

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 16th December, 2009

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

Time: 7.30 pm

Democratic Services Officer Mark Jenkins - The Office of the Chief Executive
Email: mjenkins@eppingforestdc.gov.uk Tel: 01992 564607

Members:

Councillors M Colling (Chairman), G Pritchard (Vice-Chairman), A Green, A Boyce, Mrs D Collins, C Edwards, 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. MINUTES (Pages 7 - 24)

To confirm the minutes of the Sub-Committee meeting of 25 November 2009.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

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

7. DEVELOPMENT CONTROL (Pages 25 - 64)

(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. 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.

9. 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:** 25 November 2009

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.01 pm

Members Present: M Colling (Chairman), G Pritchard (Vice-Chairman), A Boyce, Mrs D Collins, C Edwards, 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: J Shingler (Senior Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

65. 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.

66. 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.

67. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors R Morgan declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1078/09 – Bury Farm Cottages, Bury Lane, Epping.

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

- EPF/1120/09 – 25 Piercing Hill, Theydon Bois, Epping.

(c) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in the following items of the agenda, by virtue of knowing some of the people involved in the application. The Councillor had determined that her interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1906/09 – 31 Lindsey Street, Epping

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of being the Housing Portfolio Holder. The Councillor had determined that his interest was not prejudicial and would remain in the meeting but as he had arrived late he would not participate in the discussion and voting on the item:

- EPF/1529/096 – Land at School Lane, Abbess Roding, Ongar.

68. MINUTES

RESOLVED:

That the minutes of the meeting held on 4 November 2009 be taken as read and signed by the Chairman as a correct record.

69. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Subcommittee.

70. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 8 be determined as set out in the schedule attached to these minutes.

71. PROBITY IN PLANNING

The Sub-committee considered the report on probity in planning on appeal decisions between April 2009 and September 2009. The Sub-committee noted that the 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 was 30.9%. This had been scrapped and the Council had 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.

Over a six month period between April 2009 and September 2009, the Council received 49 decisions on appeal, 46 of which were planning and related appeals and 3 were enforcement related. Of these 14 were allowed (28.6%). The proportion of the 46 appeals that arose from decisions of the committee 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. During this period, there were no awarded costs made for or against the Council.

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).

RESOLVED:

That the Planning Appeals Decision be noted.

72. 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

This page is intentionally left blank

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
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.
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.

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
DESCRIPTION OF PROPOSAL:	Removal of condition 3 'permitted development rights' on EPF/0105/09 for erection of single storey garage/store to side.
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.

Report Item No: 3

APPLICATION No:	EPF/1529/09
SITE ADDRESS:	Land at School Lane Abbess Roding Ongar Essex
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
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).
DECISION:	Grant Permission (subject to S106 agreement)

The Committee's attention was drawn to a report that sight lines had been increased to 100m and 120m and Highways Authority had therefore withdrawn their objection. Officer's recommendation to Committee was therefore to Grant Permission (subject to s106 agreement).

Members agreed to grant consent subject to the application first entering into a legal agreement under section 106 to ensure that the houses are affordable and made available only to local residents of Abbess and Beauchamp Roding and to secure the provision of sight lines, and subject to the attached conditions.

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted

by virtue of Part 1, Class A, D and E shall be undertaken without the prior written permission of the Local Planning Authority.

- 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.
- 7 The brook to the front of the site, indicated on plan Ref: 081 received as amended 05/11/09, shall be retained and maintained.
- 8 The new estate road at its junction with School Lane shall be so formed as to include within its boundaries a sight splay at each corner giving, from the new street, a clear and continuous view of traffic on School Lane within the limits of the splay and, shall thereafter not contain any obstruction above the crown of the adjacent road.
- 9 The area within the sight splays of 2.4m x 120m to the west of the new junction and 2.4m x 100m to the east of the new junction shall be formed to give a clear and continuous view of traffic and shall not contain obstructions above the crown of the adjacent road.
- 10 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 11 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 12 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.

- 13 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 14 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 15 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 and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 16 Prior to commencement, details of the proposed bridged vehicle access shall be submitted to and agreed in writing by the Local Planning Authority and shall be carried out in accordance with the approved details prior to first occupation.
- 17 The development shall be carried out in accordance with the amended plans received on 15/09/09 and 05/11/09 unless otherwise agreed in writing with the Local Planning Authority.
- 18 Details of external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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
DESCRIPTION OF PROPOSAL:	Erection of a new gate and fence and re-form access.
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.

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
DESCRIPTION OF PROPOSAL:	Erection of 2 no. 6m high steel tubular columns for mounting CCTV monitoring equipment.
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.
- 3 Details of the colour and finish of the columns hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be completed in accordance with the agreed details.

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
DESCRIPTION OF PROPOSAL:	Single storey rear extension with roof terrace. (Revised application)
DECISION:	Grant Permission (With Conditions)

CONDITIONS

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

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
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)
DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site has inadequate parking and turning area to meet the needs of the proposed business and the removal of the condition is likely to result in increased turning movements into and out of the site and increased on street parking and congestion in an already congested location, causing harm to highway safety, the free flow of traffic, and the character and amenity of the area, contrary to policies ST4, ST6 and E12 of the adopted Local Plan and Alterations.

Report Item No: 8

APPLICATION No:	EPF/1934/09
SITE ADDRESS:	Wantz Service Station Fyfield Road Ongar Essex CM5 0AH
PARISH:	Ongar
WARD:	Shelley
DESCRIPTION OF PROPOSAL:	Alterations and extension to existing sales building.
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 page is intentionally left blank

AREA PLANS SUB-COMMITTEE 'EAST'

Date 16 December 2009

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/1963/09	2 and 3 Bury Farm Cottages, Bury Lane, Epping CM16 5JA	Grant Permission (With Conditions)	27
2	EPF/1153/09	Rear of No 103 High Street, Chipping Ongar CM5	Grant Permission (Subject to 106 Agreement)	31
3	EPF/1792/09	Land at Station Approach, High Street, Ongar CM5 9BN	Grant Permission (With Conditions)	38
4	EPF/1947/09	30/30a Piercing Hill, Theydon Bois, Epping CM16 7SW	Grant Permission (With Condition)	48
5	EPF/1994/09	Plots 3 to 6 Kings Wood Park, St. Margaret's Hospital, The Plain, Epping CM16 6TL	Grant Permission (With Conditions)	54
6	EPF/1995/09	Plots 57 to 61, 64 and 65 Kings Wood Park, St. Margaret's Hospital, The Plain, Epping CM16 6TL	Grant Permission (With Conditions)	59

This page is intentionally left blank

Report Item No: 1

APPLICATION No:	EPF/1963/09
SITE ADDRESS:	2 and 3 Bury Farm Cottages Bury Lane Epping Essex CM16 5JA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Richard Hunt
DESCRIPTION OF PROPOSAL:	TPO/EPF/21/02 T2, T7 and T8 Ash - Fell T5 Ash - 25% crown reduction
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

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

Description of Proposal:

T2, T7 and T8. Ash Fell and replace.
T5 Ash 25% crown reduction.

Description of Site:

These four ash trees stand within a group of mature broadleaf trees, which form a valuable landscape screen between the busy Bury Lane and the two semidetached cottages located on the wide bend in this rural road. These cottages were built on the footprint of older cottages and much of the demolition rubble remains on site and forms the base for many of the trees in the copse.

The area is characterised by numerous farm buildings of Bury Farm and a residential complex; Manor Barn created from previously agricultural buildings. The surrounding land is a mix of arable and pasture used for horse grazing.

The garden of the subject property is dominated by this area of naturally occurring trees, which border the farmyard to the north. The ground slopes down towards the road where a thick hedge defines a ditch line and verge onto the road.

Relevant History:

EPF/1078/09: Demolition of the existing cottages and replacement with two new detached dwellings.

Since TPO/EPF/21/02 was served it is apparent that at least one protected Ash has been cut down but no records exist of permitted works being carried out to the trees subject of this application.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL9: Felling of preserved trees

Summary of Representations:

No neighbours were notified. No responses have been received.

EPPING TOWN COUNCIL: No objection

Issues and Considerations:

Applicant issues

The main reasons put forward to fell the ash trees are the following:

- The ash trees appear to be of poor structure with dieback in parts of their respective crowns.
- The garden has been filled with rubble, which will compromise the root plates of these trees in the long term.
- A proposal to plant a small woodland has been submitted along with the development plans

It is apparent that all the Ashes are carrying dead wood branches. Ivy is also prolific within the crowns of T7 and T8.

It is accepted that all the trees have poor form and would not be likely to develop into good specimens over time.

Pruning T5 Ash by 25% will reduce the risk of limb breakage or even whole tree failure from increased exposure the tree will experience following the removal of the neighbouring trees.

Planning considerations.

The main planning considerations are:

Visual amenity.

T7 & 8 have limited visual amenity due to their location towards the rear of the garden. Similarly, T2 is partially obscured by T1 Ash. Views of them from the Bury Lane are largely obscured by the many larger trees. Their amenity value is low and their loss would have little impact on the tree lined character of this part of the copse.

Tree condition and life expectancy

It is foreseeable that the life expectancy for all three trees will exceed twenty years but their sparse crowns signify that they are unlikely to reach full maturity and a full lifespan. Surface roots and uneven crown form combine with ivy infestation to indicate that life expectancy will be foreshortened.

Suitability of trees in current position

These native self sown species are well suited to this location but there is an opportunity to plant better specimens in better ground conditions, which would more than mitigate for the loss of these rather poorly founded trees.

Conclusion:

The trees have a diminished public value due to their obscured positions behind other large trees. There is justification to remove these trees on grounds of poor ground growing conditions and root plate stability issues associated with rubble deposits. The ivy coverage; indication of declining health and poor form, contribute to the justification to replace these poor trees with many new and more attractive specimens. The need for the removal of the trees is not a result of the recent approval for redevelopment of the houses on the site.

Pruning of T5 is controlled by delegated powers and is only included in this application as part of the work requested, it does not form part of the application for decision by Committee.

