

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 25th November, 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 Green, A Boyce, Mrs D Collins, R Frankel, P Gode, Mrs A Grigg, 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 - 14)

To confirm the minutes of the Sub-Committee meeting of 4th November 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 15 - 60)

(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. **PROBITY IN PLANNING (Pages 61 - 66)**

To consider the attached report.

9. **DELEGATED DECISIONS**

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

10. **EXCLUSION OF PUBLIC AND PRESS**

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

If you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the

Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 4 November 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.33 pm

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

Other Councillors:

Apologies: A Green and Ms J Hedges

Officers Present: G Courtney (Planning Officer), R Perrin (Democratic Services Assistant) and D Clifton (Webcast Officer [IT])

58. WEBCASTING INTRODUCTION

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

59. 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.

60. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 14 October 2009 be taken as read and signed by the Chairman as a correct record.

61. DECLARATIONS OF INTEREST

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

- EPF/1311/09 Land Adjacent 68 York Road, Blenheim Way, North Weald

(b) Pursuant to the Council's Code of Member Conduct, Councillor M Colling declared a personal interest in the following item of the agenda by virtue of the proximity of his property to the application site and that he had objected to the original planning application. He had determined that his interest in the current application was not a prejudicial one as it related to a matter of detail and did not relate to the original consent. He had determined therefore that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1744/09 19-23 High Street, Epping

(c) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda to avoid any further possible public misinterpretation of his position and declared that he did not have any kind of involvement in the development of the site. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1744/09 19-23 High Street, Epping

62. ANY OTHER BUSINESS

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

63. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 4 be determined as set out in the schedule attached to these minutes.

64. DELEGATED DECISIONS

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/1271/09
SITE ADDRESS:	The Green Man School Road Toot Hill Ongar Essex CM5 9SD
PARISH:	Stanford Rivers
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Replacement of former stables with accommodation block and rear extension to form conservatory and storage.
DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed accommodation block is inappropriate development in the Green Belt, by definition harmful, additionally the position, size, and scale of the accommodation block would have a materially greater impact on the openness of the Green Belt than the stable building and hedgerow that it would replace, and would therefore be physically harmful to the openness of the Green Belt. No very special circumstances sufficient to outweigh this harm have been demonstrated. The proposal is therefore contrary to policy GB2A of the Adopted Local Plan and Alterations.
- 2 The proposed accommodation block due to its size and position within the site and its detailing, including the uncharacteristic dormer windows within the roof, is considered out of character with the rural location and harmful to visual amenity contrary to policy DBE4 and of the Adopted Local Plan and Alterations.

Report Item No: 2

APPLICATION No:	EPF/1311/09
SITE ADDRESS:	Land adjacent 68 York Road Blenheim Way North Weald Essex CM16 6HT
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	The construction of hardstanding for car parking
DECISION:	Grant Permission (Subject to S106)

The Committee agreed to grant permission, subject to a variation in the original s106 agreement to show the amended layout.

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 Prior to the commencement of works the applicant shall submit and have approved in writing by the Local Planning Authority a Construction Method Statement. This Statement shall include detail of any storage compound, contractor and visitor parking, location of wheel washing facility and details of main access. This statement shall set out working hours for contractors operating onsite and detail any Membership to a Considerate Constructors Scheme.
- 3 Before the commencement of the development or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:
 - (a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.
 - (b) An assessment of condition, and value.
 - (c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.
 - (d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.
- 4 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-

Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

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

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

- 5 Prior to the commencement of the development details of the proposed surface materials parking area shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first use of the development.
- 6 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 3

APPLICATION No:	EPF/1339/09
SITE ADDRESS:	22 Forest Drive Fyfield Ongar Essex CM5 0TP
PARISH:	Fyfield
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	To convert existing carport into garage through installation of timber door across opening.
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 Prior to commencement of works, details of the proposed door (including materials, design and colour) shall be submitted to and approved in writing by the Local Planning Authority, and retained thereafter.

Report Item No: 4

APPLICATION No:	EPF/1744/09
SITE ADDRESS:	19-23 High Street Epping Essex CM16 4AY
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Installation of electricity sub-station to comply with utility company (EDF) requirements in connection with approved sheltered housing development. (Revised application with alterations to height and position of sub-station.)
DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The proposed building due to its height and bulk and its siting close to the boundaries of adjacent residential properties will have an overbearing visual impact, harmful to the residential amenity of the occupants of 5, 6 and 7 Beech Place, contrary to policies DBE2 and DBE9 of the Adopted Local Plan and Alterations.

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AREA PLANS SUB-COMMITTEE 'EAST'

Date 25 November 2009

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/1078/09	Bury Farm Cottages, Bury Lane, Epping	GRANT	17
2	EPF/1120/09	25 Piercing Hill, Theydon Bois, Epping	GRANT	24
3	EPF/1529/09	Land at School Lane, Abbess Roding, Ongar	No Recommendation	29
4	EPF/1756/09	Cutlers Forge Cottage, Tawney Lane, Stapleford Tawney	GRANT	37
5	EPF/1843/09	The Old Bobbingworth Land Fill Site, Moreton Bridge, Moreton, Ongar	GRANT	41
6	EPF/1903/09	Holmwood, Stapleford Road, Stapleford Abbots	GRANT	45
7	EPF/1906/09	31 Lindsey Street, Epping	GRANT	49
8	EPF/1934/09	Wantz Service Station, Fyfield Road, Ongar	GRANT	56

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Report Item No: 1

APPLICATION No:	EPF/1078/09
SITE ADDRESS:	Bury Farm Cottages Bury Lane Epping Essex CM16 5JA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr & Mrs Hunt
DESCRIPTION OF PROPOSAL:	Demolition of two existing houses, single garage and outbuildings and closure of existing access. Construction of 2 detached four bedroom houses, 2 detached double garages, new internal access road and hardstanding with associated landscaping.
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 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works

have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

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

- 4 No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation.

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

- 5 No demolition/conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 6 Prior to the first occupation of the dwellings hereby permitted, the existing access from Bury Lane shall be closed off and landscaped in accordance with detail approved under conditions 2, 3 and 4 and not be re-opened or used again without prior approval from the Highway Authority.
- 7 Prior to the commencement of development the applicant shall provide details of proposed surface water drainage details to be submitted to and approved in writing by the Local Planning Authority.
- 8 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.
- 9 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.

- 10 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, E and F, extensions, outbuildings and hard surfacing, shall be undertaken without the prior written permission of the Local Planning Authority.
- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that they are capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

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

Description of Proposal:

Planning permission was granted in 2004 for 2 replacement dwellings. The applicant seeks revised consent for a similar pair of replacement dwellings.

The dwellings proposed are of the same design and scale of those previously approved with internal alterations only relating to the provision of w/c and ensuite locations. The number of bedrooms provided is unchanged.

The proposals vary from those previously approved with the closure of the existing access from Bury Lane and instead a new access formed from the road into Bury Farm.

The applicant also proposes to reposition the footprint of the proposals with the double garages positioned separately and with double access doors to each as opposed to parking provided internally in tandem. The proposals position the garages closer to Bury Lane and propose landscaping to screen the closed off access.

The main result of the alterations is to orientate the properties towards the farm with rear gardens backing onto Bury Road. This provides more generous rear gardens to both plots, although there is no increase in the residential curtilage.

Description of Site:

The application site is an irregular shaped area of land containing an existing pair of brick built cottages and their outbuildings and a detached double garage on the eastern side of Bury Lane, on the outskirts of Epping Town.

The site maintains a number of established trees, some of which are subject to Tree Preservation Orders. The site is within the designated Green Belt to the southern side of Bury Farm.

Relevant History:

EPF/1538/02 – Demolition of existing cottages and replacement with three detached dwellings – Refused

EPF/0133/04 – Demolition of existing pair of cottages and replacement with single dwelling and garage - Refused

EPF/1510/04 – Demolition of existing pair of houses, garages and outbuildings and erection of two detached dwellings with detached garages and associated landscaping - Approved

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB15A – Replacement dwellings

DBE1 – Design of new buildings

DBE4 – Design in the Green Belt

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes

ST4 – Road Safety

ST7 – New roads and extensions or improvements to existing roads

Representations Received

EPPING TOWN COUNCIL: Object to the overall application relating to the houses which are, in the view of the Committee, an inappropriate enlargement of development in the Green Belt. However, Committee do not object to the arboricultural arrangement relating to this amendment.

5 neighbouring properties were consulted and a site notice was erected. No comments have been received.

Issues and Considerations:

The principle of replacing the existing pair of semi-detached with 2 detached dwellings has already been agreed. The main issues that arise with this application are any additional impacts which may arise as a result of the proposals and any material considerations which may have arisen since the consideration of the previous application.

The application approved under EPF/1510/04 was considered prior to the Local Plan Policy Alterations being adopted in 2006. Notwithstanding this replacement policy, the objectives underpinning the revised policies remains unchanged. Policy GB2A and GB15A still enable the provision of replacement dwellings subject to the proposals not;

- i) being materially greater in volume than that which are being replaced,
- ii) having a greater impact on the openness of the Green Belt than the original dwelling,
- iii) resulting in the size of private or cultivated garden of the replacement dwelling exceeding that which is being replaced.

The proposals do not increase in volume beyond that previously approved, and result in the closure of the existing access and formation of a more concealed entrance from the Farm Road, therefore it could be argued that the perceived openness of the Green Belt is improved, however the residential garden areas will be increased beyond the current provision as a result of the reversed orientation. The additional garden areas are extensively landscaped at present with a number of mature and protected trees and the applicant has indicated that new native landscaping would be provided. This may be considered sufficient to minimise impacts which may arise from the garden enlargements subject to the removal of permitted development rights for hard surfacing and outbuildings in the gardens.

In respect of landscaping issues, policy objectives remain unchanged and the applicant has sufficiently demonstrated that subject to conditions, the development can be carried out without adverse impact to existing landscaping and trees and can result in landscaping improvements. The applicant has removed a single TPO tree which is understood to be subject of a separate application with the Council's Landscape Officer.

In respect of design, the proposals result in only minimal internal alterations and the adjustment of the garage layouts. This does not give rise to significant adverse impacts.

In respect of highway and drainage matters, no objections have been raised from either Land Drainage or Highways and conditions have been requested.

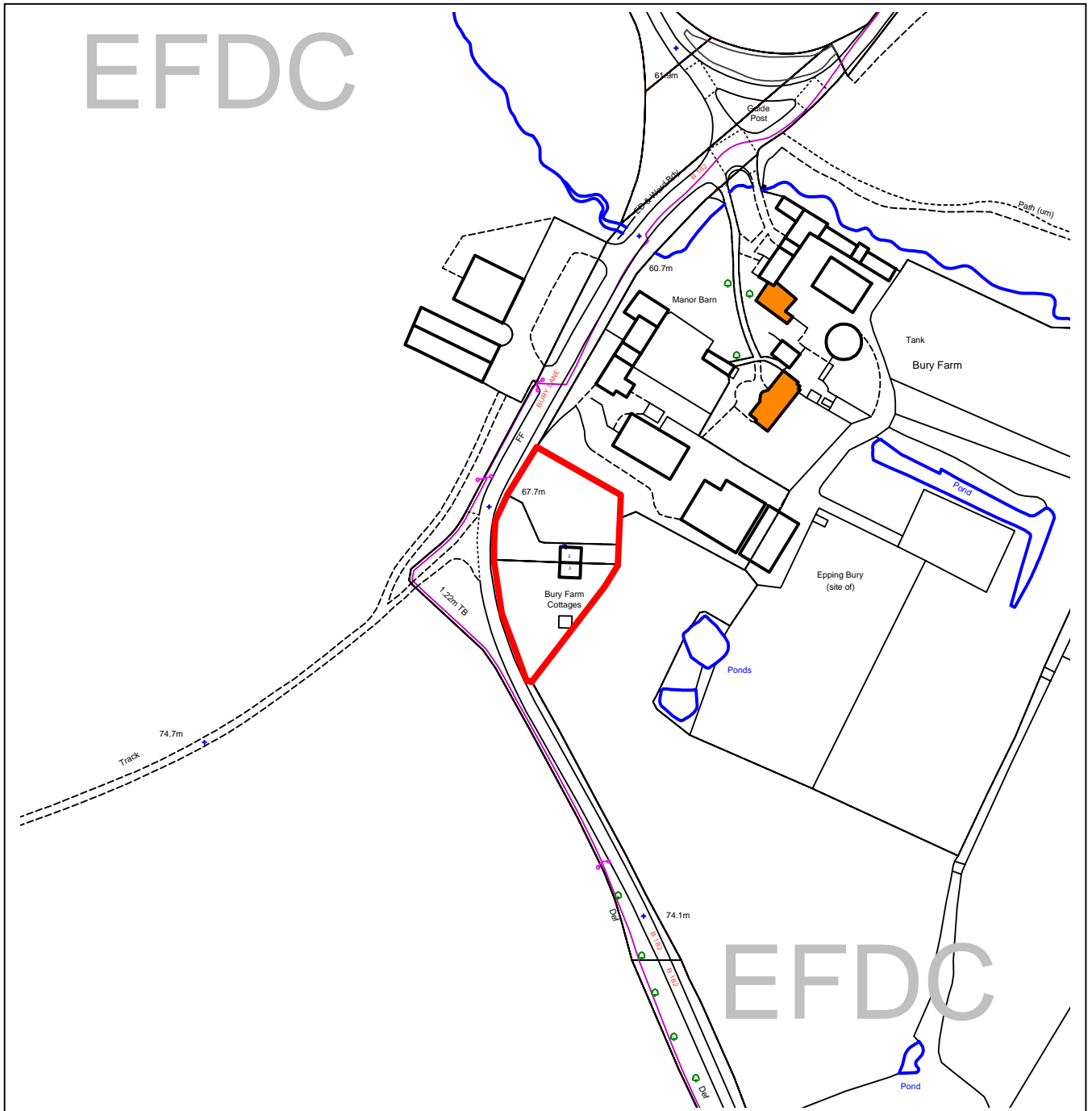
Conclusion:

