single storey rear extension at Eppingdene, Ivy Chimneys
7. EPF/0178/08 – elevational changes, rendering and construction of patio at Bar 195, High Street
8. EPF/1167/08 – replacement dwelling and 4 dwellings at rear at 11, Sunnyside Road
9. EPF/1300/08 – two bedroomed detached house at 24, Bower Vale

Loughton

10. EPF/0168/08 – erection of block of 8 flats at 89, High Road
11. EPF/0260/08 – basement excavation and remodelling of upper level at 25, Albion Hill
12. EPF/0318/08 – first floor rear and side extension at 67, Roundmead Avenue
13. EPF/1409/08 – erection of detached house at land rear of 33-35, Spring Grove
14. EPF/2146/07 – use of office to rear of unit 1 as restaurant extension, new shop front to unit 2 and installation of air-conditioning at units 1 and 2, 258, High Road
15. EPF/2395/07 – loft conversion at 60, Sedley Rise
16. EPF/2399/07 – new roof with rooms in roof and porch and bay windows at 88, The Lindens (*only the porch and bay windows were allowed in line with Council's objection*)
17. EPF/0214/08 – telecommunications installation with 12m high mast on land adj Oakview School, Borders Lane

Matching

18. EPF/0027/08 – separation of barn as separate dwelling at Malting Barn, Matching Green

Nazeing

19. EPF/0175/08 – garage conversion and erection of new garage at 32a, Pecks Hill
20. EPF/0899/07 – use of mushroom sheds for B1 and B8 uses at Mushroom Farm, Laundry Lane
21. EPF/1210/08 – erection of bungalow and garage at land rear of 63/65, North Street

North Weald

- 22. EPF/0313/08 – double garage and space for biomass boiler at The Rosaries, Harlow Common
- 23. EPF/0680/08 – two storey side and rear extension, single storey rear extension and front porch at 23, High Road
- 24. EPF/2388/07 – Use as pre-school nursery at 3, Willow Place

Ongar

- 25. EPF/2188/07 – conversion of outbuilding to dwelling at 162-164, High Street
- 26. EPF/2189/07 – balcony at rear and erection of entrance gates at 162-164, High Street

Roydon

- 27. EPF/2414/07 – rear conservatory at 22, Hansells Mead

Sheering

- 28. EPF/0143/08 – loft conversion at 135, Sheering Road

Stanford Rivers

- 29. EPF/0753/08 – rear conservatory at Mitchell Hall, Toot Hill Road

Theydon Bois

- 30. EPF/0655/08 – two storey side extension and detached garage at 64 Morgan Crescent (*only the two storey side extension was allowed*)
- 31. EPF/1649/08 – first floor side and rear extensions at 12, The Weind
- 32. EPF/2198/07 – two storey side and rear extension and loft conversion at 7, Green View, The Green

Waltham Abbey

- 33. EPF/0365/07 – use as lorry park, use of house for drivers' facilities and alteration to access at Skillet Hill Farm, Honey Lane
- 34. EPF/1105/08 – new entrance gates at Parima, Sewardstone Road
- 35. EPF/2408/07 – erection of agricultural dwelling at Hannah Nursery, Sewardstone Road

Planning Appeals Dismissed

Buckhurst Hill

- 36. EPF/0224/08 – first floor side extension at 101, Rous Road
- 37. EPF/0354/08 – erection of 13 flats with underground parking at 51, Epping New Road
- 38. EPF/2080/07 – erection of 14 flats with underground parking at 51, Epping New Road
- 39. EPF/0391/08 – erection of 10 flats at 2, Westbury Road
- 40. EPF/0435/08 – retention of rear dormer window at 13 Beatrice Court, Albert Road
- 41. EPF/2350/07 – new dwelling in rear garden of 15, Albert Terrace
- 42. EPF/1134/08 – internally illuminated fascia sign at 179, Queens Road

Chigwell

- 43. EPF/0471/08 – new chalet bungalow at land rear of 4, Doves Cottages, Gravel Lane
- 44. EPF/1011/08 – two storey side extension at 2, Pudding Lane
- 45. EPF/2714/07 – two storey side extension at 2, Pudding Lane
- 46. EPF/1385/08 – two storey and single storey rear and side extension, loft conversion and alterations at 34, Oak Lodge Avenue
- 47. EPF/2025/08 – loft conversion and two storey front extension at 37, Meadow Way
- 48. EPF/2373/07 – hip to gable roof extension, rear balcony, rear dormers, front dormers and new front windows at 39, Stradbroke Drive
- 49. EPF/2620/07 – porch extension at 85, Manor Road

Epping

- 50. EPF/0516/08 – erection of replacement dwelling with development of 5 dwellings at the rear at 11, Sunnyside Road
- 51. EPF/1292/08 – new dwelling at first floor above car ports and ground floor extensions at Creeds Farm, Bury Lane

Epping Upland

- 52. EPF/2364/07 – rear extension, new front dormer and alterations at Plashetts, Pump Lane, Epping Green

Loughton

- 53. EPF/2340/07 – loft conversion at 75, Roundmead Avenue
- 54. EPF/2702/07 – detached house at land adjoining 35, Albion Hill
- 55. EPF/0470/08 – details of detached dwelling at Beechlands, 42, Alderton Hill

Nazeing

- 56. EPF/0613/08 – replacement of existing dwelling with two maisonettes at Wilbank, Nursery Road
- 57. EPF/1691/07 – erection of replacement bungalow at Dene, Nursery Road

North Weald

- 58. EPF/0078/08 – two storey side extension and front porch at 5, Blacksmiths Cottages, Hastingwood Road, Hastingwood

Roydon

- 59. EPF/0762/08 – use of land for storage of 3 vehicles in connection with vehicle recovery business at Lowershott Nursery, Sedge Green
- 60. EPF/0995/08 – single storey side extension and roof extension at Cranalyn, Barn Hill

Sheering

- 61. EPF/0160/08 – retention of front wall at 75, Sheering Lower Road

Stapleford Abbots

- 62. EPF/2113/07 – replacement dwelling at The Haven, Stapleford Road

Theydon Bois

- 63. EPF/0119/08 – replacement of hutment with eco house at St Leonard, Theydon Park Road
- 64. EPF/1684/07 – outline application for erection of two, 4-bedroomed house at land rear of Rozel and Branscombe, Loughton Lane and 17, Avenue Road

Theydon Mount

- 65. EPF/1517/08 - demolition of existing and erection of replacement house with garage block at The Old Rectory, Mount Road

Waltham Abbey

- 66. EPF/0548/08 – two storey side extension at 12, Mott Street, High Beach
- 67. EPF/0676/08 – replacement agricultural building at Felicia Nursery, Avey Lane
- 68. EPF/0735/08 – single storey rear and side extension, front porch and roof conversion at Oakview, 2, Claverhambury Road
- 69. EPF/2261/07 – use of site for storage and parking and erection of steel palisade fence at land on n.e. side of Pick Hill
- 70. EPF/0878/08 LB – listed building application for refurbishment works to windows and internal works at 18, Sun Street
- 71. EPF/2025/07 TEL – telecommunications installation of 12m high monopole and ancillary works at Shell Service Station, Wake Arms Roundabout

Enforcement Appeals Dismissed

- 1. Use of land as a works depot at Harlow Park Nursery, London Road, Hastingwood
- 2. Siting and use of a residential caravan at Barkers Farm, Mount End, Theydon Mount
- 3. Erection of a dwellinghouse at Maynards Farm, Cobbins End Road, Upshire

4. Use as B1, B2 and B8 and as depots at Mushroom Farm, Laundry Lane, Nazeing

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