Committee Agenda

Webcast Meeting

Epping Forest District Council

Area Planning Subcommittee East
Wednesday, 23rd June, 2010

Place: Council Chamber
Civic Offices, High Street, Epping

Time: 7.30 pm

Democratic Services Officer Gary Woodhall (The Office of the Chief Executive)
Email: gwoodhall@eppingforestdc.gov.uk
Tel: 01992 564470

Members:

Councillors A Boyce (Chairman), A Green (Vice-Chairman), W Breare-Hall, Mrs D Collins, Miss C Edwards, P Gode, Mrs A Grigg, Ms J Hedges, D Jacobs, Mrs S Jones, B Judd, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

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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 - 20)

To confirm the minutes of the last meeting of the Sub-Committee held on 2 June 2010.

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 21 - 68)

(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 Sub-Committee 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:**	2 June 2010
Place:	Council Chamber, Civic Offices, High Street, Epping	**Time:**	7.30 - 10.20 pm
Members Present:	A Boyce (Chairman), W Breare-Hall, Mrs D Collins, Miss C Edwards, Mrs A Grigg, Ms J Hedges, D Jacobs, Mrs S Jones, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse		
Other Councillors:			
Apologies:			
Officers Present:	J Shingler (Principal Planning Officer), M Jenkins (Democratic Services Assistant) and P Seager (Chairman's Secretary)		

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1. 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.

2. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and the new members of the Sub-Committee, namely Councillors W Breare-Hall and Ms S Jones. The Chairman 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.

3. CHAIRMAN OF SUB-COMMITTEE

It was noted that in accordance with the decision taken at the Annual Council meeting on 25 May 2010, Councillor A Boyce was elected Chairman of the Area Plans East Sub-Committee.

4. ELECTION OF VICE CHAIRMAN

In the absence of a Vice Chairman, the Chairman requested nominations for the role of Vice Chairman.

RESOLVED:

That Councillor R Morgan be elected Vice Chairman for the duration of the meeting.

5. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 May 2010 be taken as read and signed by the Chairman as a correct record.

6. DECLARATIONS OF INTEREST

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

- EPF/0418/10 Mitchells Farm, Stapleford Road, Stapleford Abbotts, Romford

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

- EPF/0398/10 Essex Motocross, Weald Hall, Weald Hall Lane, Thornwood

(c) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared a personal interest in the following items of the agenda, by virtue of being members of North Weald Parish Council. Councillor D Stallan also declared that in respect of application EPF/0705/10 North Weald Airfield, Merlin Way, North Weald Bassett, he knew one of the objectors who was a fellow school governor. The Councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0398/10 Essex Motocross, Weald Hall, Weald Hall Lane, Thornwood; and

- EPF/0705/10 North Weald Airfield, Merlin Way, North Weald Bassett, Epping

(d) Pursuant to the Council's Code of Member Conduct, Councillors Mrs A Grigg and D Stallan declared personal interests in the following item of the agenda, by virtue of being members of North Weald Bassett and District Rural Preservation Society. The Councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0398/10 Essex Motocross, Weald Hall, Weald Hall Lane, Thornwood

(e) 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 knowing one of the objectors who was a fellow school governor. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0705/10 North Weald Airfield, Merlin Way, North Weald Bassett, Epping

(f) Pursuant to the Council's Code of Member Conduct, Councillor J Philip declared a personal interest in the following items of the agenda, by virtue of being a member of Theydon Bois Parish Council. The Councillor added that in respect of application EPF/0380/10 3A The Weind, Theydon Bois, he knew some of the objectors. The Councillor had determined that his interests were not prejudicial and that he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/67/09 Chestnuts, The Green, Theydon Bois;
- EPF/0333/10 Greenview, Adj 2 Blackacre Road, Theydon Bois; and
- EPF/0380/10 3A The Weind, Theydon Bois

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

- EPF/0333/10 Greenview adj 2 Blackacre Road, Theydon Bois

(h) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Jones declared a personal interest in the following items of the agenda, by virtue of having been a member of Theydon Bois Parish Council Planning Committee where the applications were discussed. She stated that she would keep an open mind and base her decision on all evidence and information presented at the meeting. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/67/09 Chestnuts,The Green, Theydon Bois;
- EPF/0333/10 Greenview, adj 2 Blackacre Road, Theydon Bois; and
- EPF/0380/10 3A The Weind, Theydon Bois

(i) Pursuant to the Council's Code of Member Conduct, Councillor A Boyce declared a personal interest in the following item of the agenda by virtue of living in the village of Moreton. 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/0504/10 Matthews Yard, Harlow Road, Moreton, Ongar

7. ANY OTHER BUSINESS

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

8. CONFIRMATION OF TREE PRESERVATION ORDER EPF/39/10 BISHOPS HALL, NEW ROAD, LAMBOURNE END, ESSEX

The Sub-Committee received a report requesting Confirmation of Tree Preservation Order EPF/39/10 Bishops Hall, New Road, Lambourne End, Essex.