The proposals seek to carry out amendments to an already approved scheme under EPF/1510/04. The revisions alter the orientation of the buildings to front a new access and as a result increase the garden areas of the properties. This is not considered unacceptable subject to conditions restricting permitted development in the garden and Officers recommend approval accordingly.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/1078/09
Site Name:	Bury Farm Cottages, Bury Lane Epping, CM16 5JA
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1120/09
SITE ADDRESS:	25 Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Duncan Moore
DESCRIPTION OF PROPOSAL:	Removal of condition 3 'permitted development rights' on EPF/0105/09 for erection of single storey garage/store to side.
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 side extensions to the northern elevation of the dwelling generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

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

Description of Proposal:

This application seeks planning permission for the removal of a planning condition attached to planning permission EPF/0105/09. The approval granted permission for the erection of a detached single storey garage/store to the side of the dwelling and the planning condition in question removed the Class A permitted development rights which are generally available under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), as amended, which would otherwise allow the 'enlargement, improvement or other alteration of a dwellinghouse', subject to a number of criteria.

Description of Site:

The application site comprises a detached two-storey dwelling sited in a rectangular shaped plot, located west of Piercing Hill. The properties surrounding the site are generally detached dwellings of varying styles and designs. The neighbouring two-storey dwellings generally have fairly low shallow pitch roofs with gable end designs.

The dwelling has been previously extended at ground and first floor level and the site and surrounding area is located within the Metropolitan Green Belt boundary. Following the planning approval to which the condition relates, the garage has been constructed. Accordingly, the planning condition is now in effect.

Relevant History:

EPO/0352/64. Double garage and studio addition. Approved 28/07/64.

EPF/0317/86. Single storey rear extension. Approved 11/04/86.

EPF/2172/07. Raise roof and erection of rear dormer windows and conversion of garage to habitable room. Refused 30/11/07.

EPF/2695/07. Ground floor rear bay window, dormer window to rear first floor, addition of chimney and conversion of garage to habitable room. Approved 11/02/08.

EPF/2722/07. Certificate of lawful development for a proposed detached garage/outbuilding. Approved 13/02/08.

EPF/0153/08. Raise roof and erection of rear dormer windows. (Revised application). Approved 13/03/08.

EPF/0152/08: First floor rear extension. Approved 13/03/08.

EPF/2099/08: Erection of a two-storey side/rear extension and single storey rear extension. Approved 16/12/08.

EPF/0105/09.

Policies Applied:

Adopted Local Plan and Alterations

DBE9 – Neighbouring Amenity
DBE10 – Residential Extensions

Summary of Representations:

THEYDON BOIS PARISH COUNCIL. Objection. We recommended that condition 3 restricting future permitted development rights should be applied in view of the numerous planning applications which had come before us in relation to this site in recent months. We were therefore concerned that the Local Planning Authority should retain some control over any further development on the site. In view of the recent planning history we felt this to be a reasonable request and see no reason why the condition should be removed just a few months later.

We note the Applicants comments with regard to her ability to speak at the Meeting of our Planning Committee on 12th February, 2009 and would comment that the Applicant's wife (as witnessed by our Planning Committee and the Parish Clerk) was in fact allowed to speak on her application prior to any decision being made by our Planning Committee. The Applicant's wife did in fact make representations at the time as to the imposition of the condition and was fully aware that the outcome was that we would not be objecting to the application but would be recommending a condition as to the removal of permitted development rights. We would also comment that we consider that we have been consistent as to recommending like condition in

relation to developments at similar sites in Piercing Hill – reference our comments in connection with recent applications at 24 Piercing Hill and in relation to the Former Caretakers House.

Issues and Considerations:

The main issue in this case is whether there would be material harm arising from the removal of the planning condition.

When applying conditions to planning permissions, the Council must be satisfied that the condition would meet six tests set out in Circular 11/95. These are that the condition is:

- necessary;
- relevant to planning;
- relevant to the development permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

It is considered that, at the time the planning condition was applied, the condition did meet all six of the tests and it was, therefore, applied appropriately. Circular 11/95 also states that conditions restricting permitted development rights should not be imposed save in exceptional circumstances. It was considered that there were exceptional circumstances relating to that application that justified the removal of the planning condition. Those circumstances were the Green Belt location of the site and the extensive recent planning history.

However, since the approval of that planning application, the applicants have implemented the two most recent planning approvals, they have constructed the two storey extension to the side of the dwelling and have built the garage to the other side of the dwelling. This would remove the potential for the remaining extant planning permissions to be implemented.

Having regard to the existing dwelling, which has been quite considerably extended, there would be fairly limited potential for additions to the rear and southern side of the dwelling. The scope for an extension to the southern side of the extension would be a very narrow strip extending 4.9 metres in front of the recently constructed side extension, effectively enclosing part of the step back from the main front elevation of the original dwelling. At the rear of the original dwelling (which has a width of approximately 9.15 metres) there are extensions at ground floor level which extend up to 2.5 metres from the original rear wall and first floor extension above part of that which extends across approximately a third of the width of the original dwelling. This would leave scope for limited future additions to the rear elevations under Class A of the GPDO comprising a first floor addition above the existing conservatory and an additional 1.5 metre deep extension at ground floor level. The largest area for further permitted additions would be to the northern side extension, where the 9.2m by 2.9 metre gap between the original dwelling and the detached garage could be infilled.

Bearing in mind the extent of the future additions which could be undertaken without the need for planning permission if the condition were removed, it is considered that the limited additions to the rear and southern side of the original dwelling would be unlikely to cause material harm to open character of the Metropolitan Green Belt. The scope for an addition to the southern side would be negligible and the potential additions to the rear would be viewed in the context of the existing building and would be unlikely to cause material harm. It is considered that it is the potential additions to the northern side which would have the greatest impact on the open character of the Green Belt. Such an extension could have a height of up to 4 metres and would result in the built development spanning almost the full width of the application site.

Accordingly, it is considered that there would be some alterations which could be carried out under the provisions of Class A which would not be materially harmful to the open character of the Green Belt. These would include extension to the southern side elevation and rear of the original dwelling (as discussed above) and other minor alterations, for example to elevational detail. Notwithstanding this, it is considered that there could be some considerable harm to the open character of the Green Belt if the northern side of the dwelling were to be extended to attach to the garage. Section 73 of the Town and Country Planning Act 1990 enables a local authority to either remove or vary the terms of a planning condition.

If the planning condition which is the subject of this application were varied to specifically withdraw the rights under Class A of the GPDO to extend the northern side elevation of the dwelling without express consent, it is considered that this would sufficiently safeguard against any material harm to the open character of the Green Belt. It is considered that such a varied condition would comply with all six tests of Circular 11/95, in that it would be:

- *necessary* – to prevent harm to the open character of the Green Belt;
- *relevant to planning* – as the planning system has a duty to protect the Green Belt;
- *relevant to the development permitted* – as without the approved garage, a permitted side extension would not have the consequence of extending across almost the full width of the site and would not, therefore, cause such a level of harm to the open character of the Green Belt;
- *enforceable* – as breaches of the planning condition would be clearly identifiable and as the site lies within one ownership both the applicants and any future land owners could be reasonably expected to comply;
- *precise* – the wording of the condition would specify clearly what types of permitted development is precluded; and
- *reasonable in all other respects*

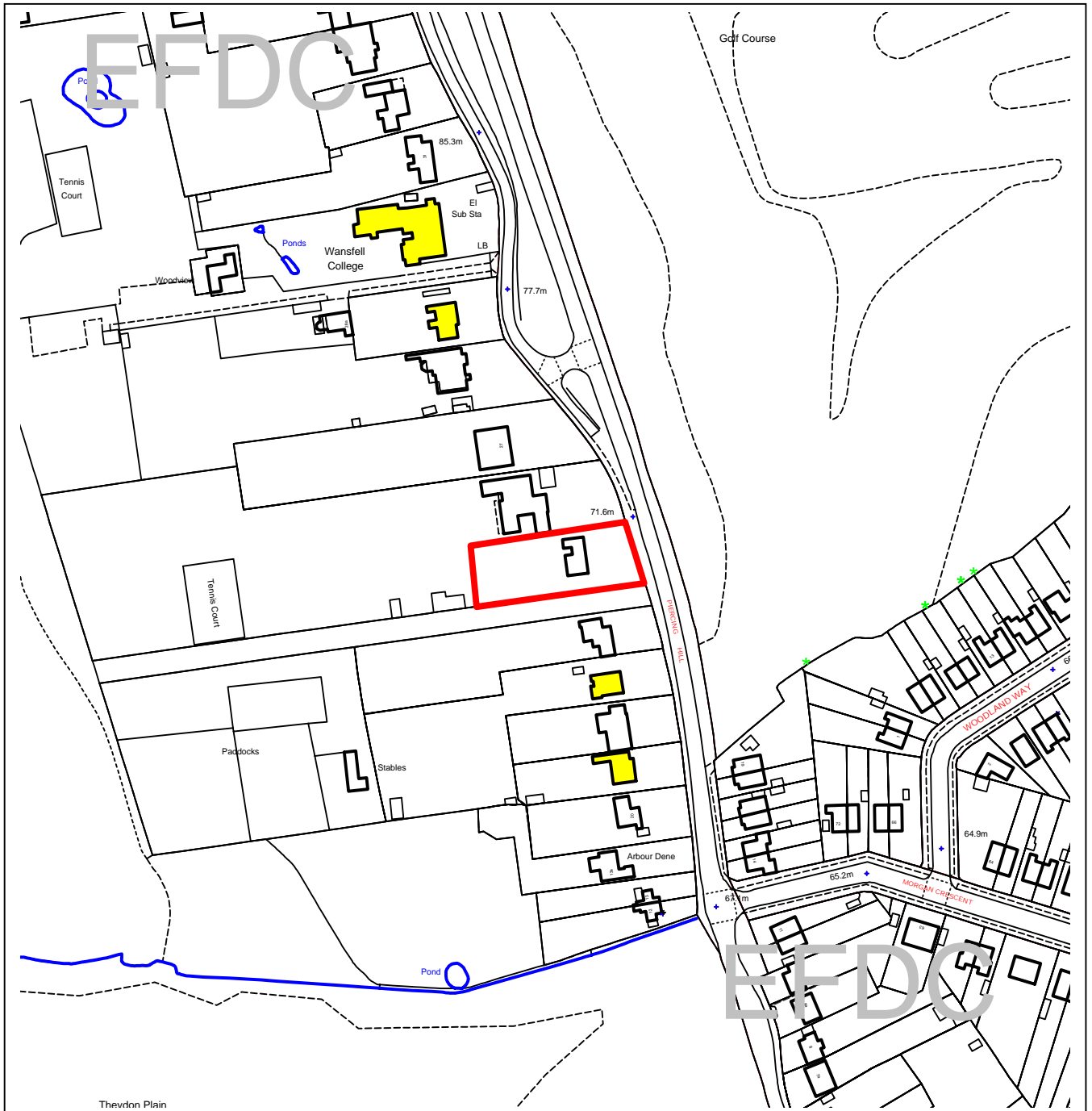
Conclusion

In light of the above appraisal, it is considered that there would potentially be considerable harm to the Green Belt if this planning condition were to be removed in its entirety as the applicants desire. Notwithstanding this, it is considered that a varied condition could remove the potential for material harm to the open character of the Green Belt, whilst providing the applicant with considerably greater flexibility in the future by reinstating those opportunities for alterations and extensions under Class A which would not be materially harmful to the Green Belt. It is, therefore, recommended that planning permission be granted for the removal of the condition, subject to the imposition of a revised condition removing the opportunity to extend the northern side of the dwelling without express consent. As the development has taken place, it will not be necessary to reiterate the other planning conditions relating to the commencement of the development and the use of matching materials.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/1120/09
Site Name:	25 Piercing Hill, Theydon Bois CM16 7JW
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/1529/09
SITE ADDRESS:	Land at School Lane Abess Roding Ongar Essex
PARISH:	The Rodings - Abess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Ms Ulrike Maccariello
DESCRIPTION OF PROPOSAL:	Erection of 6 affordable dwellings, (1 x one bed single storey detached dwelling, 2 x one bed flats, 2 x three bed semi detached dwellings and 1 x two bed detached house).
RECOMMENDED DECISION:	No Recommendation

This application is before this Committee since it is an application for a 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:

Consent is being sought for the erection of 6 residential units with parking and associated landscaping. The proposed development would provide 100% affordable housing and would consist of 2 no. 1 bed flats, 2 no. 3 bed houses, 1 no. 1 bed bungalow and 1 no. 2 bed house.