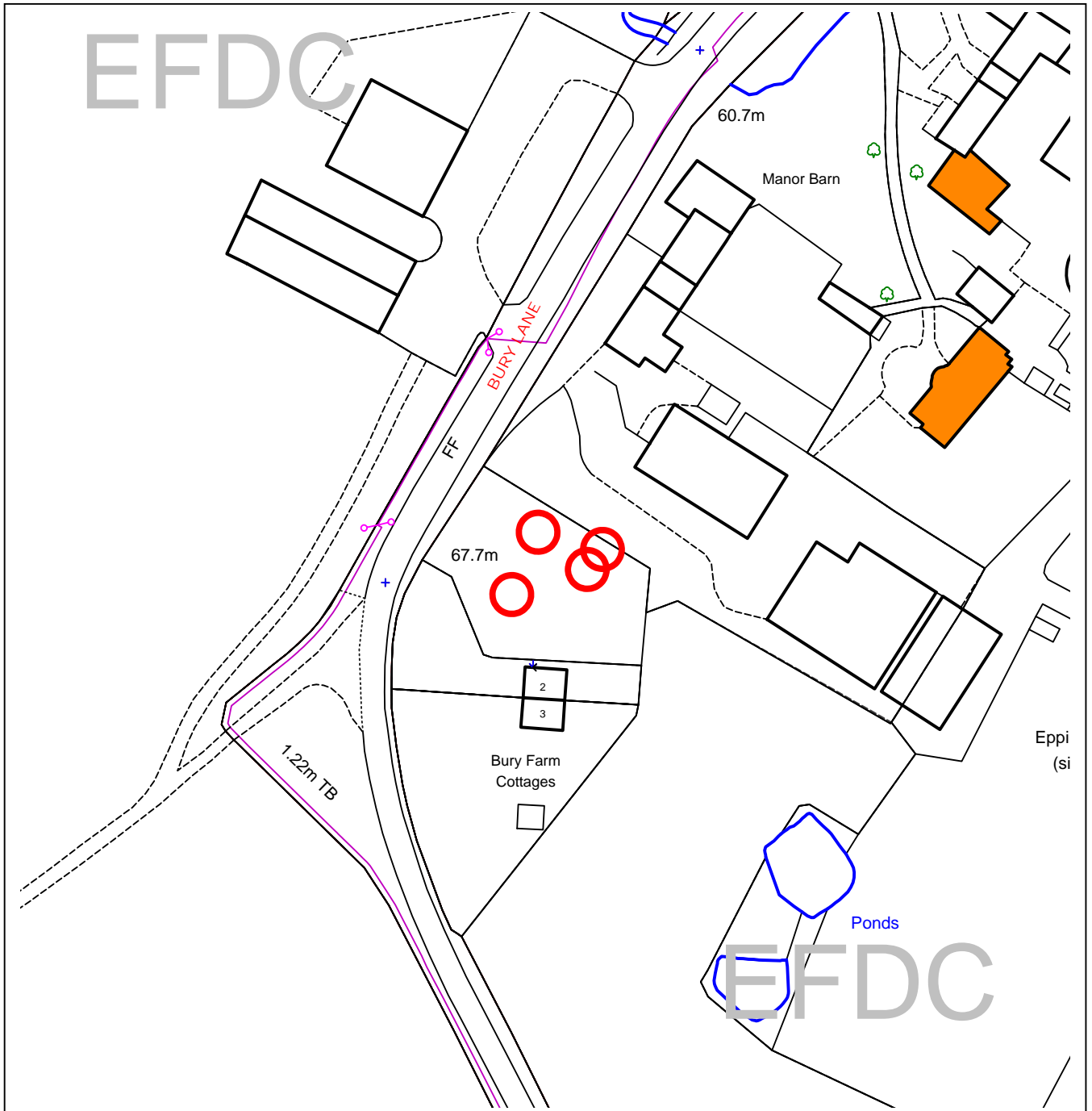
It is recommended to grant permission to this application on the grounds that the reason given justifies the need to remove the trees. The proposal therefore accords with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling it is recommended that a condition requiring the replacement of these trees and a condition requiring prior notice of the works to remove it must be attached to the decision notice.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	1
Application Number:	EPF/1963/09
Site Name:	2 and 3 Bury Farm Cottages, Bury Lane Epping, CM16 5JA
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1153/09
SITE ADDRESS:	Rear of No.103 High Street Chipping Ongar Essex CM5
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr R Hilder
DESCRIPTION OF PROPOSAL:	Partial demolition of existing buildings, conversion and adaptation of existing business units to form 3 x 1 bedroom cottages, construction of 2 x 2 bedroom cottages, bin stores, bike stores and provision of parking spaces.
RECOMMENDED DECISION:	Grant Permission (Subject to S106 agreement)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the 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-H) and Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

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

The statement must include details of all the means by which successful

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

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

- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 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.
- 7 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.

- 8 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 by the local planning authority.
- 9 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, rainwater goods, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

- 10 Notwithstanding the requirements of condition 11, the windows to the newbuild cottages shall be recessed into the wall and shall be timber sashes including "horns" in Victorian style.

And subject to the applicant entering into a legal agreement under section 106 within 12 months, to secure provision of 1 affordable housing unit within 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).

This item was deferred following the meeting of Plans East on 14th October 2009, following a request by Members that consideration be given to the provision of affordable housing and also that more information be sought in relation to the retention of employment uses on the site and also in relation to fire risk and access to the site by the Fire Brigade. The applicant's response to these issues is covered in this amended report.

Description of Proposal:

This application seeks planning permission for the redevelopment of the area to the rear of 103 High Street, for residential purposes. It is proposed to convert existing business premises into 3 x one bed cottages and to build a pair of two bed cottages. Associated car parking, bike and bin stores are also proposed. It is proposed that one of the one bed units would be provided as an affordable unit.

Description of Site:

The application site is accessed via a narrow vehicular entrance between 103 and 107 High Street. The buildings along the High Street frontage are listed and the site is located within the Chipping Ongar Conservation Area. There are several buildings within the site which benefit from B1, B8 and A1 uses following the issue of a certificate of lawful use.

Relevant History:

EPF/1513/07. Certificate of lawful development for existing use of units as B1, B8 and A1 uses. Lawful 16/10/2007.

Details:-

The local authority is satisfied that the units listed below have been occupied by the said uses for a period of 10 years or more before the date of this application :- Unit1- B1 use, Unit 2 - B8 use, Unit 3 - B1 use, Unit 4 - B1 use, Unit 5 - B8 use, Unit 6 - B1 use, Unit 7 - A1 use, Store adjacent to Unit 7 - B8 use and Unit 11 - mixed B1/B8 use.

Policies Applied:

East of England Plan

H1 – Regional Housing Provision 2001-2021
T14 - Parking
ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

HC12 – Development Affecting the Setting of a Listed Building
GB7A – Conspicuous Development
H2A – Previously Developed Land
H4A – Dwelling Mix
CP2 – Protecting the Quality of the Rural and Built Environment
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Impact of New Buildings
DBE8 – Amenity Space Provision
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Highways Considerations
ST6 – Car Parking Standards
LL11 – Landscaping Schemes
E4A – Protection of Employment Sites
E4B – Alternative Uses for Employment Sites

Summary of Representations:

ONGAR TOWN COUNCIL. Objection. The Council believes that this application represents an unwarranted overdevelopment of the site. Members believe that there would be an increase in vehicle movements if this application were to be granted. Councillors are also concerned that the reduction of parking for remaining business would exacerbate the longstanding problems associated with illegal parking in this narrow part of the High Street.

106 HIGH STREET – Concerned that location plan is out of date and some adjacent properties may not have been consulted. Concern that alleyway is very narrow and often blocked causing blockage of high street. (NB correct addresses have been notified).

Issues and Considerations:

The main issues in this case are:

- The loss of an existing employment use on the site;
- The impact of the proposed development on the occupiers of neighbouring dwellings;
- The impacts on highways safety; and
- The impacts of the development on the surrounding conservation area and on the setting of the listed buildings.

Loss of Employment Site

Policy E4A of the Local Plan seeks the protection of employment sites within the District. It states that redevelopment for residential uses will only be permitted where it has been shown that either:

- (i) The site is poorly located in relation to housing or access by sustainable means;
- (ii) There are material conflicts with adjoining land uses (e.g. due to noise, disturbance, traffic, environmental and amenity issues);
- (iii) Existing premises are unsuitable in relation to the operational requirements of modern business; or
- (iv) There is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the development plan period;

And there are very significant development or infrastructure constraints making the site unsuitable or uneconomic to redevelop for employment purposes.

No evidence has been submitted by the applicants relating to criteria i and iv. With regard to criteria ii and iii, the standard of the existing vehicular access is poor and due to the close proximity of listed buildings, there appears to be limited potential for improvements. The applicant has submitted data showing that the traffic movements associated with the use would be substantially less than those in relation to the existing lawful use of the premises.

In the submitted Design and Access Statement the applicants state that *“although the site has been in commercial and industrial use for many years, the site access is narrow and unsuitable in relation to the operational requirements of modern business. The widening of the access would require the demolition of buildings in the conservation area on the High Street frontage, and this would harm the character and appearance of the conservation area. Therefore the change from commercial and industrial use to residential and the smaller vehicles and reduced vehicle movements that this would entail would be desirable”*.

Since the previous Committee meeting, the applicant has provided additional information relating to the existing and potential employment uses of the site. The applicant states *“there are currently two people employed at the site. The site was originally an old slaughterhouse, but was split up into individual business units in the late 1970’s. The access to the site is awkward and its layout is poor. The units are not up to modern standards and are not easy to let. The applicant would not consider redeveloping for business purposes because the narrow access would limit the size of vehicles that could get into the site.”*

Impact on Neighbouring Dwellings

There is some residential use on the upper floors of buildings surrounding the proposed development site. It is considered that the residential use of the site would be more compatible with these neighbouring dwellings than the lawful commercial use of the site. It is considered that the dwellings proposed would have a satisfactory relationship with one another and would have an acceptable level of amenity for the future occupiers.

Highway Safety

The existing site access is of a poor standard. However, the applicants have submitted information demonstrating that the vehicle movements associated with the proposed use would be substantially less than those in relation to the existing lawful use of the site. County Highways have responded to the consultation exercise confirming that they have no objection to the proposed development. It is considered that the removal of the building to the rear of 103 High Road would improve visibility along the site access and provide an increased area in which vehicles may pass.