After having served this order it had been bought to officer's attention that the trees included within it were not all in the ownership of Bishops Hall. Historically the area was part of the estate of Bishops Hall, but the land was now split into separate ownerships. Some of the trees protected by this order were now on land owned by Dews Hall and Poultry Farm.

For the sake of clarity it was considered best practice to reflect the current ownership of the trees.

RESOLVED:

That Tree Preservation Order EPF/39/10 is confirmed subject to amendment of the title to read "Bishops Hall, Dews Hall and Poultry Farm, New Road, Lambourne End, Essex."

9. CONFIRMATION OF TREE PRESERVATION ORDER EPF/67/10 CHESTNUTS, THE GREEN, THEYDON BOIS

The Sub-Committee received a report requesting Confirmation of Tree Preservation Order EPF/67/09 Chestnuts, The Green, Theydon Bois.

Tree Preservation Order EPF/67/09 was made to protect a Horse Chestnut Tree within the front garden of Chestnuts, Theydon Bois. The property was at the junction of The Green with Loughton Lane and overlooked the green. The tree was mature and estimated to be 70 years old. It was 10 metres tall with a crown spread of 9.2 metres.

Members were informed that two objections had been received. A report had been commissioned by the tree owner objecting to the Tree Preservation Order for the following reasons:

- There was no justification in terms of expediency for the serving of the Tree Preservation Order.
- The assessment of the public amenity value was not consistent with best practice guidance, it appeared that no consideration was given to the existing form and condition of the tree or that there were more prominent and publicly recognised important trees nearby.
- The likelihood of the tree to decline suggested its retention was unsuitable and that its contribution as a public amenity would be limited to the short term only.

The owner had also submitted a separate letter which objected to the Tree Preservation Order for the following reasons:

- Damage was being caused by the tree to the paving slabs on the front drive and entrance porch of the property.
- The tree was dying and dangerous because it had bleeding canker.

The information received from the Parish Council, Theydon Bois Rural Preservation Society and the local Tree Wardens, was that the property had recently changed hands and concern was raised that without a Tree Preservation Order the tree could be felled prior to an application being submitted for the re-development of the site.

The tree was deemed by the Parish Council to be an important part of the street scene, and, to ensure that proper consideration was given its future it was considered expedient to make the order.

Although it was acknowledged that the tree had bleeding canker there was nothing to suggest that the tree was in such decline that it needed to be felled imminently. The confirmation of the order allowed the Council guidance in the on-going management/maintenance of the tree. It would also ensure that a suitable replacement was planted in due course.

RESOLVED:

That Tree Preservation Order EPF/67/09 Chestnuts, The Green, Theydon Bois is confirmed without modification.

10. DEVELOPMENT CONTROL

RESOLVED:

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

11. PROBITY IN PLANNING - APPEAL DECISIONS OCTOBER 2009 TO MARCH 2010

The Sub-Committee considered a report regarding Probity in Planning – Appeal Decisions, October 2009 to March 2010. The report advised the decision making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation.

Over the six month period between October 2009 and March 2010, the Council received 60 decisions on appeal, of which 56 were planning and related appeals and 4 were enforcement related. Of these, 19 were allowed (31.7%).

The proportion of the 56 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6 month period was 23%, and of the 13 decisions that this percentage represented, the Council was not successful in sustaining the committee's objection in 7 of 13 (53.8%). Two of the seven cases allowed directly involved re-development and a higher density of housing and it was understood that the Inspectorate had been charged to allow appeals for new dwellings whenever possible to assist in meeting housing needs. Therefore refusals based upon density factors or overdevelopment were unlikely to succeed in roads of mixed residential uses that already included flats, unless real harm to the surroundings or adjacent properties could be shown, or poor design could be identified.

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

The Council's performance for this 6 month period and the previous 6 months, was an improvement on 2008/09, despite there being fewer appeals submitted.

RESOLVED:

That the Probity in Planning Appeal Decisions October 2009 to March 2010 be noted.

12. DELEGATED DECISIONS

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

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0783/10
SITE ADDRESS:	9 Forest Drive Fyfield Ongar Essex CM5 0TP
PARISH:	Fyfield
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/98 T43 Sycamore - Fell T44 Lime - Reduce crown to previous cuts (approx 20%) and remove Ivy
DECISION:	Granted Permission (With Conditions)

CONDITIONS

1 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.

2 The crown reduction authorised by this consent shall consist of pruning approximately 20% of the crown to previous pruning points.

3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).

4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

5 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.

Report Item No: 2

APPLICATION No:	EPF/0333/10
SITE ADDRESS:	Greenview adj 2 Blackacre Road Theydon Bois Epping Essex CM16 7LU
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Retention of dwelling built not in accordance with approved plans. (hip to gable extension above garage). Revised application
DECISION:	Refused Permission

REASON FOR REFUSAL

1 The size, bulk and massing of the dwelling is inappropriate for the size of the plot and is harmful to the character and visual amenity of the street scene, contrary to policies CP2, DBE1 and DBE3 of the Adopted Local Plan and Alterations.