Description of Site:

The application site comprises a plot some 0.24 hectares in size on the southern side of School Lane. The site is currently open agricultural land located 36m from the closest residential property (Brook Cottage). The site is located outside of the village of Abess Roding and is within the Metropolitan Green Belt. The site is adjoined by open fields to the east, west and south, with open fields to the north on the opposite side of School Lane. 100m to the east is a sewage treatment plant.

Relevant History:

None

Policies Applied:

- CP1 - Achieving Sustainable Development Objectives
- CP2 - Protecting the Quality of the Rural and Built Environment
- CP3 - New Development
- CP4 - Energy Conservation

- CP5 - Sustainable Building
- GB2A - Development in the Green Belt
- GB16 - Affordable Housing
- H3A - Housing Density
- H4A - Dwelling Mix
- H5A - Provision for Affordable Housing
- H7A - Levels of Affordable Housing
- H8A - Availability of Affordable Housing in Perpetuity
- DBE1 - Design of New Buildings
- DBE2 - Effect on Neighbouring Properties
- DBE4 - Design in the Green Belt
- DBE6 - Car Parking in New Development
- DBE8 - Private Amenity Space
- DBE9 - Loss of Amenity
- LL1 - Rural Landscape
- LL2 - Inappropriate Rural Development
- LL10 - Adequacy of Provision for Landscape Retention
- LL11 - Landscape Schemes
- ST1 - Location of Development
- ST4 - Road Safety
- ST6 - Vehicle Parking

Summary of Representations:

25 neighbouring properties were consulted and a Site Notice displayed.

ABBESS BEAUCHAMP & BERNERS RODING PARISH COUNCIL – Fully supports the application, we are happy with the amended design. We have worked closely with Hastoe, EFDC's chosen housing association, throughout the whole process from housing needs survey through to final design. We have held open consultation meetings and taken on board comments made by the public (reducing the number of units) in reaching the desired plans. We are now confident that this proposal will meet the proven affordable housing need for this parish.

BROOK COTTAGE, SCHOOL LANE – Object as the site is Green Belt land, the site is not served by bus routes or shops, and as it may set a precedent for further development on other similar parcels of land.

LONGBARNES FARMHOUSE, SCHOOL LANE – Object due to highway issues, as this is rural land and may set a precedent for further development.

BADGERS BROOK, SCHOOL LANE – Object due to impact on protected species residing in the brook, there is a lack of public transport serving the area, there is flood risk from the brook, and as the existing sewage plant would impact on the amenities of future occupiers.

SPINNEY COTT, SCHOOL LANE – Object due to the impact the sewage farm would have on future occupiers, the impact on endangered species, there is a lack of public transport in the area, there would be infrastructure issues, there is little need for such housing in this village, the survey suggests that occupiers would almost all be from Willingale, and as the site is on a narrow lane which is prone to flooding.

6 SCHOOL LANE – Object as the development would be out of keeping with the local area, the site is on Green Belt land, there are flooding issues, and this would result in increased vehicle traffic on the existing narrow lane.

LITTLE ACRE, SCHOOL LANE – Object due to highway issues, flooding problems, impact on protected species, proximity to existing sewage plant, and as there are more suitable sites available.

COOPERS BROOK, SCHOOL LANE – Concerned that there is insufficient public transport and local facilities, School Lane is very narrow, the site is within the Green Belt, and the proposed parking layout would be inadequate and inconvenient for future residents.

BURRS, ABBESS RODING – Object due to the poor access, highways issues, and due to a lack of amenities in the village.

Issues and Considerations:

Green Belt:

The application site is situated within the Metropolitan Green Belt. PPG2 states that “*the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes: ... limited affordable housing for local community needs under development plan policies according with PPG3*”. PPG3 was replaced by PPS3 in 2000, however the new guidance still refers to affordable housing being acceptable within the Green Belt. It is stated within this document that “*Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a **Rural Exception Site Policy**. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint*”.

Local Plan policy GB16 (Affordable Housing) reflects the guidance in PPS3 and enables the Council to grant planning permission for small affordable housing sites within the Green Belt, provided they meet the requirements specified within the policy. These requirements are the following:

- (i) *There is a demonstrable social or economic need for the accommodation in the locality which cannot be met in any other way and which can reasonably be expected to persist in the long term. An application would be expected to be supported by the Local Parish Council and a proper appraisal of need;*
- (ii) *The development is well-related to the existing settlement and there is no detriment to the character of the village or the countryside, or to the Green Belt objectives. Proposals involving extensions into the open countryside or the creation of ribbons or isolated pockets should be avoided. There should be no significant grounds for objection on highways, infrastructure or other planning grounds; and*
- (iii) *Suitably secure arrangements will be made to ensure the availability of the accommodation, as built, for initial and subsequent local needs households whose total income is insufficient to enable them to afford to rent or buy a dwelling of a sufficient size on the open market.*

Provided all of the above are achieved then the development would not be considered inappropriate development within the Green Belt.

(i) A housing needs survey was undertaken by Hastoe Housing Association (the Applicant), in connection with Abbess Beauchamp & Roding Parish Council and Willingale Parish Council to cover both parishes. Although the survey covered both parishes the resulting housing needs were assessed separately. This survey was also accompanied by two public consultation meetings. The outcome of this housing needs survey concluded that the development as proposed is required to address the small local need within Abbess, Beauchamp & Roding Parish.

As can be seen the Parish Council is in full support of the proposed development. Some further negotiation was undertaken regarding the design of the dwellings, and amended plans have been received for this, however as a result of these alterations the Parish Council are satisfied that this development would meet the affordable housing needs of the local area.

(ii) Although the application site is detached from the main village of Abbess Roding, as it is located some 36m from the closest adjoining neighbour within the village envelope, it is understood that better related sites are often unavailable in small enclaves such as this and other factors need to be considered in site selection (i.e. willingness of land owners to sell land, impact on existing properties, access, etc.). There is a general lack of available brownfield sites within Abbess Roding, and as such greenfield sites are the only viable alternative. Whilst it is recognised that the application site is detached from the existing village envelope it is considered that the general proximity is on balance an acceptable location, given the restrictions relating to better sites.

Although this would result in an 'isolated pocket' of development, and would clearly impact on the openness of the Green Belt by introducing further built form in this previously undeveloped location, it would not be contrary to the Green Belt objectives as outlined in PPG2. Furthermore, the nature of 'Rural Exception Sites' is that they are an exception to the general restrictions of the Green Belt.

The only shortcoming of this proposal in terms of its allocation as a 'Rural Exception Site' is that objection has been received from Essex County Council with regards to sight lines. It was originally concluded that the development would require a traffic visibility splay of 2.4m x 215m, based on the national speed limit of School Lane. Following the submission of a Speed Survey it was concluded that the actual vehicle speeds of School Lane allow for this required traffic visibility splay to be reduced to 2.4m x 120m. However the proposed development can only achieve a maximum of 2.4m x 90m traffic visibility splay, which is less than required to ensure there would be no detrimental impact on highway safety. A legal agreement is to be undertaken with the adjoining land owner to ensure that the area of land within this 2.4m x 90m visibility splay is kept clear of any obstructions over 600mm in height, however this still falls short of the requirement and as such Essex County Council Highways Officers consider that this would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

(iii) Should planning permission be granted for this scheme a Section 106 Agreement would be necessary to ensure that the properties provided are affordable and are made available to local residents of the parish of Abbess, Beauchamp & Roding.

Further to the above Local Plan policy, the Council's Housing Strategy 2009-2011 aims "*to increase the amount of affordable homes within rural areas, in order to help meet the housing needs of local people whilst safeguarding the essential qualities of rural life*", and seeks to achieve this through the following objective:

"Increase the amount of affordable housing in rural areas, by granting planning permission for small scale affordable housing schemes on appropriate sites within the Green Belt, adjacent to rural settlements, as an exception to normal planning policy, where there is a demonstrable local housing need".

Therefore, whilst there are highway concerns regarding this site due to insufficient sight lines, this development would be providing affordable housing identified as a genuine need within this rural area.

Sustainability:

Aside from the objection regarding inadequate sight lines, Essex County Council Highway Officers have also objected to the application due to its unsustainable location. Whilst it is agreed that the application site is situated within an unsustainable location not well served by public transport or local facilities/amenities, and as such would result in a reliance on private motor vehicle for future occupiers, it has to be accepted that Rural Exception Sites in their very nature are going to be unsustainable developments. The village of Abbess Roding itself is 'unsustainable' due to its lack of public transport and inadequate local amenities/facilities, however the objective of Rural Exception Sites is to provide affordable housing within these areas rather than forcing low income residents to move elsewhere. As such it is not considered that the unsustainable location of the site would constitute a reason for refusal for this development.

Design:

The proposed dwellings would have a typical Essex style design in keeping with the overall character of the village of Abbess Roding. An amended design to the properties was submitted after further discussions with the Parish Council, who now consider the overall appearance of the scheme to be acceptable. Furthermore, the layout of the proposal complies with the guidance given within the Essex Design Guide. The properties and internal road have been designed to meet life time home standards and allow for wheelchair/push-chair access around the site.

Amenity:

Given the 36m distance from the closest neighbouring resident the proposed development would not impact on light or privacy of neighbours. Whilst objections have been received regarding a loss of views across the currently open fields, this is not a material planning consideration. Furthermore, the proposed planting scheme would sufficiently soften and screen the development from neighbouring residents, and as such would prevent any loss of visual amenity.

Concern has been raised regarding the proximity of the development to the existing sewage works on School Lane, however the proposed houses would be some 100m from these works and would have a landscape buffer on the eastern boundary. Due to this it is not considered that the future occupiers of the site would unduly suffer from nuisance from the sewage works.

All the proposed dwellings have their own private amenity space, with the exception of the first floor flat, and there are small areas of public open space proposed within the site. Local Plan policy DBE8 (which is based on the requirements of the Essex Design Guide) require that the 2 no. 1 bed flats have 50 sq. m. of communal space, and that the 1 bed bungalow has 20 sq. m. private amenity space, the 2 bed house has 80 sq. m., and each of the 3 bed dwellings have 80 sq. m. The proposed development would provide 72 sq. m. private amenity space for the ground floor flat (which is considered acceptable as providing no gardens for first floor flats is not uncommon), 76 sq. m. private amenity space for the 1 bed bungalow, 100 sq. m. private amenity space for each of the 2 bed houses, and 80 sq. m. private amenity space for the 3 bed dwelling. As such this development complies with policy DBE8.

Highways:

The application site currently has no vehicle access onto School Lane, although existing access to the adjacent agricultural fields (of which this forms part) is present to the west of the site. The proposed development would provide a new access onto School Lane, which would lead to a small private road serving the proposed dwelling. The internal road layout has been designed in accordance with the Essex Design Guide and is considered acceptable. There would be sufficient room for vehicles to access the individual properties, to manoeuvre within the site to allow for them

to enter and leave School Lane in forward gear, and would be sufficient to allow access to emergency services (fire engines) and refuse lorries (including sufficient manoeuvrability room).

As previously mentioned, the proposed development can only achieve 2.4m x 90m visibility splay, which is less than the required 2.4m x 120m splay required for the speeds used on School Lane. Officers do not wish to go against the comments received from Essex County Council Highway Officers, as a lower sight splay at this entrance may be detrimental to highway safety, however Members may consider that 2.4m x 90m is sufficient in this instance as a balance needs to be drawn between maximising highway safety and ensuring that affordable housing needs can be met in rural areas. The proposed sight lines are no worse than many that exist for existing dwellings on rural roads.