The application proposes 9 car parking spaces (5 of which would be allocated to the 5 dwellings).

Impact on Conservation Area and Listed Buildings

The Council’s Conservation Officer considers that the proposal will not have a detrimental impact upon this part of the conservation area nor the setting of the listed buildings and that the building style and finishes of these cottages would represent the simple vernacular cottage style of this part of Essex. Conversely, the Historic Buildings advisor has concerns with the detailed design of the proposed new build cottages. Following negotiations, an amended plan has been received detailing some changes to the design of the cottages. However, the applicant feels that further alterations would be contrary to the principles of the Essex Design Guide. The outstanding concerns of the Historic Buildings advisor generally relate to matters which are often controlled by

condition – for example the detailed design of the windows. Other matters, relating to the roof design are noted, but it is not considered that they would justify the refusal of planning permission in this instance as it is considered that the buildings, in the form proposed, would not be detrimental to the setting of the listed buildings.

A separate application for Conservation Area consent will be required for the demolition of the buildings.

Affordable Housing

Following the October Planning Committee, the applicant has undertaken discussions with both the Council's Director of Housing and Hastoe Housing Association regarding making provision for affordable housing within the development. The applicant has advised that they are prepared to offer one of the one-bed units as an affordable housing unit. The Housing Association have advised that if they are the eventual purchaser they would intend to offer the unit for shared ownership. This would involve a subsidy by the applicant of £93,000.

Fire Tender Access

Due to the difficulties of accessing the site by fire tender, the applicant has suggested that a dry main could be installed within the site so that a hose could be connected to it and water pumped from a fire tender parked in the High Street. The five dwellings would also be fitted with sprinkler systems to provide additional protection. The applicant has also suggested that the provision of such systems could be required by planning condition. However, this may be unnecessary as the matters would be considered by building control.

Other Matters

Suitable site landscaping may be controlled by planning condition.

The Council's Land Drainage section has no objection to the proposed development.

The site has been identified as potentially contaminated and also as potentially of archaeological significance. Both of these matters may be dealt with by planning condition.

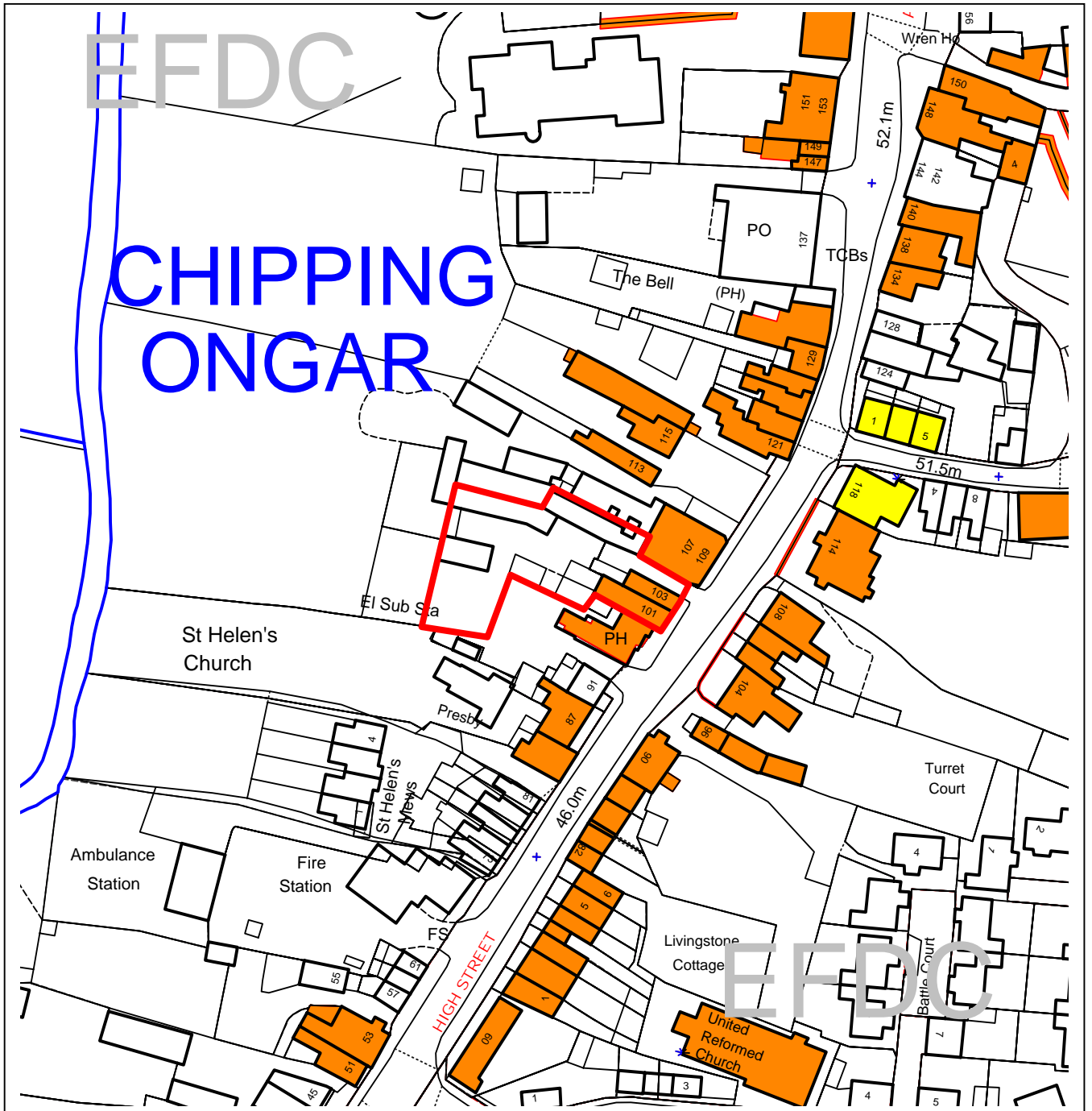
Conclusion

In light of the above appraisal, it is considered on balance that the proposed development may be justified despite the loss of the existing employment use on the site due to the restricted access to the site and having regard to the existing lawful use of the site. The purpose of policy E4A is to prevent the loss of employment uses within the District because of an identified shortfall. Notwithstanding this, it is clear that this site is unsuitable for its existing use. The applicant has however failed to demonstrate that the site would not be suitable for a general B1 use, but has confirmed that this would require a redevelopment which they are reluctant to undertake. Some community benefit is proposed through the provision of an affordable housing unit. With regard to other matters, it is considered that the proposed development is appropriate to this location in terms of its scale and design. Accordingly it is not considered that there would be any material harm to either the surrounding conservation area or to the setting of the listed buildings. It is, therefore, recommended that planning permission be granted, subject to the completion of a Section 106 legal agreement to secure the provision of the affordable housing unit.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	2
Application Number:	EPF/1153/09
Site Name:	Rear of No.103 High Street Chipping Ongar , CM5
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1792/09
SITE ADDRESS:	Land at Station Approach High Street Ongar Essex CM5 9BN
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	David Wilson Homes
DESCRIPTION OF PROPOSAL:	Reserved matters application for 50 units comprising 36 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 14 flats and associated facilities. (Amendment to reserved matters permission EPF/0122/09)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

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

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

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

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

- 2 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 3 Notwithstanding the details shown on the approved plans, details of refuse facilities, including provision for recycling and wheelie-bins, shall be submitted and agreed in writing by the Local Planning Authority before work commences on site.
- 4 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 rear extensions generally permitted by virtue of Part 1, Class A and no development generally permitted by virtue of Part 1, Class E shall be undertaken at the plots numbered on the approved plans as 13-18, 25-27, 35 and 36 without the prior written permission of the Local Planning Authority.

This application is before this Committee for the following reasons:

- *since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions);*
- *since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) 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:

This is an amended scheme to reserved matters approvals submitted under planning reference numbers EPF/1145/08 and EPF/0122/09. This application is for the erection of 50 units comprising 36 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 14 flats and associated facilities.

The development comprises of a mixed range of open market and affordable dwelling types and sizes, comprising 14 Mother and Baby units, 16 two bedroom flats, 9 three bedroom houses, and 11 four bedroom houses.

The principle of the development has already been agreed. The numbers and mix of apartments and houses remains the same. The changes under consideration here are to the layout and design of the units from that approved under EPF/0122/09.

In summary, the amendments are:

- Repositioning of apartments 31-34 – turning at right angles to be in line with block 19-24.
- Slight realignment of the access road to the west in front of flats 29 and 30.
- Apartments 7-12 and 19-24 have been increased from 2½ storey to full 3 storey height to achieve better headroom within the top floor.
- The main entrance to the mother and baby unit has been relocated to the eastern side of the building.

- There have also been some changes to elevational details
- The scheme still includes 50 car parking spaces in garages and courtyard and shared parking areas – 43 for the houses and 7 for the young parents scheme.

Description of Site:

The application site comprises the former railway sidings and storage areas associated with the Epping-Ongar Railway line. The railway line is now a leisure route operating on a Sunday only and is currently closed for repairs. The site itself is vacant and is about 0.85 hectares in area. The railway line is situated on an embankment which ranges up to 7 metres high and effectively blocks views of the site from the north. Between the railway line and the northern boundary of the application site is an area of hard standing, formerly occupied by railway storage and associated buildings. Beyond the north eastern boundary of the site is Ongar Station which dates from around 1865 and is listed as being of Special Architectural or Historic Interest (Grade II).

The areas to the north beyond the railway line comprise residential semi-detached properties. There is a large residential home known as Frank Bretton House off Basons Way to the south east, land to the south and south west is open fields with Cripsey Brook approximately 25m to the south west. The site is adjacent to open countryside and designated Green Belt.

Access to the site is from Ongar High Street to the east which connects the site with the A414 to the north and Ongar Town Centre to the south.

Relevant History:

EPF/1740/05. Outline planning permission for the residential development of the site was allowed on appeal in April 2007 (APP/J1535/A/06/2017026). Matters of siting, design, landscaping, and external appearance were all reserved for subsequent approval by condition 1.

EPF/1393/06. Full planning permission granted for 75 car parking bays at the Station's Goods Yard. Approved 28/09/06.