Car Parking:

The development proposes 2 vehicle parking spaces per residential unit, with 5 visitor parking spaces provided. The Essex Vehicle Parking Standards requires 2 spaces for each of the 2 and 3 bed units, just 1 space for the 1 bed units, and only 1 visitor parking space for the entire site. Given the unsustainable location of this site there would be a reliance on private vehicle use by future residents and as such it is considered that the proposed over-provision of residential parking would be welcomed. Similarly, as there is no on-street parking available on School Lane the provision of 5 visitor spaces would also be beneficial to the development.

The majority of residential parking spaces are of the 'end-to-end' variety, however as both parking spaces would serve a single dwelling it is not considered that this would cause any significant inconvenience to future occupiers of the site. Furthermore this form of parking is becoming increasingly common in new residential developments such as this, and is considered an acceptable layout.

Landscaping:

Existing trees and hedgerows on site are intended to be retained and strengthened by additional landscaping. Furthermore a landscaped buffer zone is proposed around the east, west and southern boundaries to screen the development from the surrounding open countryside. Subject to conditions regarding tree protection and landscaping it is therefore considered that the development complies with the relevant landscape Policies.

Ecology:

Concern was originally raised by Natural England with regards to the possible presence of protected species (water voles and great crested newts), however a subsequently submitted Phase 2 Ecology Report was assessed and it is accepted by Natural England that the development would not result in the loss of protected species.

Notwithstanding the above, the ditch to the front of the site (adjacent to School Lane) has been recognised to have some ecological value, and as such is proposed to be retained. Subject to a condition ensuring its retention it is therefore considered that the proposed development would not be detrimental to local ecology on or around the site.

Flood Risk:

Whilst the application site does not lie within a Flood Risk Assessment zone it is of a size where it is necessary to avoid generating additional runoff. A Flood Risk Assessment is therefore required, however this can be sought via condition should the application be approved.

Contaminated Land:

Given the presence of an infilled pond and potential for contamination from sewage sludge spreading and pesticides (in connection with the agricultural use of the site), the application site is potentially contaminated and as such contaminated land investigation will be required. This can be secured and controlled via condition.

Conclusion:

The proposed development would provide a 100% affordable housing scheme to address the identified need within Abbess, Beauchamp & Roding Parish, and is fully supported by the Parish Council. However objection has been received from Essex County Council Highways Officers with regards to insufficient sight lines. Officers would not wish to go against the opinion of the Local Highway Authority, as to do so could be detrimental to Highway Safety, however Members may feel that the sight lines obtainable on site, and the overall benefit of providing needed affordable housing in this rural location, may be sufficient to outweigh this objection.

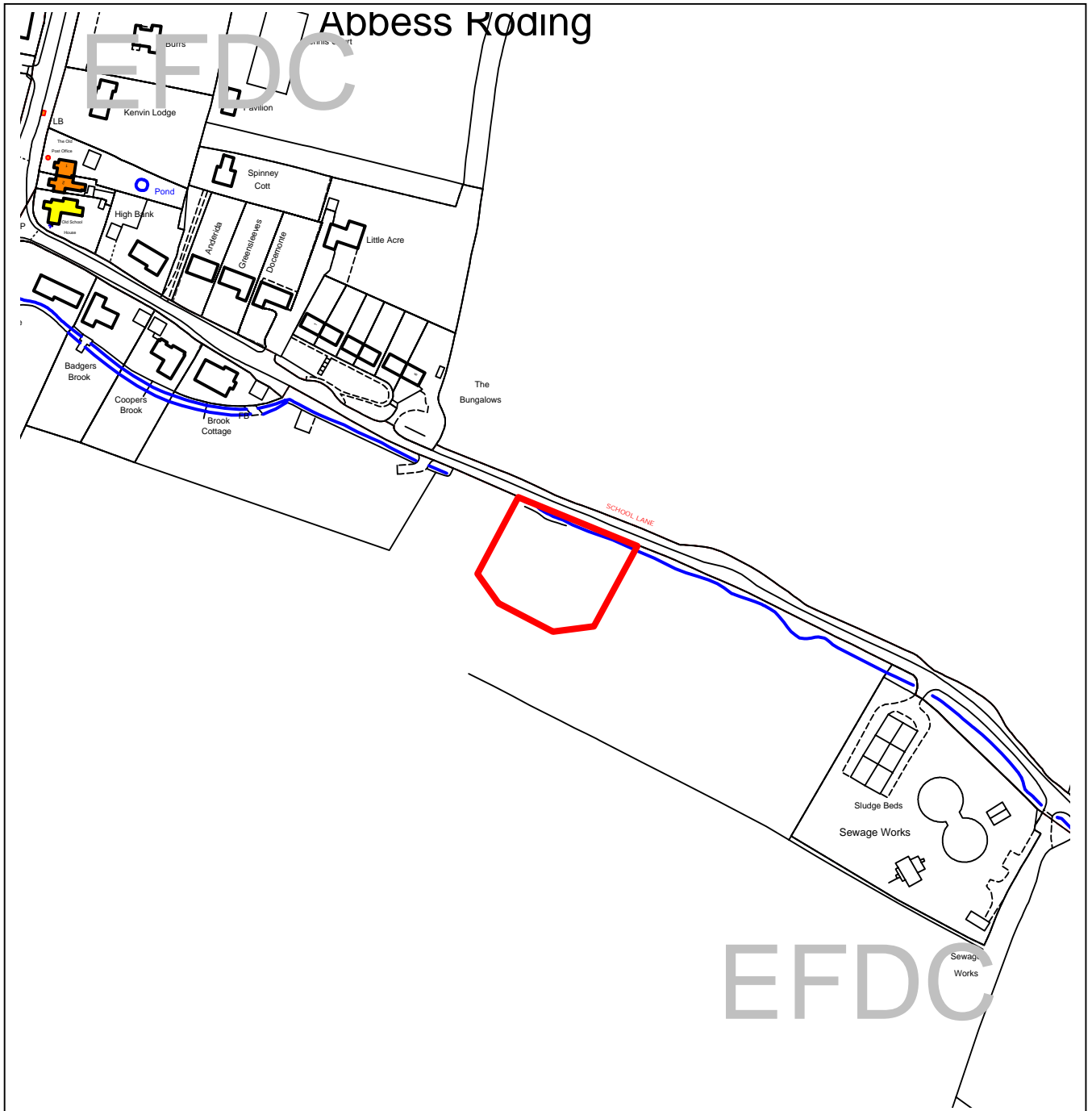
Should Members consider the highway safety issues to be acceptable then this application would constitute appropriate development in the Green Belt and would comply with all other relevant Local Plan policies, however if it is concluded that the sight lines are insufficient then the proposal would constitute inappropriate development as it would fail to comply with Local Plan policy GB16 (ii) and would be detrimental to highway safety.

Due to this sensitive balance of issues the application is before Committee with no recommendation from Planning Officers.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/1529/09
Site Name:	Land at School Lane, Abbess Roding
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1756/09
SITE ADDRESS:	Cutlers Forge Cottage Tawney Lane Stapleford Tawney Essex RM4 1EE
PARISH:	Stapleford Tawney
WARD:	Passingford
APPLICANT:	Mr D Holloway
DESCRIPTION OF PROPOSAL:	Erection of a new gate and fence and re-form access.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed gates and pillar, shall match those of the existing gates and pillars at the site.

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

Description of Proposal:

The proposal is to construct a set of gates and a pillar adjacent to the public highway to a height of 2.3m at the highest point, with a 2.0m close boarded fence running perpendicular behind this. The application also includes the removal of a pair of dwarf walls in front of the gates within the access.

Description of Site:

The proposal site covers an extensive area in the Metropolitan Green Belt which contains a dwellinghouse, which is Grade II Listed, stables and various ancillary buildings. A set of gates and pillars similar to those proposed exist at the site and access to these is gained via an area of hardstanding which stretches from the main road to the edge of the site; which is set well back from the road. A set of dwarf walls exist either side of the existing gates.

Relevant History:

EPF/1042/87 - Use of premises and land as a commercial livery stables. Refuse Permission - 07/03/1988. Appealed – Appeal dismissed – 07/03/88.

EPF/0205/98 - Single storey extension. Refuse Permission - 31/03/1998. Appealed – Allowed with conditions – 05/10/98.

LB/EPF/1741/99 - Listed building application for the retention of replacement windows. Refuse permission - 10/05/2000. Appealed – Appeal Dismissed – 02/10/00.

EPF/0771/00 - Demolition of stable block and construction of car port block. Grant Permission (with conditions) - 03/07/2000.

LB/EPF/1751/00 - Listed building application for replacement windows. Grant Permission (with conditions) - 18/12/2000.

LB/EPF/0352/01 - Listed building application for the erection of single storey side extension. Grant Permission (with conditions) - 30/03/2001.

LB/EPF/2308/03 - Grade II Listed building application for erection of timber front boundary fence linking cottage to outbuilding. Grant permission – 21/07/04.

EPF/2307/03 - Erection of timber front boundary fence linking cottage to outbuilding. Grant permission (with conditions) - 21/07/2004.

EPF/0103/04 - Retention of link between domestic outbuildings. Grant Permission - 05/04/2004.

LB/EPF/0104/04 - Grade II listed building application for retention of link between two outbuildings. Grant Permission - 05/04/2004.

EPF/0965/09 - Erection of a new gate and fence. Refuse Permission (Householder) - 31/07/2009.

Policies Applied:

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

ST4 – Road Safety

HC12 – Setting of Listed Building

Summary of Representations:

2 properties were consulted and no replies were received

PARISH COUNCIL: Objection. Concerned that this is phase 1 in dividing the site. No need for extra gate. No room to turn a vehicle by the stables in the divided section. Creation of separate unit would enable a different use. No explanation why applicant wants to screen off stables.

Issues and Considerations:

The main issues to consider are impact on the Green Belt, neighbour amenity and highway safety, and the impact on the setting of the Grade II listed building.

Impact on the Greenbelt

The gates and pillar of the proposal are the only elements of the scheme which would potentially impact on the Green Belt; the fence being within the grounds and generally unseen. It is not considered that the gates and pillar would be harmful to the surrounding Green Belt setting. The immediate area consists of the existing set of gates and the elevations of buildings and these additions are of the same design and would not cause undue impact particularly as they replace fencing.

Impact on Neighbour Amenity

Policy DBE9 requires that residential extensions do not lead to loss of neighbour amenity in relation to such things as visual impact, overlooking or loss of daylight/sunlight.

The proposal is not in close proximity to any neighbours and thus there would be no impact on amenity.

Road Safety

Policy ST4 states that new development should not be detrimental to highway safety.

The application was previously refused on the advice of Essex County Council Highways Department in relation to the creation of an additional dwarf wall on publicly maintainable highway. The reasoning being that the proposed wall would create an additional obstruction on the highway and would present a hazard to highway users contrary to Policy ST4 of the Local Plan. This has now been addressed by the removal of the dwarf wall from the application, and an indication on the plans to remove the existing dwarf walls. Highway concerns have therefore been adequately addressed.

Setting of Listed Buildings

The proposed gates and fence are considered appropriate in this location and are not harmful to the setting of the Listed Building which lies to the west

Parish Council Objections

The Parish Council has registered an objection which chiefly expresses concern as to why there is a need for a new access and fence at the site. The works will effectively divide the front section of the proposal site where the various buildings are located.

A previous application for a commercial livery business in 1987 was refused and a subsequent appeal dismissed. The Parish Council concerns are noted, however it is considered that any future desire to change the use of the land from residential curtilage or to construct a new dwelling would require express consent and would therefore fall under the control of The Local Planning Authority, where it could be judged accordingly. The applicant has, through the agent, indicated an intention to simply separate the stables complex to guard against the current owner's dogs upsetting the horses and in this regard the council would have no objections to the proposal.