EPF/1145/08. Reserved matters application for 52 units comprising 39 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 13 flats and associated facilities. Approved 21/08/08.

EPF/0122/09. Reserved matters application for 49 units comprising 36 two and three storey houses and flats and a three storey residential block for mother and baby unit providing 13 flats and associated facilities. (Revised application EPF/1145/08). Approved 02/04/09.

Policies Applied:

East of England Plan (Regional Spatial Strategy)

SS1 – Achieving Sustainable Development
 H1 – Regional Housing Provision 2001-2021
 H2 – Affordable Housing
 T1 – Regional Transport Strategy Objectives and Outcomes
 T8 – Local Roads
 ENV3 – Biodiversity and Earth Heritage
 ENV7 – Quality in the Built Environment

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Development
CP7 – Urban Form and Quality
GB7 – Conspicuous Development
NC4 – Protection of Established Habitat
RP4 – Contaminated Land
HC12 – Listed Buildings
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels for affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
DBE1 – Design of New Buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in Urban Areas
DBE5 – Design and Layout of New Development
DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity
LL1 – Protection of the Rural Landscapes
LL3 – Urban Fringe
LL10 – Adequacy of Provision for Landscape Retentions
LL11 – Landscaping Schemes
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
ST7 – New Roads and Extensions or Improvements to Existing Roads
I1A – Planning Obligations.

Summary of Representations:

Notification of this planning application has been sent to Ongar Town Council and to 96 neighbouring dwellings. Following an amendment to this planning application, the Town Council and the neighbours have been re-consulted. This second consultation period (14 days) is due to close on 4th December. As this report has been prepared prior to this date, any representations received in the interim will be verbally reported to the Committee.

ONGAR TOWN COUNCIL. Objection (in response to first consultation). Ongar Town Council is of the opinion that the proposed amendment would greatly increase overlooking and loss of amenity to neighbouring properties. Councillors were concerned that the reorientation of the units would greatly increase the exposure of the new residents to excessive noise and fumes from the movements of rolling stock on the railway line adjacent to the development. The Council also believes that the proposed amendment is in contradiction of EFDC local plan policies.

ONGAR TOWN COUNCIL. Objection (In response to second consultation). Councillors were concerned about major structural changes to the plans at such a late stage in the build without proper consultation and the very short time given for members of the public to respond. The Council repeats its previous comments that the proposed amendments would result in crowding for future residents and severe overlooking and intrusion of privacy for near neighbours.

Councillors were also concerned about the possible increase in vehicle movements which would be generated by this proposed amendment. The Council therefore objects to this planning application.

The following 13 neighbouring properties have made representations objecting to the application:

3, 7, 9, 11, 15, 18, 20, 21, 23, 33, 35, 34, 39, 41, 43, 45 Bowes Drive
6 Barrons Close
8 Bansons Way
11 The Johns

The representations received are summarised below:

Neighbouring Amenity

The buildings will create a loss of privacy. By turning units 31 to 34 through 90 degrees and increasing heights to three storeys there is a substantial increase in visual impact from the north, i.e. from both the Station site and Bowes Drive. The amendment would create a very large block that is totally out of character with the locality and with major visual impact. It would also increase the degree to which properties in Bowes Drive are overlooked.

Amenity for future occupiers

The change would place more residents closer to the rail site which is likely to be a source of noise and diesel fumes from DMUs. The original orientation would reduce windows opening onto the noise source and further remove the bulk of new residents from the noise source improving quality of life.

Design

Proposed buildings are not appropriate to the area, the nearest properties being two storeys high. Will have a negative impact on the site and surrounding area. Blocks of flats or offices should be left to cities or towns, not rural villages.

Parking and Highways

Traffic in and out of the site will be hazardous to pedestrians and High Street traffic. Will impact on the turning into and out of Bowes Drive as the Meadow View entrance is about 60 yards away.

Other Matters

Building for teenage mothers. Building works have already commenced. Dust, fumes and dirt etc should be kept to a minimum. Care must be taken to avoid damage to the sewage outfall drains for 8 Bansons Way. Will services (gas, electricity, water, sewage) cope? Is a doctors surgery included? Impact on local schools, leisure facilities, public transport and local infrastructure. Flood risk. Slow worms. Possible interruptions to terrestrial television. Lack of green space arising from amendments to plans. Impact on the future use of the land to the north of units 19-24 should be carefully considered. Impact on future use of railway line.

Issues and Considerations:

The principle of residential development of this site including access from the High Street was established when outline planning permission was granted on appeal in 2007. Consequently, matters of fundamental principle cannot be raised at this reserved matters stage.

The principle of the reserved matters has been approved under planning applications EPF/1145/08 and EPF/0122/09 and the details considered were:

- Suitability of the site for the density proposed
- Scale, massing, design, layout and form of development
- Affordable housing provision
- Impact on neighbouring amenity
- Highways and transportation matters
- Impact on the greenbelt and adjacent listed building
- Other matters

Therefore, the main issues that arise with this application are taking into account the amendments to the previously approved reserved matters application

Suitability of the site for the density proposed

The density proposed has not increased over that which has previously been approved and is still considered acceptable on this site.

Scale, massing, design, layout and form of development

The amended layout retains the form of continuity of frontage alongside its estate road and 3 mews courtyards. Members will be aware that the Essex Design Guide is adopted Supplementary Planning Guidance to the Local Plan and this layout, form and the design reflects this.

The mother and baby unit sited within the southern most corner of the site on the other side of the estate road, remains fairly unchanged as approved, with the exception of the access into the building.

The footprints of plots 3-6, 13-36 would remain as approved. The footprint of plots 1 and 2 at the western end of the site would alter slightly and the bulk of the roof of this pair of semi detached dwellings would be considerably reduced. The block of flats containing plots 7-12 would be increased in height to a full three storeys (the last approved application was for a height of 10.6 metres, this application proposes a height of 11.4 metres). The block of flats containing plots 19-24 would be increased in height from 10.6 metres to 11.2. The block containing plots 31-34 would remain at the same height, but would rotate by 90 degrees, to adjoining the block containing plots 19-24, thus providing a continuous elevation of approximately 39.5 metres, albeit staggered in height.

The location of the estate road would alter slightly, although its width would remain the same. There would also be minor layout changes to the proposed trees, the gardens and to the car parking, although the number of spaces would remain the same.

As has been previously considered, whilst views from the adjacent Green Belt will reveal a new built form, particularly to the western portion of the site that could potentially be conspicuous, there is already a hard edge between existing buildings to the south on the western edge of the built-up area of the town and the adjacent countryside, that is already conspicuous as seen from the Green Belt. The proposed road however, stops short of the western edge of the site and the proposed houses on this side will have a lower roof eaves and ridge (the roof height of plots 1 and 2 being further reduced from the last approval), which together with its attractive design results in the development being in keeping with its surrounding if not distinctive as viewed from the open areas. Views from the east are largely obscured by existing buildings and landforms and the site is lower than the road. However, where it will be seen, it will blend in with the built form around it.

With this amended scheme the external appearance of the buildings and proposed materials, takes into account the external appearance of housing in the local area. The materials indicated suggest render, dark stained boarding and red multi brickwork and roofs of artificial slate and red tile.

As with the previous approval, this proposal includes the stabilisation of the embankment separating the application site from the lower wetland area alongside Cripsey Brook. This will be undertaken using a geotextile membrane with backfilled soil, allowing vegetation to develop on the resultant slope and screen any hard detailing. With landscaping details to be agreed, Officers will ensure a vegetation scheme that will merge this area into the lower land beyond.

Affordable Housing Provision

There is no change to the affordable housing secured under the previous consents (although the number of units in the Young Parents Building has been clarified). The affordable housing provision includes a Young Parents Building (consisting of 12x1 bedroom, 1x2 bedroom flat, 1 x studio layout flat with ancillary office, playroom and laundry facilities), 4 two bedroom flats and 2, three bedroom houses which is a requirement of the Unilateral Undertaking accompanying the outline planning permission, and this accords with the requirement to provide 40% affordable housing.

East Thames Housing Group has been selected to receive and manage the scheme and the Council, along with its neighbours, Uttlesford District and Brentwood Borough Councils, will have nomination rights to place homeless young parents here and develop parenting skills. It is being developed to include three local authority areas, of which Ongar sits geographically well to serve these areas, because the number alone in each district would not be viable for one of these buildings in each district. This is also a sustainable location, suitable for the affordable housing provision.

Impact on neighbouring amenity

As was previously considered, apart from Frank Bretton House nursing home, the end wall of which is located on to one corner of the site, there are no immediate residential properties within proximity of the site. Houses in Basons Way are closer to the High Street to the south-east and houses in Bowes Drive are generally over 50 metres away to the north and on the other side of the railway line. Whilst the height of the block nearest to Bowes Drive would increase and the fenestration will alter, it is clear that there will be no material loss of visual or residential amenity.

Highways and transportation matters

The outline consent allowed at appeal dealt with access into the site and established the principle of access from the High Street. Some concerns have been received from Officers at Essex Highways regarding the estate road layout and the size of the car parking spaces. However, bearing in mind the very limited changes to the two previously approved reserved matters, it would not now be reasonable to withhold planning permission for these reasons, despite the introduction in the interim of the current Essex parking standards.

Impact on the greenbelt and adjacent listed building

There are extensive views of the site from the footpath alongside Cripsey Brook and the public footpath in the direction of Greensted Hall, however as already determined, the hard edge of the town is already conspicuous from the Green Belt and this development will be seen against the backdrop of the houses fronting onto Bowes Drive.

The design, form and layout of this amended scheme respects the local character and rather than detract, makes a positive impact on the landscape.

In respect of the Grade II Listed station building, that part of the development close to the access into the site has been retained in the form approved on the previous application. Boundary wall and fencing will separate the development from the rest of the station goods yard and parking area, which will enhance the setting of the listed building.

Level of Amenity for future Occupiers

Occupiers of all units within the proposed development would have a satisfactory level of amenity, both within the dwellings and the associated private amenity space. However, the private amenity space attached to some of the plots is quite small. Whilst it would satisfactorily meet the needs of future occupiers, it may not be adequate to accommodate future extensions and domestic outbuildings which could be added as permitted development, whilst retaining sufficient amenity space. It is, therefore, recommended that only restricted permitted development rights should be available to plots 13-18, 25-27, 35 and 36.