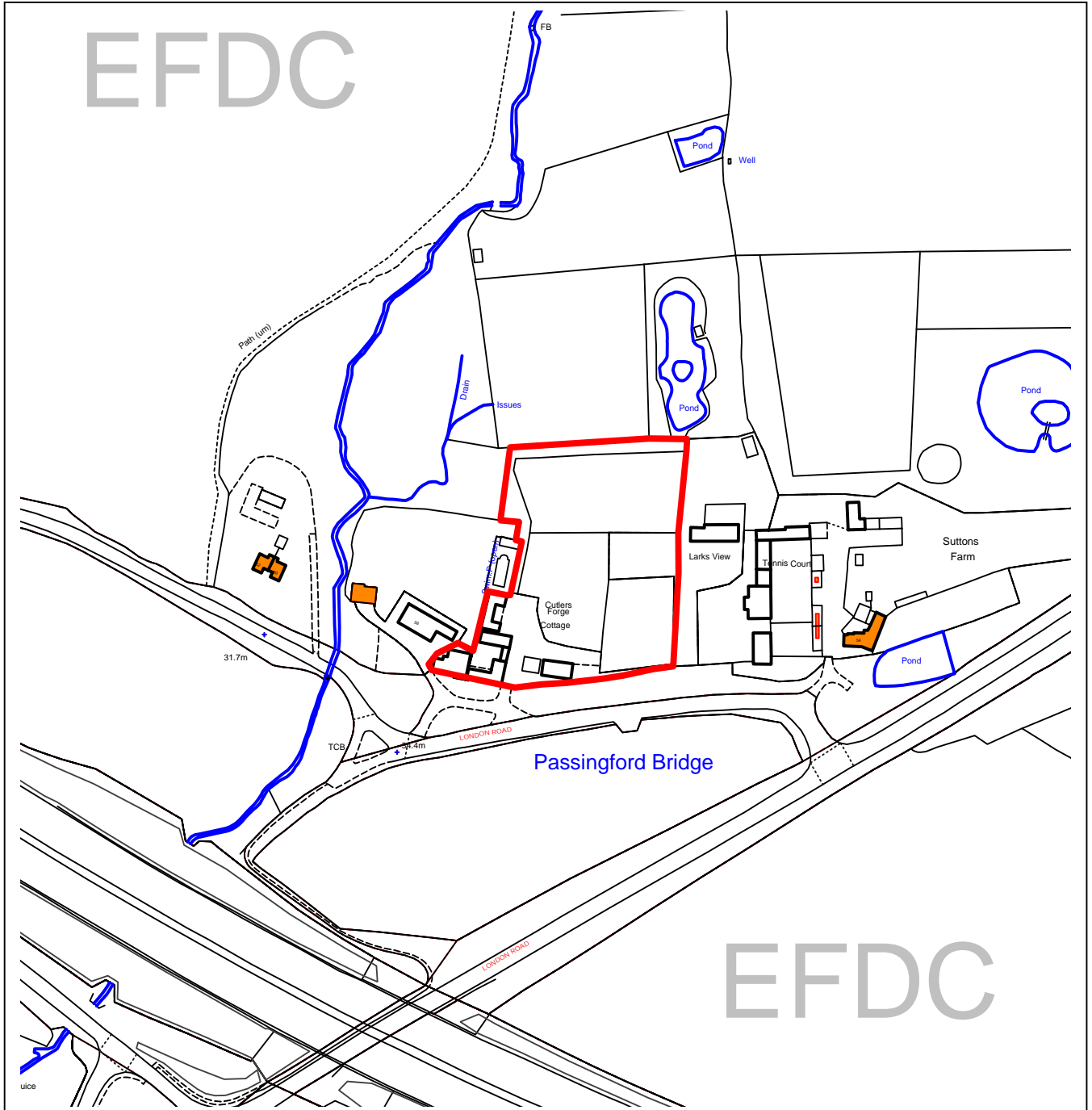
Conclusion

As the proposal does not conflict with Local Plan policy and there are no matters to determine otherwise it is recommended the application be approved with conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/1756/09
Site Name:	Cutlers Forge Cottage, Tawney Lane Stapleford Tawney, RM4 1EE
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/1843/09
SITE ADDRESS:	The Old Bobbingworth Landfill Site Moreton Bridge Moreton Ongar Essex
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Epping Forest District Council
DESCRIPTION OF PROPOSAL:	Erection of 2 no. 6m high steel tubular columns for mounting CCTV monitoring equipment.
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 field of vision of the cameras shall not overlook the neighbouring residential properties.

This application is before this Committee since it is an application for the Council's own development (pursuant to section P4, schedule A (e) of the Councils delegated functions).

Description of Proposal:

Erection of 2 no. 6m high steel tubular columns for mounting CCTV monitoring equipment. These would be located at the north and south entrances to the site to provide security against crime, anti-social behaviour and fly-tipping.

Description of Site:

The entire site consists of a 9.6 hectare former landfill site that has been 'restored' to a green open space. The site is located on the north eastern side of Moreton Bridge within the Metropolitan Green Belt. The open space has two entrances, one to the north and one to the south of the site, which constitute the two application sites for the proposed camera columns.

Relevant History:

EPF/0083/81 - Use of refuse tip for recreational facilities (including supervised play area) and outline application for village hall (23 acres) – approved/conditions 29/10/81

EPF/0700/81 - Backfilling of former gravel pit and refuse tip with 200,000 cubic metres of selected material – approved/conditions 15/06/81

EPF/0478/96 - Recontouring of former refuse tip to improve surface drainage – approved/conditions 14/05/97

EPF/0409/06 - Restoration and remediation of Bobbingworth former Landfill site for the development of a 'Pocket Park' including the construction of a Leachate Treatment Plant, improvements to site access and a parking area for disabled visitors – approved/conditions 18/04/06

Policies Applied:

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties.

Summary of Representations:

7 neighbouring properties were consulted and 2 site notices erected (one at each entrance). No responses were received.

PARISH COUNCIL – Support as we need to ensure the site and plant is protected from vandalism and incursion.

Issues and Considerations:

The camera columns would be sited by the north and south entrances to the site. Whilst no exact position has been indicated for the pole, the application sites indicate approximately 100/110 sq. m. areas for the cameras to be mounted. Whilst approximate positions have been indicated within submitted photographs, the exact location depends on light levels. The northern application site is some 9m from the boundary between the old landfill site and the adjoining residential property, No. 10 Moreton Bridge, and the southern application site is some 22m from the boundary between the landfill site and the adjoining dwelling known as Holmsfield. The poles would be of a standard design with cameras on top, and would reach a height of 6m. The operators of the cameras would be EFDC, and as such the Council could ensure that no direct overlooking of neighbouring residents occurs, however it may still be relevant to condition that the line of vision of the camera will be controlled to ensure that there is no direct overlooking of neighbouring dwellings.

Given the relatively small mass and inconspicuous appearance of these camera poles it is not considered that the proposed camera columns will be detrimental to the openness, character or overall appearance of the application site or wider Green Belt. Furthermore the deterrence of fly-tipping and unsociable behaviour (of which there has been previous incidents including illegal 'quad biking') would be vastly beneficial to both the overall character of the Green Belt and to neighbouring amenities.

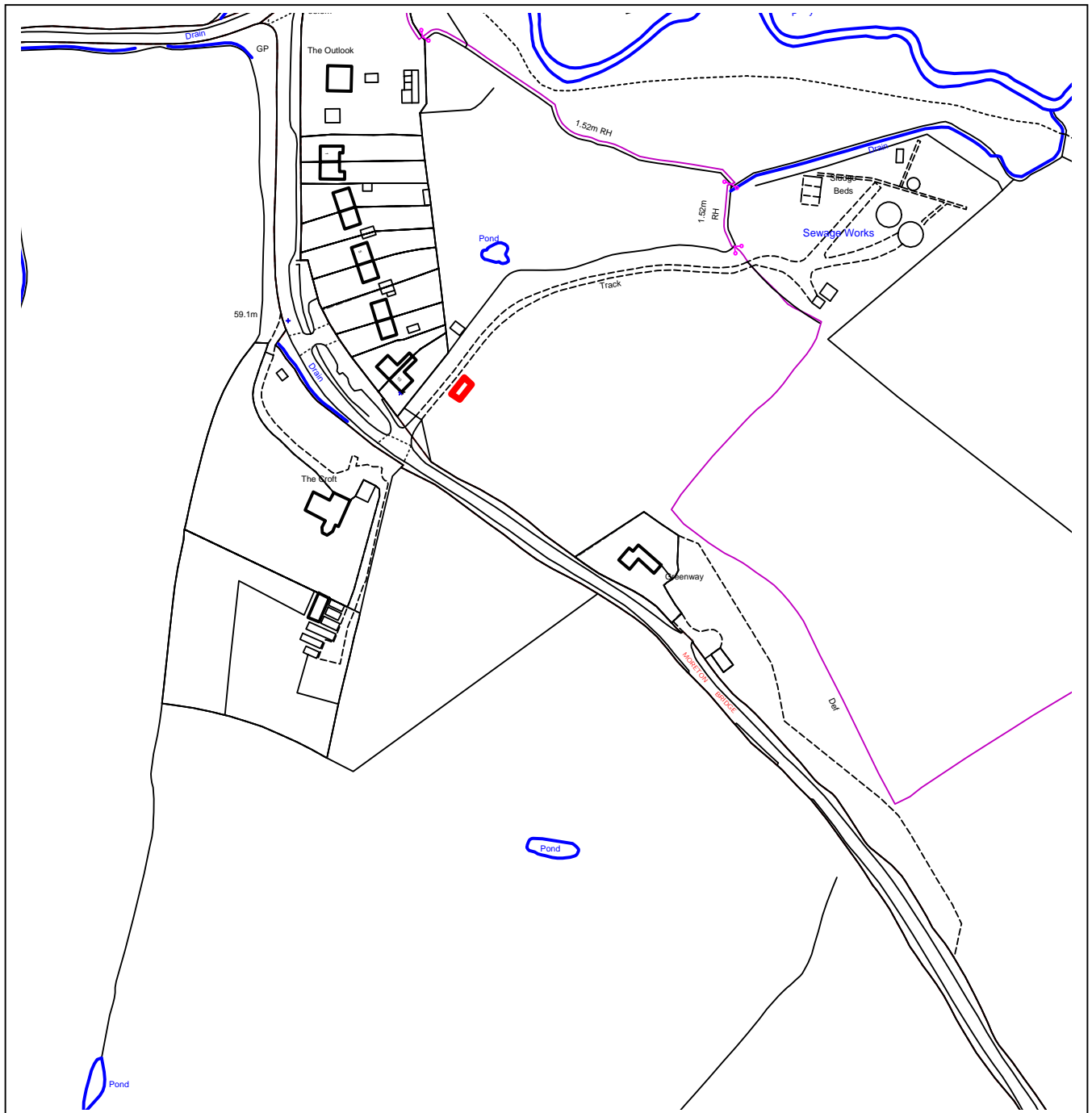
Conclusions:

This is a minor proposal aimed at improving security in this community green space. It will not have any undue affect on the Green Belt, the visual appearance of the site, or neighbours privacy, and therefore the proposal complies with all relevant Local Plan policies. As such the development is recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5 - North
Application Number:	EPF/1843/09
Site Name:	The Old Bobbingworth Landfill Site (Northern entrance) Moreton Bridge
Scale of Plot:	1/2500



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5 - South
Application Number:	EPF/1843/09
Site Name:	The Old Bobbingworth Landfill Site (Southern Entrance) Moreton Bridge
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/1903/09
SITE ADDRESS:	Holmwood Stapleford Road Stapleford Abbots Romford Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Steve Benstock
DESCRIPTION OF PROPOSAL:	Single storey rear extension with roof terrace. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 Prior to the commencement of development details of side screens to the roof terrace shall be submitted to and agreed in writing by the Local Planning Authority, and the agreed screens shall be erected before the occupation of the extension hereby approved and maintained thereafter in the agreed positions.

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

Description of proposal:

Single storey rear extension, on the west elevation, measuring 3.3m deep x 10.2m wide by 3.8m high with a false hipped roof with roof terrace.

Description of Site:

A detached chalet-bungalow on a rectangular plot. It is part of a ribbon of development along Stapleford Abbots Road. It is wholly within the Green Belt. The land slopes down to the south.

Relevant History:

EPF/2020/04	New dwelling	approved
EPF/0614/09	Single storey rear extension	refused

Policies Applied:

GB2A Green Belt
DBE 9 Excessive Loss of amenities for neighbours
DBE 10 Design of residential extensions

Representations Received

4 properties were notified, a site notice erected, but no responses were received.

PARISH COUNCIL – Recommend refusal as Councillors are concerned about privacy of neighbouring properties

Issues and Considerations:

The main issues in this application are the effects on:

1. The Green Belt
2. Street scene and design
3. Neighbour Amenity

It should be noted that this scheme has been revised since the original application to take into account the reasons for refusal, which were the disproportionate impact on the Green Belt, unattractive design and overbearing impact of the side screens.

Green Belt

- The scheme has removed the formerly proposed flat roof and has reduced the depth from 5.3m to 3.3m.
- The current property has a floor area of some 169m² and the new scheme would now have an increase of 34m². This is a 20% increase in floor area.
- In this instance the Council removed all permitted development rights from this property in 2004 when it was granted permission as the dwelling was a replacement for a dwelling/mobile home. However, Officers were concerned that the scheme should not be excessive in size and scale as it was a larger structure than that which it was replacing and therefore especial scrutiny should be given to any extensions which would further increase the size and bulk of the scheme.
- This is a reduced scheme and one which is considered to be reasonable and proportionate. There would be no adverse impact on the openness and character of the Green Belt in this ribbon of residential development.