Other matters

Other matters have previously been considered and these are:

- Ecology

In accordance with condition 8 of the outline planning permission, the applicants commissioned a herpetologists report and consequently protected species, slow-worms and lizards, were found and a programme of trapping, relocation and management has been carried out, resulting in them being relocated into the non-developable area of land to the west of the housing site, in the ownership of the applicant, and to a site further down the railway land itself. Natural England. A Reptile Mitigation Strategy has been submitted with the planning application stating that a minimum 3 year period of monitoring be undertaken, together with a management plan and strategy. No objections have been raised during consultation from Natural England or the Council's Countryside Manager, although the latter's only concern is enforcing this beyond this time scale. To some extent the applicant has almost satisfied the requirements of this condition, but in light of these comments, this can be dealt with further when they formally submit these details to discharge this condition.

- Noise

Condition 20 of the outline permission requires details of mitigation measures to protect the occupiers of the development from noise generated by the use of the railway. The Council's Environmental Health Officer recommends a barrier of 2m or more. The plans show 1.8m, so this can be dealt with by the later discharge of the condition.

- Contamination

As a former railway goods yard, the site will no doubt be contaminated. Again, there is a suitable condition on the outline permission requiring details of a desk study report and remediation method statement.

- Flooding

The site of the housing is not at risk of flooding and a Flood Risk Assessment has been prepared by the applicant. Condition 4 of the outline approval requires its submission and The Environment Agency having seen this have no comments to make.

- Education

There is a Section 106 unilateral undertaking attached to the outline permission ensuring payment to Essex County Council before the commencement of development of a financial contribution (approx. £31,000) for the provision of facilities, including the provision of travel facilities, for the education of school children between the ages of 11 and 19. Whilst secondary education facilities are not ideal, the permission does secure funding for the transportation to the nearest schools.

Conclusion:

The principles of housing, vehicular access and capacity for traffic generation were considered at outline stage. The amended details relating to the siting, design, form and layout of the proposed development are acceptable. This amended scheme therefore complies with policies within the development plan.

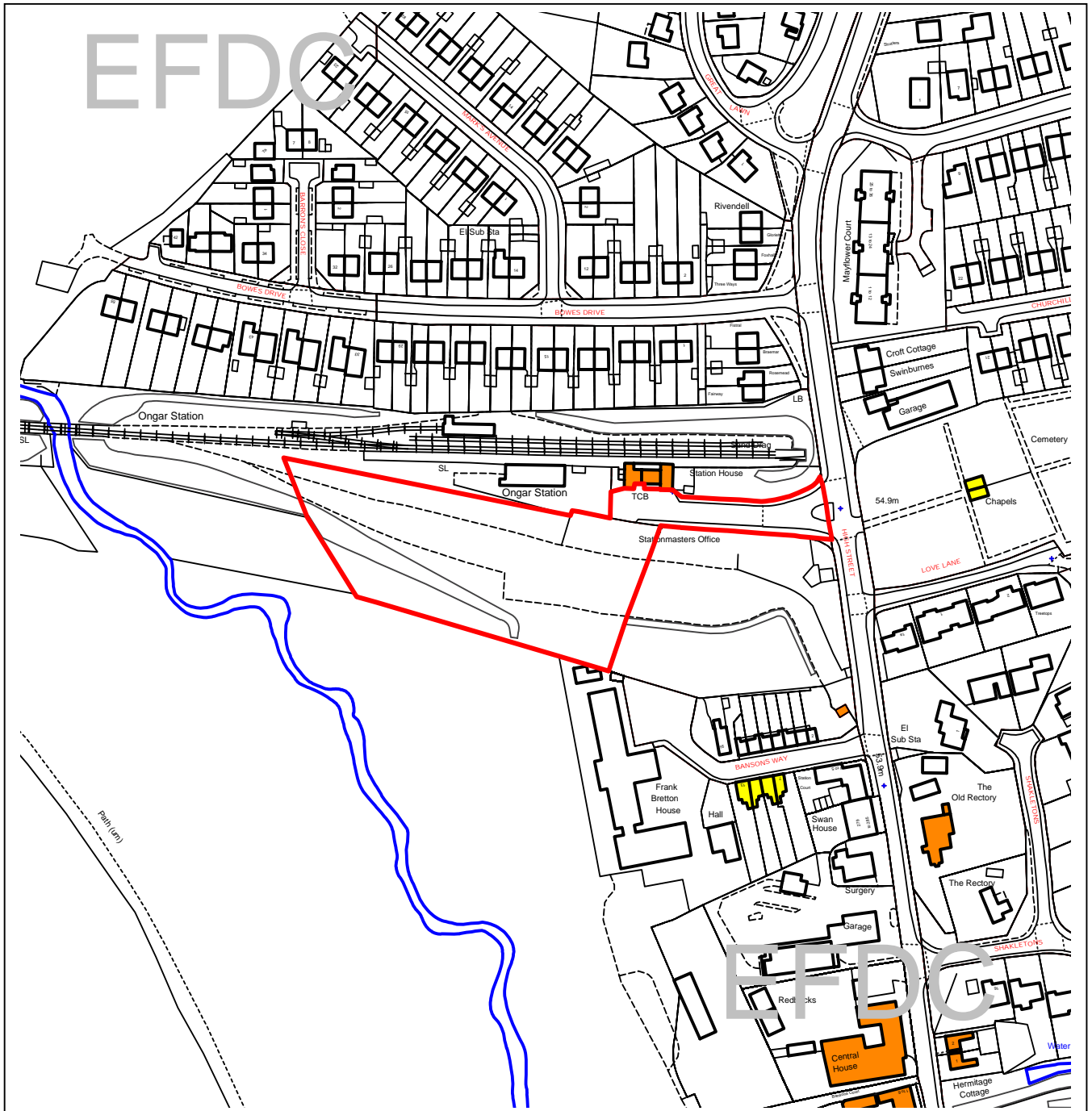
The architectural form and vernacular style proposed would, in Officers opinion, create a place of distinct identity and character, befitting a residential development adjacent to a railway line on the edge of the countryside, but close to an urban area. There will be no loss of residential amenity to existing residents. There are few opportunities in the district to make good use of previously developed land outside the Green Belt and the proposed 50 units would contribute towards the District's required housing provision in a sustainable location whilst providing some much needed affordable homes.

In light of the above appraisal, the amended reserved matters are considered to be acceptable. It is, therefore, recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	3
Application Number:	EPF/1792/09
Site Name:	Land at Station Approach, High Street Ongar, CM5 9BN
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1947/09
SITE ADDRESS:	30/30A Piercing Hill Theydon Bois Epping Essex CM16 7SW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Jason Cooper
DESCRIPTION OF PROPOSAL:	Erection of replacement sheds.
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 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 3 Prior to the erection of the shed referred to as P2, details of levels on which the building would be situated shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to the development and the proposed level of the floor of the shed. The development shall be carried out in accordance with those approved details.
- 4 Within 2 calendar months of the date of this permission, the doors on the shed referred to on the approved plans as 'shed P1' shall be replaced in accordance with the detail shown on the approved plan P03-01a and shall be retained in that form thereafter.
- 5 The sheds approved shall be used only for the storage of equipment and materials relating to the use of the land as parkland.

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

Description of Proposal:

This application seeks planning permission for the retention of one shed and the erection of a second on the site. The applicant claims that the sheds are replacements for those which existed

on the site previously and need to be removed due to the presence of asbestos and due to their instability. The shed which has already been erected on the site is a block containing two stables and associated storage. A revised plan has been submitted proposing the replacement of the stable doors with more traditional shed doors.

Description of Site:

The application site comprises a residential property surrounded by its small curtilage, located within a larger area of privately owned parkland. The site is located to the rear of the residential properties 27-34 Piercing Hill and is within the Metropolitan Green Belt. To the rear (west) of the site is land within Epping Forest. There are several protected trees around the site.

Land levels within the site have been previously altered without planning permission. It appears that the level of the land immediately underneath the shed referred to as 'shed P1' (which has been erected already) has been raised.

Development is taking place presently for the alterations and conversion of the college building and the replacement dwelling (see approvals below).

Relevant History:

The application site has a fairly extensive planning history. The recent history most relevant to this application is:

EPF/2464/06. Change of use, alteration and extension of former college building to contain 14 no. residential flats with on-site parking. (Revised application). Refused 22/03/07 – subsequently allowed at appeal.

EPF/1931/08. Amendment to EPF/862/08 for replacement dwelling to incorporate a basement area. Approved 13/11/08.

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
DBE2/9 - Impact of New Development on neighbouring residents
DBE1 - Design of new Development
GB2A – Development in the Green Belt
LL10 – Landscaping for Retention

Summary of Representations:

THEYDON BOIS PARISH COUNCIL. No objection. (Objection withdrawn following clarification that the volume of the previous sheds was not taken into consideration when the previous planning applications were considered at appeal).

28 PIERCING HILL. Objection (2 x letters). Strongly object to the stable – its new height affects our view and also the openness of the Green Belt. Mountcharm has erected galvanised steel fencing around the proposed paddock. The land has been considerably raised through earth works and it is now substantially higher than the level of my garden. Understand Mountcharm

intend to develop a riding school business. This would be wholly unsuitable and would create nuisance for my family and surrounding properties, due to noise, pollution, smells, flies and vermin. The use of the stables for livery could lead to an associated dwelling on the site and other buildings which would harm the Green Belt.

29 PIERCING HILL. Objection. The footprint of the previous “sheds” were used I believe as a reason for increasing the size of the large house in course of construction – obviously any replacement would be inadmissible. The footprint of the garage was also transferred to the large house – these dimensions obviously can’t be used twice.

31 PIERCING HILL. Objection/Comment. 1/ With reference to the last Inspectors report, I see that he said that the ‘hound sheds’ (Application A) could be retained and did not have to be included in the footprint of the new replacement dwelling of another application (Application B). My only objection to these sheds being made higher would be the result to ‘the openness of the Green Belt’ being reduced with the sheds being increased in height. 2/ With reference to the original ‘Donkey shed’ being removed, my concern here would be that the back of the shed forms part of my boundary fence and as a result of it’s removal, there is no mention from the developer as to what he intends to put back in it’s place, bearing in mind that this is my boundary and I do not want to incur expense for it’s replacement.

Issues and Considerations:

The main issues to be considered are the impacts of the proposed development on the amenities of the occupiers of neighbouring dwellings, on the character and appearance of the area and on the open character of the Green Belt.

Impact on neighbouring dwellings

There has been some objection from neighbouring residents in relation to the proposed use of the sheds and the parkland surrounding them. This is, in part, due to the information provided within the Council’s website, which provides a full definition of the ‘C3’ residential planning use. For clarity, this application does not propose any change of use, it seeks only the retention of the buildings. For the sake of further clarity, it is not accepted that the use of the land does fall within the C3 use class, despite it being identified as such by the applicant on the planning application form. When dealing with previous planning applications on this site both the Council and the Planning Inspectorate have referred to the use of this land as parkland.

However, there is also some concern from neighbours concerning the potential for the use of the land to change to an equine use (for example, a riding school, livery). This has clearly arisen from the erection of the ‘shed’ referred to as Shed P1 which is, very clearly, a block of two stables with associated storage.

These concerns are understood by Officers, as the erection of the stables does clearly suggest an intention for the land to be used for some equine purpose. The applicant has disputed that this is the case, and has proposed a planning condition to require that this building is only used for storage purposes. However, when considering applying planning conditions, the Council must have regard to Government advice in Circular 11/95. The application of the condition suggested by the applicant would not be ‘reasonable’ under the test set out in the Circular as it would not be reasonable to prevent the use of the building for the purpose for which it has clearly been intended. However, the applicant has proposed a second solution and has revised the application drawings to show the replacement of the stable doors with more traditional shed doors and has confirmed that they are willing to undertake this amendment to the building. A condition requiring this alteration would comply with the tests set out in the Circular and due to these revised plans it would then be reasonable to condition the use of the building, provided that this is considered to be necessary (this will be discussed further in the Green Belt section of this report).

Turning to the impacts of the actual buildings on neighbouring residents, the sheds would be located towards the end of very large rear gardens. The sheds would not be significantly higher than those which they replace (indeed the shed referred to as P2 would be smaller). The land level immediately below shed P1 does appear to have been raised, possibly by as much as a metre. Notwithstanding its increased level, due to the size of the sheds and their location in relation to neighbouring property, there would be no material loss of neighbouring amenity.

Impact on the Character and Appearance of the Area

Having regard to the siting of the buildings, they are only visible from within the site and from neighbouring properties. Following the proposed alteration, they would appear as storage buildings and as such it is not considered that they would be harmful to the character and appearance of the wider area.

Impact on the Green Belt

The previous buildings were considered by the Planning Inspectorate with regard to whether or not their volume should be contained within the calculation for the replacement dwelling. In the Inspector's opinion, this was not necessary, as the Inspector did not consider that the buildings were harmful to the openness of the Green Belt. The Inspector also considered that it would be likely that there would be a future requirement for storage buildings to accommodate the equipment necessary to maintain the parkland.

The proposed sheds are not materially larger than those which they replace and accordingly it is not considered that there would be any material harm to the open character of the Green Belt, despite the raised land level below shed P1 which does increase its height in relation to the boundary.

With regard to the matter of future requirements for storage, in the absence of any information relating to the storage needs of the site, it is considered necessary that the sheds are retained for this purpose, to ensure that sufficient space is retained within the site for the purposes of storage.

Other Matters

Setting of Locally Listed Building – the Council's Conservation Officer is satisfied that there would be no harm to the setting of Wansfell College, a locally listed building.

Concern has been raised by the occupiers of 31 Piercing Hill regarding the removal of the shed E2 and whether any replacement boundary treatment would be provided. Matters such as this are normally civil matters, to be resolved between the two landowners. However, in this instance because the replacement shed would be smaller in length than that which it would replace there would be a gap in the boundary which could lead to a reduction in amenity. Accordingly this matter may be controlled by the use of a planning condition requiring replacement boundary treatment.

Conclusion

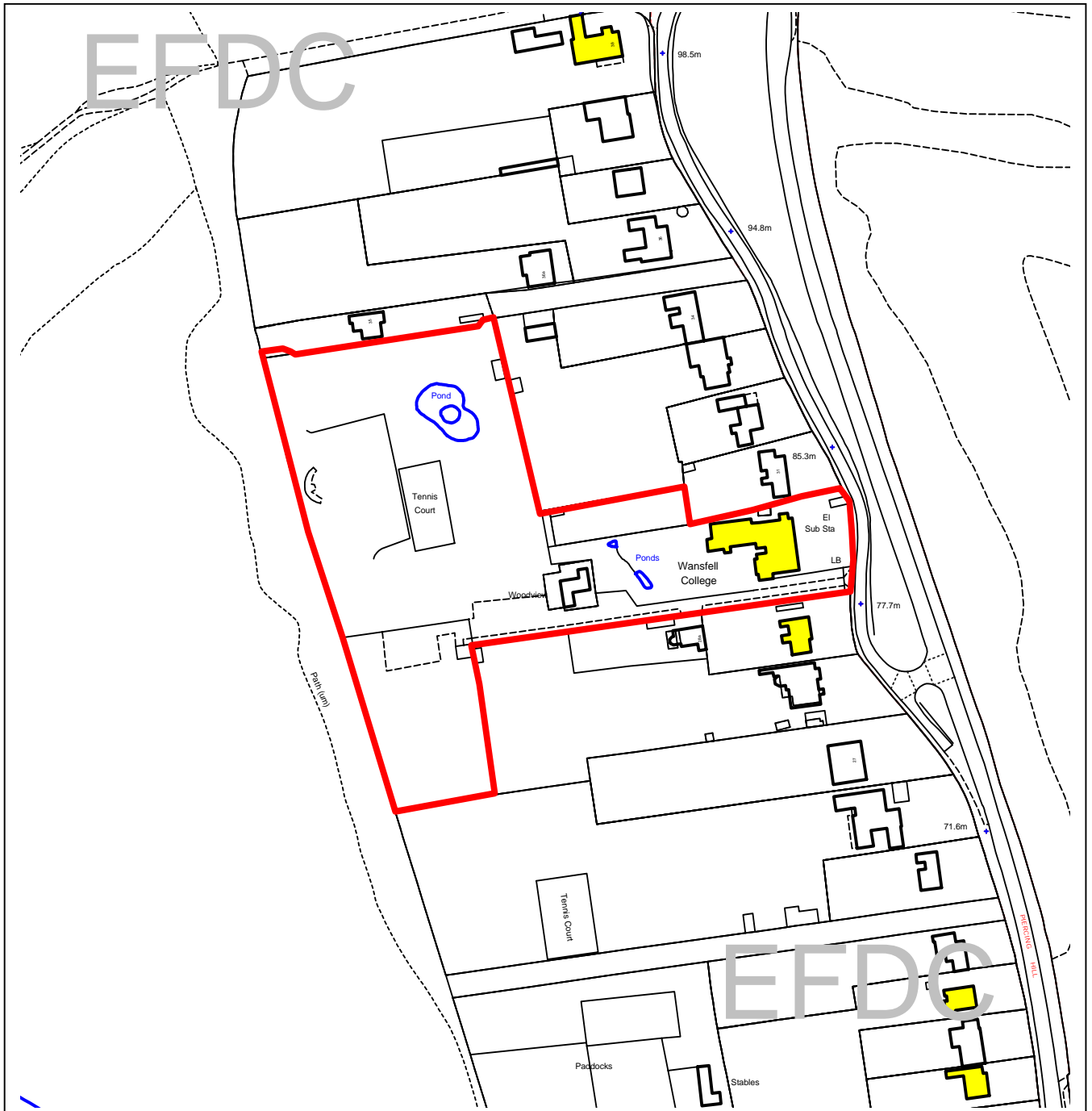
In light of the above appraisal, it is not considered that the retained and proposed sheds give rise to a material loss of amenity to neighbouring occupiers and it is considered that they would have an acceptable appearance. Despite the raising of the land levels, it is also not considered that the sheds would harm the open character and appearance of the Metropolitan Green Belt. Conditions have been discussed which would require an alteration to Shed P1 and also the use of both sheds for storage purposes only. These conditions are considered to be necessary to ensure that adequate storage facilities are retained within the site. The use of the sheds for any other purpose

would require further planning consent. Accordingly, it is recommended that planning permission be granted, subject to the conditions discussed.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	4
Application Number:	EPF/1947/09
Site Name:	30/30A Piercing Hill, Theydon Bois Epping, CM16 7SW
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/1994/09
SITE ADDRESS:	Plots 3 to 6 Kings Wood Park, St. Margarets Hospital The Plain Epping Essex CM16 6TL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Bellway Homes Essex
DESCRIPTION OF PROPOSAL:	Erection of four detached houses (re-design of the approved Type A house).
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 materials used in the development shall be those set out in the application forms unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Proposal:

Consent is being sought for the erection of four detached houses to replace those originally approved on Plots 3 to 6 of the recently approved St. Margaret's hospital development (EPF/1350/08). The proposed new dwellings are larger than those on the original scheme and have altered the design of the properties.

Description of Site:

The site was formerly occupied by the single storey hospital wards of St Margaret's and a number of two and single storey associated hospital buildings. These formed part of the old facilities at the hospital before the new community hospital was built and opened. The entire site (marked blue on Plan Ref: BW032-01-04) is approximately 5.5 hectares in area. A reserved matters application was granted for 132 dwellings in 2008, which covered the entire site outlined in blue. This specific application only refers to four plots towards the front (east) of the site, known as Plot No's. 3 to 6.

Relevant History:

In 2000 outline planning permission was granted for redevelopment proposals to provide new hospital accommodation and housing (EPF/1586/97). This followed on from consideration by the District Development Control Committee of a long-term plan for the entire hospital site. The outline permission was renewed in 2002 (EPF/1949/02) and again in 2006 (EPF/2297/04). Details of the new hospital building were approved in 2004 (EPF/0600/04) with an application for 46 key worker units on an adjacent hospital site approved in February of this year. A reserved matters application was approved for 132 dwellings in 2008 (EPF/1350/08).