Impact on Street Scene and Design

- The new extension would be built on the rear of the property which is less sensitive to change than the front or side of a property.
- The revised design is acceptable and in keeping with the appearance of the house.
- The scheme also introduces a roof terrace which has a 1m high parapet which is the slope of the hipped roof. The issue of screening will be discussed below, but this does not have any adverse design impact.
- Materials will match.

Impact on Neighbours

- The scheme has removed the previously proposed side screens which were of a poor and incongruous design. However, no screening is provided which does result in the use of the roof terrace having the potential to overlook Wayside's rear patio to the south and Maple Leaf's garden to the north.
- This can be overcome by the imposition of a condition requiring a suitable screen on each flank, to be installed prior to the first use of the terrace area.
- There will be no loss of light as a result of this scheme.

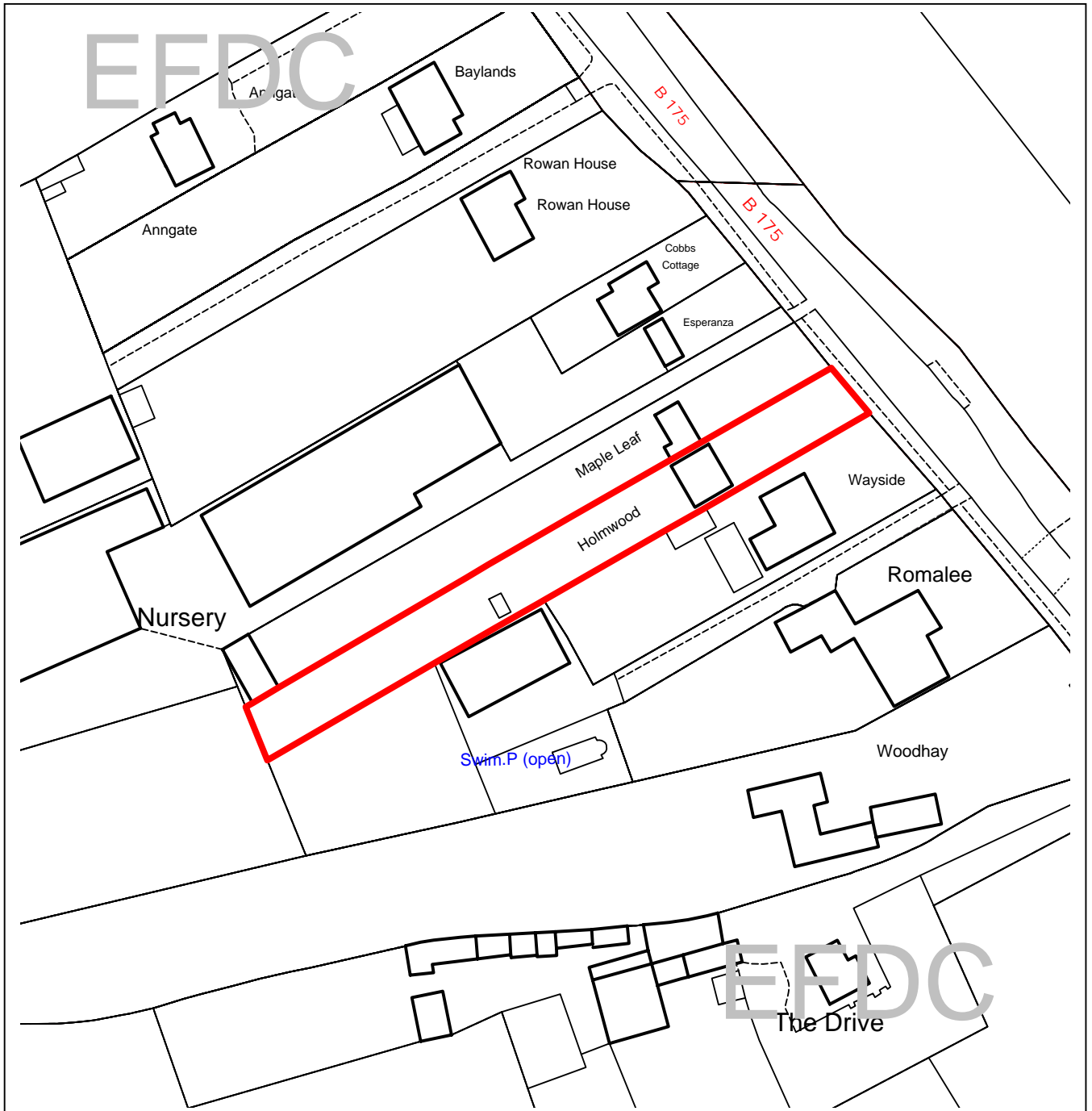
Conclusion

This scheme is revised and has dealt with the adverse impact of the previous scheme. Whilst the concerns of the Parish Council are noted it is considered that a condition regarding appropriately designed side screens can overcome this issue. This application is therefore recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/1903/09
Site Name:	Holmwood, Stapleford Road Stapleford Abbots, RM4 1EJ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1906/09
SITE ADDRESS:	31 Lindsey Street Epping Essex CM16 6RB
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mrs Anu Sood
DESCRIPTION OF PROPOSAL:	Removal of condition 1 of EPF/0743/76 to allow garage to be used as a dentist's surgery ancillary to the main use of the dwelling house as such. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building.
- 3 The premises shall be used solely for a dental surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 The proposed business shall employ a/person(s) residing in the attached dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 31 Lindsey Street, Epping. Furthermore the business shall not provide more than one surgery or consultation room.
- 5 The Dental Surgery hereby permitted shall not be open to customers / members outside the hours of 09:00 to 18:00 on Monday to Friday, 09:00 to 13:00 on Saturday, and not at all on Sundays or public holidays.
- 6 The visibility splays, as shown on drawing no: 2042:DM:08:2, shall be kept clear of any obstruction exceeding 600mm in height at all times.
- 7 Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.

- 8 Before the building is occupied, a suitably surfaced area shall be provided, and thereafter maintained to the satisfaction of the Local Planning Authority, within the curtilage of the site to enable a vehicle to turn and leave the property in forward gear. Details of this should be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.
- 9 The parking areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents, staff and visitors vehicles.
- 10 Prior to commencement of the use hereby approved details regarding the adequate storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details and retained thereafter.
- 11 The walls of the proposed dental surgery shall comply with the current Approved Document E of the Building Regulations 2003 as a minimum.

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

Description of Proposal:

The applicant seeks planning permission for the removal of condition 1 of EPF/0743/76 to enable the garage of the house to be used as a dentist's surgery by the occupier of the house.

The conversion of the garage would comprise of a reception/waiting room, one surgery room and a W.C. There would be internal access from the surgery leading into the dwelling house. The existing garage door would be replaced by a front door that leads into the reception area and two small front windows. The flat roof would be replaced by a pitched roof. The existing in-out driveway would be removed and a single central vehicle access added, with two off-street vehicle spaces provided in front of the proposed surgery and three off-street parking spaces provided to the side of the dwelling.

The planning permission granted under Ref: EPF/0743/76 was for the demolition of the existing garage and erection of a new double garage. The condition in question states that the garage should only be used for parking and not for any industrial, commercial or business use. The reason for this condition was to avoid any harmful impact on adjoining occupiers.

Description of Site:

The subject site is located on the south western side of Lindsey Street, Epping and contains a large two storey detached dwelling. The double garage that the proposed change of use relates to is attached to the north western elevation of the dwelling house. A medium size fence is located on the side and rear boundaries whilst a small brick pillar with entrance gates is located on the front boundary. Off-street parking is currently provided on the hard surface in front of the dwelling as well as the attached garage, and is served by an existing in-out driveway.

The surrounding area mainly comprises of a mixture of detached and semi-detached dwellings varying in size and scale. However there is a public house and a general store located within close proximity of the site.

Relevant History:

EPF/0743/76 - Demolition of existing garage and erection of new double garage – approved/conditions 09/08/76

EPF/1630/08 - Removal of condition 1 of EPF/0743/76 to allow garage to be used as a dentist's surgery – refused 04/11/08

Policies Applied:

CP2 – Protecting the quality of the rural and built environment

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of amenity

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

Summary of Representations:

26 neighbours were consulted on this application.

TOWN COUNCIL – Object to this application as they are concerned that the lack of parking both at the site and within a reasonable walking distance would create further problems for this congested area. Committee note the limited parking provided for patients on the site, but also note that the exit and entrance of these patients to their vehicles would create further highway issues in a very congested and busy street. Overall, the town council have considerable concerns that the intensification of use that this application would allow, were it to be granted, would create a significant disturbance to neighbouring properties and highways hazards.

5 LINDSEY STREET – Object to impact on highways, parking, surgical waste and problems with disposing of this, and due to noise and disturbance. The use is considered unacceptable in this residential area and may lead to a proposal to extend the business into the main body of the house.

9 LINDSEY STREET – Concerns about parking provision and highway safety.

20 LINDSEY STREET – Object as the domestic premises are unsuitable for commercial use as a dentist and would detrimentally impact on parking provision and traffic flow.

21 LINDSEY STREET – Comment that the application is believed to be on false grounds as there is no garage at this side of the house in question – there never has been. There is a store with an access door to a driveway – this is not a garage door but an ordinary door to the driveway.

27 LINDSEY STREET – Object as there is insufficient parking provided, the single entrance does not overcome the previous reason for refusal and will cause difficulty in vehicles manoeuvring into and out of the site, and as this may result in a change of use of more of the large property to a dental surgery.

33 LINDSEY STREET – Object due to the overlooking resulting from patients entering and leaving the site, as it is out of character with the residential nature of Lindsey Street, due to the impact on parking and highway safety, and due to increased noise.

1A BEULAH ROAD – Object due to the impact on highway safety and parking provision.

10 BEULAH ROAD – Object due to parking problems, highway safety issues, and as a new dentist has opened within Epping High Street, making the need for this somewhat redundant.

18 BEULAH ROAD – Object as the revisions do not address the previous reasons for refusal and that this would detrimentally impact on highway safety and parking provision. Also consider that this change of use may lead to a subsequent application to convert the entire dwelling to a dental surgery.

4 LYNCELEY GRANGE – Object due to lack of parking provision.

Issues and Considerations:

Planning permission for working at home is not usually needed where the use of part of the dwelling house for business purposes does not change the overall character of its use as a residence. However judgement of what constitutes as a material change of use is to be determined in each case by the Local Authority. In this instance it was considered that, given the intensification of the existing use of the site, the conversion of the garage into a dental surgery would warrant a change of use requiring planning permission.

The main issues to be considered are whether the proposed change of use from a garage to a dental surgery would cause a detrimental impact on the character of the surrounding area in terms of design and appearance, with regards to highway and parking issues, and whether the development would be harmful to the amenities of adjoining property occupiers. The previous application (EPF/1630/08) was refused permission on the following grounds:

The proposed change of use from a garage to a dental surgery would intensify the use of an access onto a classified road where the driver to driver sight lines are substandard. Given the lack of visibility it would result in an unacceptable degree of hazard to all road users of the highway and would therefore lead to a deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety contrary to policies ST4 and ST6 of the Epping Forest Local Plan and Alterations and the relevant transportation policies contained within the County Council's Highway and Transportation Development Control Policies.

Highway and Parking

The previous application was refused due to the insufficient sight lines and the impact this would have on highway safety and the free flow of traffic on Lindsey Street. This recommendation for refusal was previously put forward by Essex County Council Highway Officers. The revised application proposes to remove the existing in-out driveway and replace it with a central vehicle access that would be 3.5m wide and have low level planting on either side. Comments received by Essex County Council Highways with regards to the revised scheme state “*the Highway Authority would not wish to raise an objection to this proposal subject to the following conditions*”:

1. The visibility splays, as shown on drawing no: 2042:DM:08:2, shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason:- To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

2. Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.

Reason:- To enable vehicles using the access to stand clear of the carriageway/footway whilst gates are being opened and closed in the interest of highway safety.

Subject to these conditions it is therefore considered that the revised application adequately addresses the previous reason for refusal and is therefore acceptable under Local Plan policy ST4.

Although the previous reason for refusal referred to policy ST6, which relates to vehicle parking, the officer's report clearly stated that it was considered that sufficient vehicle parking was to be provided.

Given that the proposal relates to just one surgery there would only be one patient seen at a time, and therefore at most two patient vehicles on site at any one time (one for the patient being seen and one for the previous or next patient). As there are two vehicle spaces provided this is considered sufficient to meet the patient parking needs of the proposed use. The Surgery would serve the occupier of the main dwelling, so no parking provision over that provided for the occupiers of the dwelling would be required for the Dentist, however it is likely that there would be a receptionist and/or a dental nurse required on site. Along with the two proposed spaces outside of the dental surgery there would be three spaces provided to the side of the dwelling. The Essex Vehicle Parking Standards would require 2 off-street vehicle spaces to serve a dwelling of this size, and therefore the third space would be available for use by an additional member of staff for the dental surgery. Further to this, given the location within the built-up urban area of Epping the site is within a sustainable location that could be accessed by alternative forms of transportation.