Since this date there has been an application to amend Plots 2, 13, 14 and 15 (EPF/1054/09), which was approved with conditions at Area Plans Sub-Committee East on 14/10/09.

Policies Applied:

East of England Plan (Regional Spatial Strategy)

SS1 - Achieving Sustainable Development
H1 - Regional Housing provision 2001 – 2021
H2 - Affordable housing
T1 - Regional Transport Strategy Objectives and Outcomes
T8 - Local Roads
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment

Epping Forest District Local Plan and Alterations

CP1 - Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the rural and built environment
CP3 - New Development
CP7 - Urban Form and Quality
GB7 - Conspicuous Development
NC1 - Sites of Special Scientific Interest
NC4 - Protection of Established Habitat
RP4 - Contaminated Land
H2A - Previously Developed land
H3A - Housing Density
H4A - Dwelling Mix
H5A - Provision of Affordable Housing
H6A - Site Thresholds 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
DBE3 - Design in Urban Areas
DBE5 - Design and Layout of New development
DBE6 - Car Parking in New Development
DBE7 - Public Open Space
DBE8 - Private Amenity Space
DBE9 - Loss of Amenity
LL10 - Adequacy of Provision for Landscape Retention
LL11 - Landscaping Schemes
ST1 - Location of Development
ST4 - Road Safety

ST6 - Vehicle Parking
ST7 - New Roads and Extensions or improvements to Existing Roads
I1A - Planning Obligations.

Summary of Representations:

15 neighbours were consulted and a Site Notice displayed for this application.

TOWN COUNCIL – No objection.

PLAINLY SAY NO CAMPAIGN – Object as the total of all 15 type A houses would result in an additional build of 4890 sq. ft. and would result in these buildings increasing in height.

7 TIDYS LANE – Object as the total increase of all type A houses would result in an additional 4890 sq. ft. and as this is piecemeal development.

Issues and Considerations:

The main issues that arise with this application are with regards to the design of the four dwellings, the impact within the newly created street scene, and the impact on neighbouring properties.

Design

The proposed redesigned house type have enlarged the previously approved dwellings and altered the design. The proposed new dwellings would have a total floor area of 319 sq. m, which equate to a 10% increase on the previously approved houses (which had a total floor area of 289 sq. m.). The new house design would involve a 300mm increase in ridge height and a reduced roof pitch of 40 degrees (as opposed to the previous roof pitch of 45 degrees). The front elevation of the dwellings would remain unchanged (with the exception of the slight increase in ridge height), however the flank and rear elevations would be significantly altered.

The previously approved dwellings had shallower depth flank walls with a central two storey rear protrusion with hipped roof, and a single storey addition to the rear with a catslide roof. The previous scheme proposed two flat roofed rear dormers and velux windows in the rear hipped roof protrusion.

The redesigned dwellings under consideration here have enlarged the depth of the flank walls and propose a dual pitched roof stretching the entire span of these. This has been achieved by the altered roof pitch and raised ridge height. A considerably shallower two storey rear protrusion is proposed with a hipped roof, with two flat roofed rear dormers remaining. No velux windows have been indicated within the roof slopes. The number of bedrooms has not increased, both the approved and proposed house types have five bedrooms and a study within the upper 2 floors.

The redesign of these houses is identical to the amended design of Plots 2, 13, 14 and 15 (EPF/1054/09), which were previously approved at Plans Sub Committee East in October 2009. As with the previous application, although there has been an increase in size, bulk and height it is considered that the overall design of these dwellings is acceptable. The two storey appearance of the houses has been retained, with rooms in the roof being incorporated as before, and there are no incongruous additions or features to the building. Although relatively uninspired the houses are of a fairly standard and traditional design that would reflect the character of the larger housing estate.

Impact on street scene

As previously agreed in EPF/1054/09 it is considered that the proposed dwellings are acceptable in terms of their design. Although the height has increased by 300mm and the roof pitches have altered since the previous approval, it is considered that this would be a negligible alteration when viewed from the street. Furthermore there are a range of roof pitches approved on the larger scheme (under EPF/1350/08) and surrounding the site in The Plain.

Impact on neighbouring amenity

Concern has been raised with regards to impact of the proposed alterations on existing neighbouring dwellings in The Plain. Although the overall size and bulk of these dwellings have increased as a result of the redesign the distances from adjoining neighbours still complies with the requirements laid out in the Essex Design Guide. Furthermore, the rear boundaries of these plots adjoin a public highway (The Plain), and do not therefore face any form of private amenity space. As such it is not considered that the redesigned houses would impact any further on neighbouring residents than the previously approved scheme.

Other matters

Objections have been raised with regards to the overall increase in floor area that results from the alterations to all type A houses, and with this being a 'piecemeal development' that could result in further amended applications during construction. The total increase of floor area that would result from the amendment to all type A houses would not alter the density of the development which is measured in number of units per hectare. Nor is it considered that this 450 sq. m. increase across the whole site would impact on such issues as flood risk, visual impact or further intensification of use of the site.

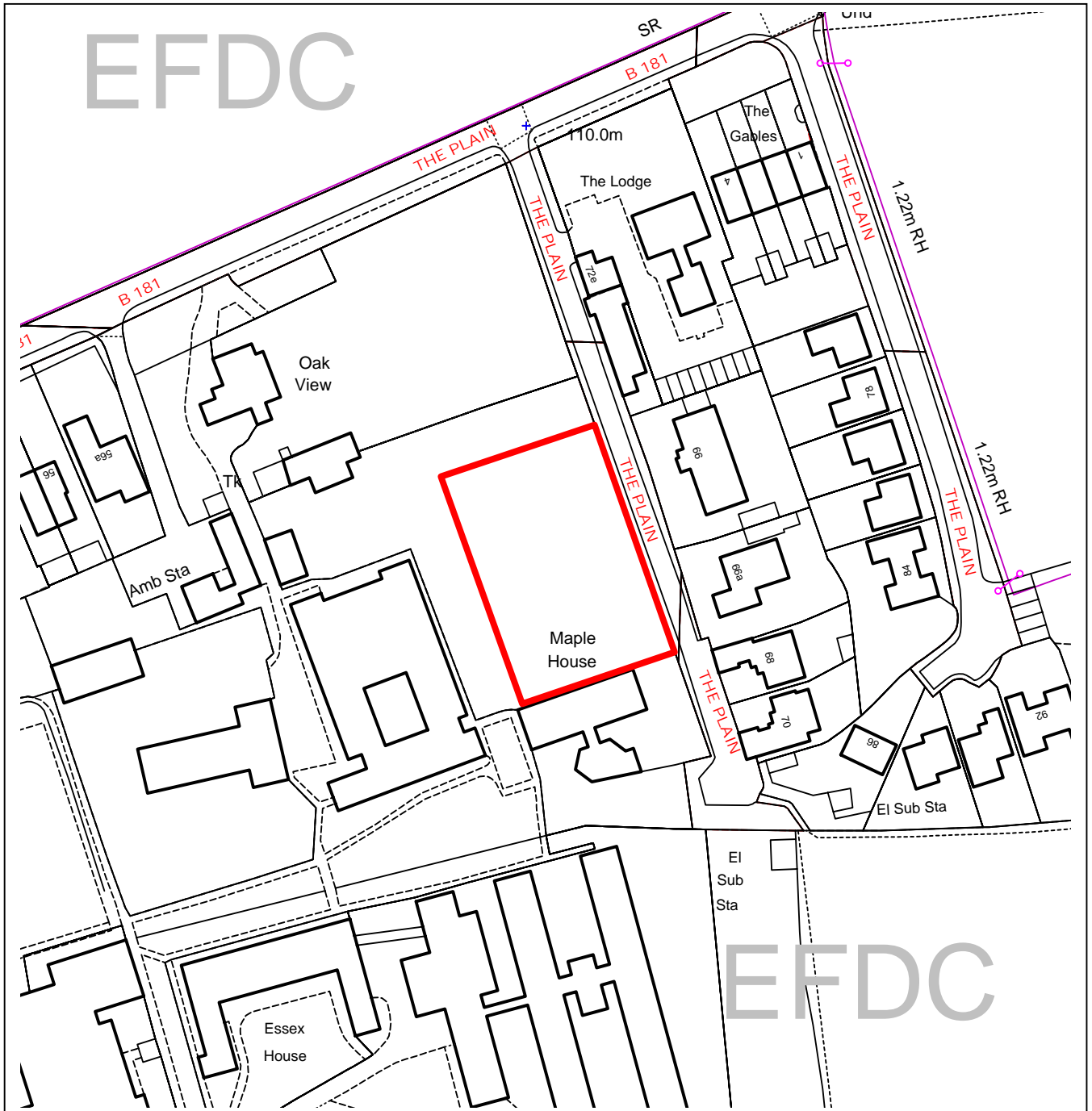
Conclusion:

In conclusion it is considered that the proposed alterations to the four plots would not impact on the existing or future neighbouring residents or on the character and appearance of the street scene and surrounding area. Due to this the proposal complies with all relevant Local Plan policies and is therefore recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	5
Application Number:	EPF/1944/09
Site Name:	Plots 3 to 6 Kings Wood Park, St. Margarets Hospital, The Plain, Epping, CM16 6TL
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1995/09
SITE ADDRESS:	Plots 57 to 61, 64 and 65 Kings Wood Park, St. Margarets Hospital The Plain Epping Essex CM16 6TL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Bellway Homes Essex
DESCRIPTION OF PROPOSAL:	Erection of seven detached houses (re-design of the approved Type A house).
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 materials used in the development shall be those set out in the application forms unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section P4, Schedule A (d) of the Council's Delegated Functions) and since it is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the erection of seven detached houses to replace those originally approved on Plots 57 to 61, 64 and 65 of the recently approved St. Margaret's hospital development (EPF/1350/08). The proposed new dwellings are larger than those on the original scheme and have altered the design of the properties.