There is sufficient space within the front garden area of the property to allow for the 5 total off-street parking spaces, along with adequate turning space to allow vehicles to enter and leave in forward gear. Furthermore, given the large amount of turning space there would be sufficient room for short term parking (i.e. deliveries or pick-ups) within the site, which would counter any additional on-street parking pressure on the already congested surrounding streets.

Due to the above, and subject to the previously stated conditions and further conditions ensuring the parking areas and turnings spaces are installed and retained, the proposal now complies with policies ST4 and ST6 of the Local Plan.

Design and appearance

The Council previously considered that the external changes required to convert the garage into a dental surgery would not have a harmful impact to the character of the street scene or to the character of the surrounding area. As the only alteration to the scheme is the removal of the in-out driveway and installation of a single access, it is not considered that this would alter the previous decision and as such the design and appearance of the converted building would be acceptable.

Amenity considerations

It was previously, and is still considered, that there would not be any harm to the amenities of adjoining occupiers in terms of noise and disturbance. A condition could be added to ensure that adequate soundproofing of the surgery be put in place prior to commencement of use in order to prevent general noise disturbance to neighbouring residents.

The potential disturbance resulting from intensification of the use of the site is also deemed as acceptable. It is considered that, as there is only one surgery proposed on the site, there would not

be a significant degree of disturbance or loss of privacy in relation to people arriving at and leaving the site. It should also be noted that there a nearby shop located four properties down and a public house to the north of the application site. It is considered that there would be considerably more noise and disturbance caused by these than the proposed dental surgery. Furthermore, the proposed opening hours of the surgery would be 09:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays, which can be restricted by condition. As such there would be no disturbance in the evenings or on Sundays, unlike the shop and public house.

Objections have been received by neighbours with regards to the potential of the entire dwelling being converted into a dental surgery, which would attract considerably more vehicle and pedestrian movements than this proposal. The change of use of this dwelling would require planning permission and these issues would be considered as part of any assessment of such. The potential for a future application for this is not under consideration at this time and is not a material consideration in relation to this application.

Environmental Health

The application was referred to Environmental Health, who had no objections regarding the application subject to conditions in relation to refuse and storage of drugs.

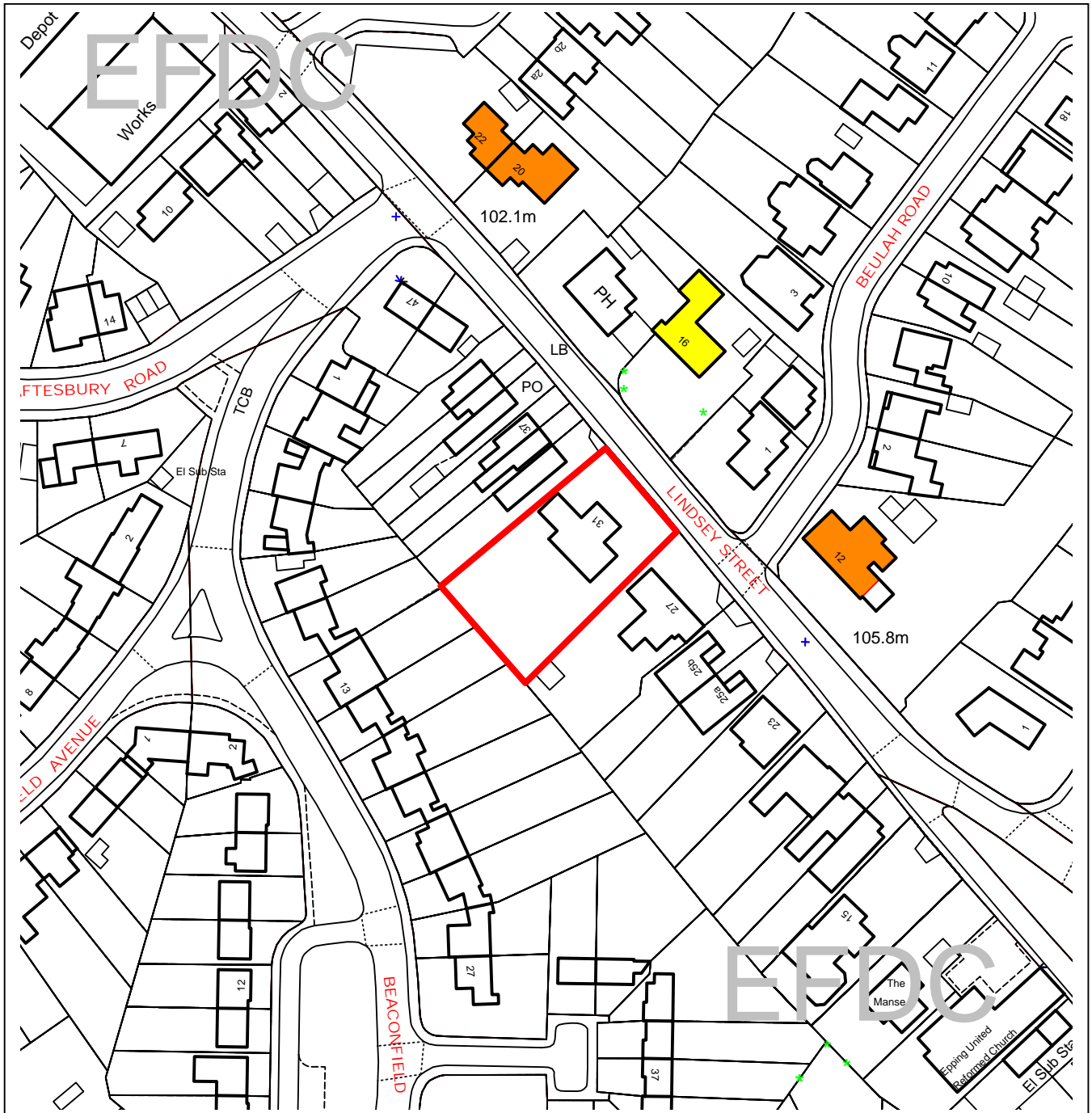
Conclusion:

In light of the above and the revisions made to the previous application it is considered that the previous reason for refusal has been sufficiently overcome and as such the application is recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/1906/09
Site Name:	31 Lindsey Street, Epping CM16 6RB
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1934/09
SITE ADDRESS:	Wantz Service Station Fyfield Road Ongar Essex CM5 0AH
PARISH:	Ongar
WARD:	Shelley
APPLICANT:	BP Oil UK Limited
DESCRIPTION OF PROPOSAL:	Alterations and extension to existing sales building.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

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

Description of Proposal:

The proposal is to extend the existing sales building at the rear to a depth of 4.5m and measuring 9.8m wide. The height of the extension would be the same as the existing building with matching materials.

Description of Site:

The proposal site is a service station located on the north eastern quadrant of The Four Wantz roundabout where the B184, A128 and A414 meet. The current site contains an existing sales building towards the rear of the plot with a covered forecourt adjacent to the highway. There is also a car wash in operational use. The proposal would be located to the rear of the sales building, where it is bordered by a commercial building to the north and a residential property to the north east. There are a large number of residential properties in the immediate vicinity.

Relevant History

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

EPF/1514/89 - Rebuilding of petrol filling station with car wash. Grant Permission (with conditions) - 26/03/1990.

EPF/1757/99 - Proposed extension to house ATM machine. Grant Permission (with conditions) - 17/12/1999.

EPF/1094/08 - Installation of new underground fuel tanks, replacement forecourt canopy, pump islands, forecourt surfacing and drainage. Grant Permission (With Conditions) - 23/07/2008.

Policies Applied:

Policy DBE1 – Design of new Buildings

Policy DBE9 – Loss of Amenity

Policy ST4 – Road Safety

Policy ST6 – Vehicle Parking

SUMMARY OF REPRESENTATIONS:

(34 properties consulted – 2 replies).

TOWN COUNCIL: Resolved to make no comment.

THE BARN, CHELMSFORD ROAD (3 LETTERS): Objection. Road safety issues, the service station is busy and there is limited parking on the site. The increased trade will make access and egress difficult and will lead to parking on the pavement. Increase in noise and light pollution associated with increased use. Extension contravenes objectors 3.0m right of way for maintenance and repair.

WANTZ FARM, CHELMSFORD ROAD: Objection. Road safety issues, shopping time per person will increase which will lead to additional time spent at the pump. As there is no additional parking this could lead to a backlog of traffic onto Fyfield Road. Parking on the footpath will create a hazard in terms of visibility which could lead to an accident. Increased risk to pedestrians. Noise and light pollution will increase with this expansion. Property value will decrease with this intensification of use. Rubbish pollution will become a greater issue.

Issues and Considerations:

The main issues to consider are the design of the proposal, any potential issues of loss of amenity, or concerns about road safety.

Impact on Appearance of Area

Policy DBE1 requires that new buildings respect their setting in terms of scale, proportion, siting and massing and adopt a significance in the streetscene which is appropriate to their use or function.

The current sales building is comparatively small in relation to some service stations providing similar services in the locality and it is evident that conditions are relatively cramped. The proposed alterations will be similar in style to the existing building and present no design issues. The bulk of the extension will be largely unseen as it is located at the rear of the existing sales building and is enclosed by fencing and a high wall and garage on the boundaries.

Impact on Neighbours Amenity

Policy DBE9 requires that new development does not lead to loss of neighbour amenity in relation to such things as noise, smell and disturbance.

The extension would be bordered on either side by a commercial premises and a residential property. The residential property is divided from the site by a high wall, 3 metres approx, and a pitched roof garage. The commercial property is divided from the site by a 2.0m fence. This proposal would not present any issues in relation to loss of light or outlook. The main issue to consider in relation to amenity is the potential for noise and disturbance, as highlighted in the objection letters. There is nothing to support the contention that an increase in the sales area would lead to increased rubbish or noise and disturbance, and it is not considered there will be an increase in light pollution from a generally enclosed section of building. The proposed plans also indicate adequate space for the safe storage of rubbish and waste materials.

The objection letters also allude to falling property values and impacts on private property rights of way in relation to this application. However these are not deemed material considerations when reaching a planning decision.

Road Safety

The objection letters received also expressed concerns in relation to road safety and parking. The Highways Department of Essex County Council have been consulted in relation to this and raise no objection to this proposal, which is not in contravention of the Country Council's transportation policies. The existing arrangement in terms of access and egress at the site will be retained and it is not envisaged that the proposal would compromise road safety. The highway authority has no objections to this proposal because the overall increase in size of the sales area is not substantial and will almost certainly not generate a significant amount of extra traffic movement to the site than there already is. The site has been there and operated in its current position for years and this proposal will only really benefit existing customers with a wider range of choice from within the sales area.

There have been no reported accidents within the last 5 years associated with the access or exit of the petrol station which makes any suggestion that it is unsafe very hard to substantiate.

The highway authority can understand a perceived safety problem from locals near the BP station but there is nothing tangible that would warrant recommending a refusal .