Description of Site:

The site was formerly occupied by the single storey hospital wards of St Margaret's and a number of two and single storey associated hospital buildings. These formed part of the old facilities at the hospital before the new community hospital was built and opened. The entire site (marked blue on Plan Ref: BW032-01-05) is approximately 5.5 hectares in area. A reserved matters application was granted for 132 dwellings in 2008, which covered the entire site outlined in blue. This specific application only refers to seven plots within the centre of the site, which are split into two areas consisting of Plots 57 to 61 and Plots 64 and 65.

Relevant History:

In 2000 outline planning permission was granted for redevelopment proposals to provide new hospital accommodation and housing (EPF/1586/97). This followed on from consideration by the District Development Control Committee of a long-term plan for the entire hospital site. The outline permission was renewed in 2002 (EPF/1949/02) and again in 2006 (EPF/2297/04). Details of the new hospital building were approved in 2004 (EPF/0600/04) with an application for 46 key worker units on an adjacent hospital site approved in February of this year. A reserved matters application was approved for 132 dwellings in 2008 (EPF/1350/08).

Since this date there has been an application to amend Plots 2, 13, 14 and 15 (EPF/1054/09), which was approved with conditions at Area Plans Sub-Committee East on 14/10/09.

Policies Applied:

East of England Plan (Regional Spatial Strategy)

SS1 - Achieving Sustainable Development
H1 - Regional Housing provision 2001 – 2021
H2 - Affordable housing
T1 - Regional Transport Strategy Objectives and Outcomes
T8 - Local Roads
ENV3 - Biodiversity and Earth Heritage
ENV7 - Quality in the Built Environment

Epping Forest District Local Plan and Alterations

CP1 - Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the rural and built environment
CP3 - New Development
CP7 - Urban Form and Quality
GB7 - Conspicuous Development
NC1 - Sites of Special Scientific Interest
NC4 - Protection of Established Habitat
RP4 - Contaminated Land
H2A - Previously Developed land
H3A - Housing Density
H4A - Dwelling Mix
H5A - Provision of Affordable Housing
H6A - Site Thresholds 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
DBE3 - Design in Urban Areas
DBE5 - Design and Layout of New development
DBE6 - Car Parking in New Development
DBE7 - Public Open Space
DBE8 - Private Amenity Space
DBE9 - Loss of Amenity
LL10 - Adequacy of Provision for Landscape Retention
LL11 - Landscaping Schemes
ST1 - Location of Development

ST4 - Road Safety
ST6 - Vehicle Parking
ST7 - New Roads and Extensions or improvements to Existing Roads
I1A - Planning Obligations.

Summary of Representations:

9 neighbours were consulted and a Site Notice displayed for this application.

TOWN COUNCIL – No objection.

PLAINLY SAY NO CAMPAIGN – Object as the total of all 15 type A houses would result in an additional build of 4890 sq. ft. and would result in these buildings increasing in height.

7 TIDYS LANE – Object as the total increase of all type A houses would result in an additional 4890 sq. ft. and as this is piecemeal development.

Issues and Considerations:

The main issues that arise with this application are with regards to the design of the four dwellings, the impact within the newly created street scene, and the impact on neighbouring properties.

Design

The proposed redesigned house type has enlarged the previously approved dwellings and altered the design. The proposed new dwellings would have a total floor area of 319 sq. m, which equate to a 10% increase on the previously approved houses (which had a total floor area of 289 sq. m.). The new house design would involve a 300mm increase in ridge height and a reduced roof pitch of 40 degrees (as opposed to the previous roof pitch of 45 degrees). The front elevation of the dwellings would remain unchanged (with the exception of the slight increase in ridge height), however the flank and rear elevations would be significantly altered.

The previously approved dwellings had shallower depth flank walls with a central two storey rear protrusion with hipped roof, and a single storey addition to the rear with a catslide roof. The previous scheme proposed two flat roofed rear dormers and velux windows in the rear hipped roof protrusion.

The redesigned dwellings under consideration here have enlarged the depth of the flank walls and propose a dual pitched roof stretching the entire span of these. This has been achieved by the altered roof pitch and raised ridge height. A considerably shallower two storey rear protrusion is proposed with a hipped roof, with two flat roofed rear dormers remaining. No velux windows have been indicated within the roof slopes. The number of bedrooms has not increased, both the approved and proposed dwellings have 5 bedrooms and a study within the upper 2 floors.

The redesign of these houses is identical to the amended design of Plots 2, 13, 14 and 15 (EPF/1054/09), which were previously approved at Plans Sub Committee East in October 2009. As with the previous application, although there has been an increase in size, bulk and height it is considered that the overall design of these dwellings is acceptable. The two storey appearance of the houses has been retained, with rooms in the roof being incorporated as before, and there are no incongruous additions or features to the building. Although relatively uninspired the houses are of a fairly standard and traditional design that would reflect the character of the larger housing estate.

Impact on street scene

As previously agreed in EPF/1054/09 it is considered that the proposed dwellings are acceptable in terms of their design. Although the height has increased by 300mm and the roof pitches have altered since previous it is considered that this would be a negligible alteration when viewed from the street. Furthermore there are a range of roof pitches approved on the larger scheme (under EPF/1350/08) and surrounding the site in The Plain.

Impact on neighbouring amenity

Plots 57 to 61, 64 and 65 do not adjoin any existing neighbouring residential properties. The distances between these dwellings and the remainder of the proposed houses on the St. Margaret's Hospital Site would be largely unchanged and would comply with the requirements of the Essex Design Guide. Although there would be an increase in height to these altered houses the 300mm increase in height, and overall additional bulk, would have no further impact on the proposed neighbouring properties than the previously approved dwellings.

Other matters

Objections have been raised with regards to the overall increase in floor area that results from the alterations to all type A houses, and with this being a 'piecemeal development' that could result in further amended applications during construction. The total increase of floor area that would result from the amendment to all type A houses would not alter the density of the development which is measured in number of units per hectare. It is not considered that this 450 sq. m. increase across the whole site would impact on such issues as flood risk, visual impact or further intensification of use of the site.

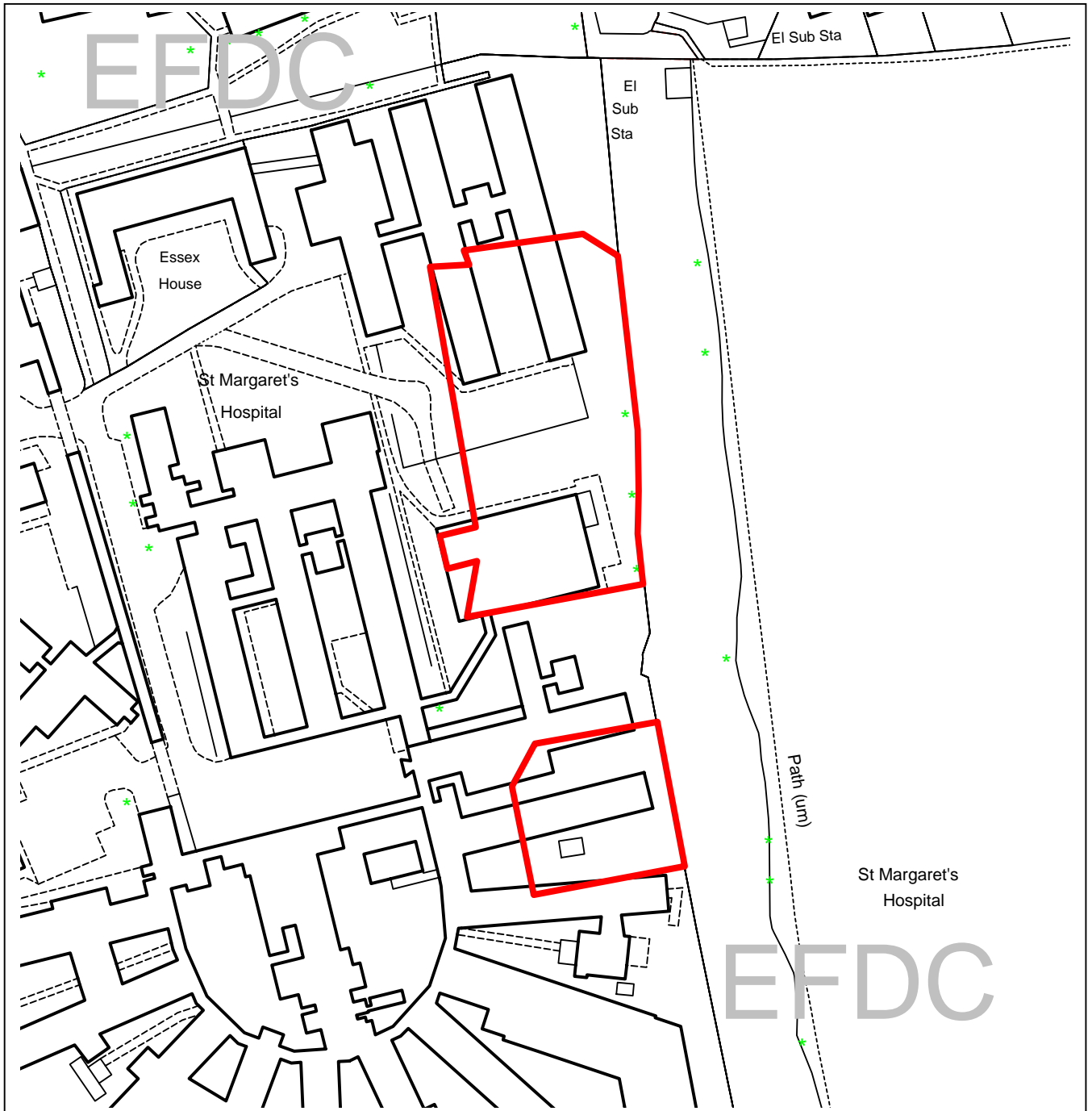
Conclusion:

In conclusion it is considered that the proposed alterations to the seven plots would not impact on the existing or future neighbouring residents or on the character and appearance of the street scene and surrounding area. Due to this the proposal complies with all relevant Local Plan policies and is therefore recommended for approval.



Epping Forest District Council

Area Planning Sub-Committee East



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	6
Application Number:	EPF/1995/09
Site Name:	Plots 57-61, 64 & 65 Kings Wood Park, St. Margarets Hospital, The Plain, Epping, CM16 6TL
Scale of Plot:	1/1250

This page is intentionally left blank