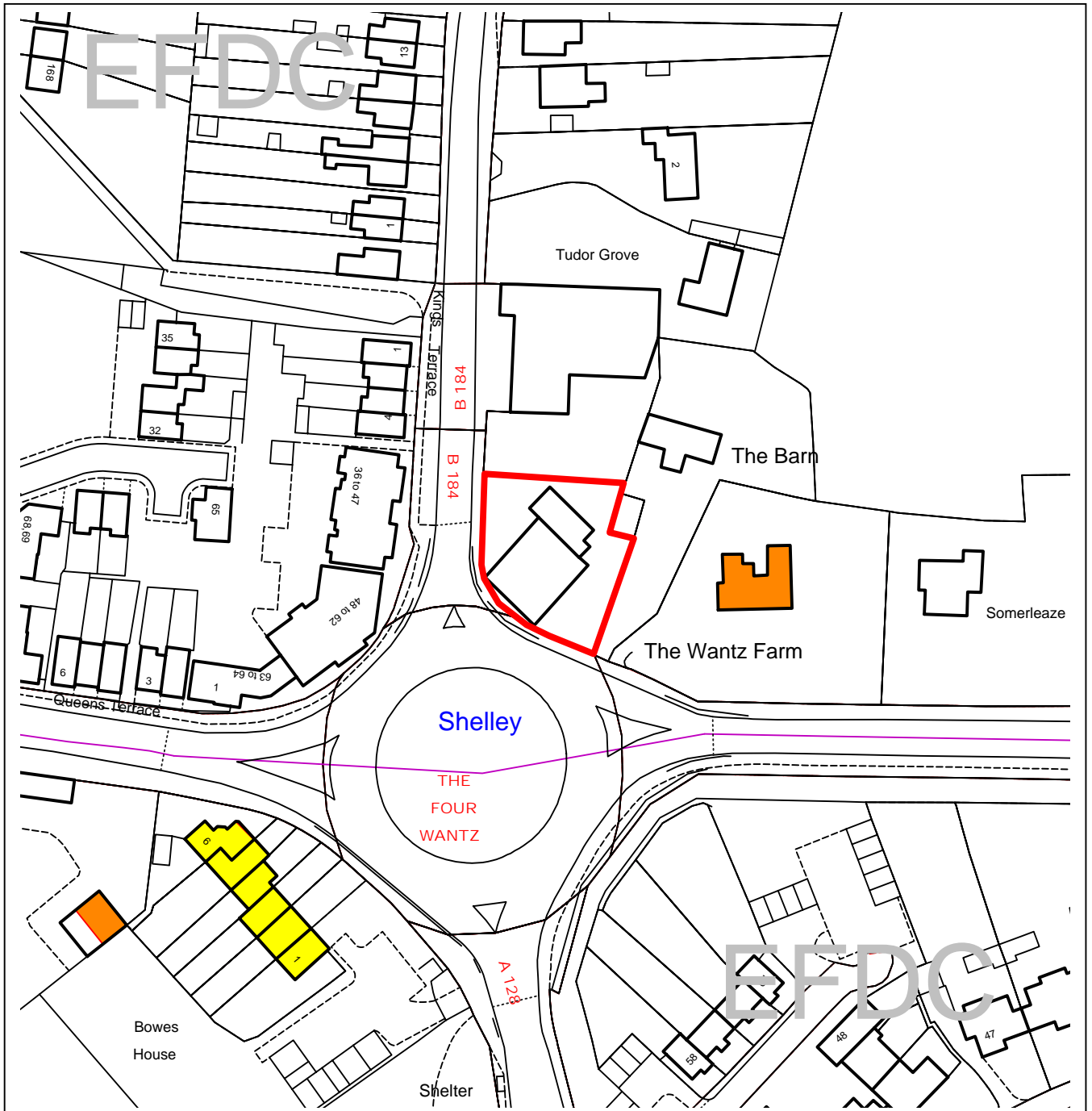
Conclusion:

The proposed extension presents no significant issues in relation to design or loss of amenity. Road safety is not considered to be further compromised by this addition to the existing floorspace. It is therefore recommended that the application be approved with conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/1934/09
Site Name:	Wantz Service Station, Fyfield Road Ongar, CM5 0AH
Scale of Plot:	1/1250

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Report to Area Plans Sub-Committee East



**Epping Forest
District Council**

**Date of meeting: East – 25 November
2009**

Subject: Probity in Planning – Appeal Decisions, April 2009 to September 2009

**Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services Officer: Mark Jenkins (01992 564607)**

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 (BVPI) for district councils was 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. However, for 2008/09, a total of 40.3% of the Council's decisions were overturned, making this our worst performance since the BVPI was introduced.

Performance

3. Over the six-month period between April 2009 and September 2009, the Council received 49 decisions on appeals, 46 of which were planning and related appeals and 3 were enforcement related. Of these, 14 were allowed (28.6%).

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 27.3% allowed (44 appeals). LPI45 target for this year is 25%.

Planning Appeals

6. The proportion of the 46 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period was 13% and of the 6 decisions that this percentage represents, the Council was not successful in sustaining the committee's objection in any of them. The 6 (100%) lost were:

Area Cttee South:

EPF/1719/08 – Erection of a two storey end of terrace dwelling at 20 Cascade Close, Loughton.

EPF/0296/08 - Demolition of existing house and erection of 2 x 3 bedroom houses and 2 parking spaces at (Revised application) 66 England's Lane, Loughton.

EPF/0900/08 - Demolition of existing buildings and erection of three linked blocks of three storeys with accommodation at roof level. The development comprises 24 apartments, 3 retail units and 27 car parking spaces, cycles parking and amenity area. (Revised application) at 12-30, Church Hill, Loughton.

EPF/1411/08 – Replace existing garage and rear extension with two storey side extension and loft conversion with rear dormer to provide 1 no. one bedroom flat and 1 no. two bedroom flat at 2C Goldings Road, Loughton.

Area Cttee East:

EPF/2086/08 - Change of use of a former gas works building to short term holiday lets accommodation at Brick Works Building, Downhall Road, Matching Green.

EPF/2435/08 – Removal of planning condition 2 'obscure glass fixed frames to front windows' on EPF/1972/08 for loft conversion with dormer windows to front and rear at 1 Aukingford Green, Ongar.

7. 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 4 of the 6 cases allowed directly involved the erection of new dwellings 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. As reported previously, It would seem that only the very worst are being dismissed at appeal. The appeal decision at 1 Aukingford Green, Ongar is also to note that planning conditions should only be attached to planning permissions if considered relevant, reasonable and necessary, i.e. that planning permission would be refused otherwise. The Planning Inspector clearly considered that the condition did not meet these tests in this particular case.

10. Of the 40 planning application decisions made by the Director of Planning & Economic Development under delegated powers, 7 were allowed (17.5%). Whilst 2 of these involved the creation of new dwellings, 2 were related to enlarging existing bungalows to make larger houses, implying that Government advice in making the best use of urban land is still of paramount importance.

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.

Conclusions

14. The Council's performance for this 6-month period has improved on last year, but is still marginally over the threshold target. Because of the economic downturn, there have been fewer appeals submitted this year compared with last (80 by this stage last year) and with PINS now dictating how appeals are dealt with, a greater percentage are by the written representation method rather than hearings and inquiries. This has not necessarily resulted in an improved performance, but it does mean that the Council has not needed to use external consultants as much as in previous years, which has budget implications.

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

Appeal Decisions April to September 2009

Planning Appeals Allowed:

Buckhurst Hill

1. EPF/1719/08 – Erection of a two storey end of terrace dwelling at 20 Cascade Close

Chigwell

2. EPF/2371/08 – Erection of new chalet bungalow. (Revised application) at land to rear of 4 Doves Cottages

Epping

3. EPF/1588/08 - Conversion of existing bungalow to house by addition of new first floor, and new single storey rear extension (revised application) at 63 Tower Road

Fyfield

4. EPF/1434/08 - Conversion of existing bungalow to two storey house with rooms in loft space with front and rear dormer windows and two storey rear extension at Nottage Croft, Ongar Road

Loughton

5. EPF/0296/08 - Demolition of existing house and erection of 2 x 3 bedroom houses and 2 parking spaces at (Revised application) 66 England's Lane
6. EPF/0900/08 - Demolition of existing buildings and erection of three linked blocks of three storeys with accommodation at roof level. The development comprises 24 apartments, 3 retail units and 27 car parking spaces, cycles parking and amenity area. (Revised application) at 12-30, Church Hill
7. EPF/1392/08 – First floor side extension at 31 Forest View Road
8. EPF/1411/08 – Replace existing garage and rear extension with two storey side extension and loft conversion with rear dormer to provide 1 no. one bedroom flat and 1 no. two bedroom flat. at 2C Goldings Road

Matching

9. EPF/2086/08 - Change of use of a former gas works building to short term holiday lets accommodation at Brick Works Building, Downhall Road

North Weald

10. EPF/0701/08 – Proposed division of property to provide additional 1 bed cottage at 11 Woodfield Terrace

Ongar

11. EPF/2435/08 – Removal of planning condition 2 'obscure glass fixed frames to front windows' on EPF/1972/08 for loft conversion with dormer windows to front and rear at 1 Aukingford Green

Waltham Abbey

12. EPF/1863/08 - Two storey side extension, with garage at ground floor, infill rear extension and removal of flat roof to existing rear extension and replacement with a mono-pitched roof with parapet walls to the flanks at 118 Honey Lane

Enforcement Appeals Part Allowed

1. ENF/0494/08 - Unauthorised fence erected over 1m high adj to a highway at Brook House, Debden Lane, Loughton

Planning Appeals Dismissed

Buckhurst Hill

13. EPF/2079/08 - Part two part single storey side extension and ground floor rear extension. (Amended application) at 12 Loughton Way

Chigwell

14. EPF/0679/08 - Demolition of an existing dwelling and erection of 10 x 2 bedroom flats and 2 x 3 bedroom penthouses including associated car parking, access and landscaping at 118 High Road
15. EPF/0870/09 – Two storey side extension and pitched roof canopy to front elevation at 61 Tomswood Road
16. EPF/1279/08 – Demolition of two houses and erection of a three storey building comprising of 20 no. 2 bedroom flats and 3 no. 1 bedroom flats. (Revised application) at 113 & 115 Grange Crescent
17. EPF/1895/08 - Amendment to planning approval EPF/0320/08 for a new dwelling, in respect of increased depth of rear ground floor and formation of room in loft with rear facing dormer window at Land adj. 48 Love Lane
18. EPF/2697/07 – Two storey side and rear extensions, part single storey side extension, roof extension with side dormer window and alterations. (Amended application) at 7 Murtwell Drive

Epping

19. EPF/1416/08 – Change of use from office to residential comprising a one bedroom flat at first floor level at 53 High Street

Epping Upland

20. EPF/1439/08 - Conversion of dairy into single one bedroom dwelling with car port. (Revised application) at Annexe to The Dairy, Home Farm, Copped Hall Estate

Lambourne

21. EPF/1239/08 - Two storey side extension at Tudor Oak, 9A London Road
22. EPF/1325/08 - Demolition of existing dwelling and erection of replacement dwelling at 40 Hoe Lane
23. EPF/1926/08 – Two storey side extension. (Revised application) at Tudor Oak, 9A London Road
24. EPF/2341/08 – Conversion of ground floor A1 use to A5 take away - home deliveries. (Revised application) at The White House

Loughton

- 25. EPF/0409/08 – Erection of new house to rear gardens at 92/94 Roding Road
- 26. EPF/1390/08 - Single storey rear extension and new boundary fence (side) 2100 high at 7 Longfield
- 27. EPF/1546/08 – Change of use to A5 food take-away and erection of new shopfront and extract ducting at 244 High Road
- 28. EPF/1717/08 – New pitched roof to front to accommodate rooms in roof space at 5 High Beech Road
- 29. EPF/2040/08 – Extension and conversion of detached garage to one bedroom residential unit at 10 Valley Hill
- 30. EPF/2416/08 – Two storey side and front extensions, two storey infill extension at rear and minor alterations to dwelling at 62 Lower Park Road

North Weald

- 31. EPF/0095/09 - Erection of single attached dwelling and ancillary works at 75 Beamish Close
- 32. EPF/1241/08 – Demolish the existing bungalows (no's 1 & 2) and replace with nine new houses stretching along the site at 1 Marconi Bungalows
- 33. EPF/1709/08 – Retention of new entrance gates and walls fronting Hastingwood Road to replace existing at Orchard House

Ongar

- 34. EPF/1568/08 – Erection of 4 bedroom detached house at land adjacent Threeways House

Roydon

- 35. EPF/1477/08 - Proposed erection of a swimming pool and enclosure, demolition of two detached outbuildings and a lean-to to stable block at Knight Landings, Epping Road
- 36. EPF/1817/08 – Wet weather exercise and training area for trotting or harness racing horses at Rose Farm, Hamlet Hill
- 37. EPF/2073/08 – Loft conversion with side dormer windows at Roadside , Avenue Road
- 38. EPF/2106/08 – Certificate of lawfulness for existing use of siting of one mobile home and one touring caravan at Rose Farm, Hamlet Hill

Sheering

- 39. EPF/1074/08 - Two storey side and single storey rear extensions at 95 Sheering Lower Road

Stanford Rivers

- 40. EPF/0577/08 - Replacement house and outhouse annexe at Wayletts, 28 London Road

Stapleford Tawney

- 41. EPF/1860/08 - Proposed erection of new dwelling to side of existing premises at Suttons Manor, London Road

Waltham Abbey

- 42. EPF/2128/08 - Erection of new 3 storey building to provide for shop (A1) at the ground floor and 2 no. 2 bed flats at the first and second floors (Revised Application) at 12 Highbridge Street
- 43. EPF/2142/08 – Conservation area consent for retrospective demolition of the building at 12 Highbridge Street

Willingale

- 44. EPF/0036/09 – Change of use of land and erection of stable block and hay barn for private use at The Steers, Pigstye Green Road
- 45. EPF/0768/08 – Single storey side extension to form garden room at McKerros, Dukes Lane
- 46. EPF/1175/08 – Removal of mobile home with extension and replacement with single storey dwelling at Greenacres, Walls Green

Enforcement Appeals Dismissed

1. ENF/0409/08 - Entrance gates and walls erected over 2m high at Orchard House, Hastingwood Road, Hastingwood, North Weald
2. ENF/691/08 - Structure/shed erected on parking space at front of property at 23 Lytton Close, Loughton