Report Item No: 3

APPLICATION No:	EPF/0380/10
SITE ADDRESS:	3A The Weind Theydon Bois Epping Essex CM16 7HP
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Side and rear two storey extension to replace existing detached garage and store and two storey front extension. (Revised application)
DECISION:	Refused Permission

REASON FOR REFUSAL

1 The proposed extensions, due to their size, design, bulk and massing fail to complement or enhance the existing building or the streetscene and area harmful to the visual amenity of the area contrary to policies CP2 and DBE10 of the Adopted Local Plan and Alterations.

Report Item No: 4

APPLICATION No:	EPF/0398/10
SITE ADDRESS:	Essex Motocross Weald Hall Weald Hall Lane Thornwood Essex
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Use of land for riding motorcycles for recreational and practice purposes including practising for motocross (Revised application)
DECISION:	Refused Permission

Officer read out a letter from Robert Halfon MP regarding residents' concerns.

REASONS FOR REFUSAL

1 The proposed development including bunding, car parking, portacabin and track, will have an adverse impact on the open character and visual amenity of the rural Green Belt Area contrary to policies CB7A, CP2 and LL2 of the adopted Local Plan and Alterations.

2 The proposed use will result in unacceptable noise nuisance to surrounding residential properties to the detriment of visual amenity. The proposal is therefore contrary to policy RP5A of the adopted Local Plan and Alterations.

Report Item No: 5

APPLICATION No:	EPF/0418/10
SITE ADDRESS:	Mitchells Farm Stapleford Road Stapleford Abbotts Romford Essex RM4 1EJ
PARISH:	Stapleford Abbotts
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Retrospective application for change of use of three farm buildings to commercial storage use.
DECISION:	Granted Permission (With Conditions)

CONDITIONS

1 No operations at the premises, including vehicles arriving at and departing from the premises, shall take place outside the hours of 0700 hours and 1900 hours on Mondays to Saturdays, and not at all on Sundays or Bank/Public Holidays.

2 There shall be no external storage in connection with the use hereby approved at any time.

Report Item No: 6

APPLICATION No:	EPF/0504/10
SITE ADDRESS:	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and commercial buildings and erection of 7 dwellings including surface water sewer to existing watercourse. (Revised application)
DECISION:	Deferred to District Development Control Committee

Officer read out letter from Parish Council – No objection.

Deferred to District Development Control Committee with recommendation to Grant (subject to Legal Agreement).

Members requested officers talk to the applicants to see if a contribution towards the provision of affordable housing was possible.

Report Item No: 7

APPLICATION No:	EPF/0600/10
SITE ADDRESS:	Norton Field Farm Norton Lane High Ongar Ongar Essex CM4 0LN
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	New barn with workshop and new poultry rearing unit.
DECISION:	Deferred

Officer read out further letter from High Ongar Parish Council raising additional concerns.

Deferred to next Planning Sub Committee to enable additional information regarding the agricultural need for the development to be provided.

Report Item No: 8

APPLICATION No:	EPF/0705/10
SITE ADDRESS:	North Weald Airfield Merlin Way North Weald Bassett Epping Essex
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Erection of one seasonal marquee events structure and a connected service structure for no more then 34 weeks per calendar year.
DECISION:	Refused Permission

REASON FOR REFUSAL

1 Due to the excessive number of days proposed and the hours of operation, and the nature of the use, the development will result in unacceptable noise and disturbance to surrounding residents causing harm to residential amenity contrary to policy RP5A of the adopted Local Plan and Alterations.

AREA PLANS SUB-COMMITTEE 'EAST'

23 June 2010

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EP/0873/10	West Lodge, Coppice Row, Theydon Bois	GRANT	23
2.	EPF/0218/10	1-3 Coopers Hill, Ongar	GRANT	28
3.	EPF/0600/10	Norton Field Farm, Norton Lane, High Ongar	GRANT	36
4.	EPF/0665/10	Masons Bridge Farm, Fiddlers Hamlet, Epping	GRANT	44
5.	EPF/0666/10	Masons Bridge Farm, Fiddlers Hamlet, Epping	GRANT	49
6.	EPF/0752/10	24 Green Glade, Theydon Bois	GRANT	52
7.	EPF/0881/10	40 Landview Gardens, Ongar	LAWFUL	56
8.	EPF/0908/10	37 Bury Road, Epping	GRANT	65

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Report Item No: 1

APPLICATION No:	EPF/0873/10
SITE ADDRESS:	West Lodge Coppice Row Theydon Bois Essex CM16 7DR
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	The Owner / Occupier
DESCRIPTION OF PROPOSAL:	TPO/EPF/03/89 - W1 (T1) - Fell (T2) - Reduce by 30% (G1) – Crown lift to 5 metres and reduce lateral growth from roofline.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 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.

2 The crown reduction authorised by this consent shall consist of the following:
T2. Red oak: 30%.
G1. Oak group: cut back lateral branches by up to 2 metres in branch length.

3 The crown lifting authorised by this consent shall extend only to the whole or partial removal of branches necessary to give 5 metres clearance above ground level and to give statutory clearance to public highways.

4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).

5 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

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

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

Description of Proposal:

T1. Oak. Fell and replace.
T2. Red Oak. Reduce crown by 30%.
G1. Oak group. Crown lift to 5 metres and reduce lateral growth from roof line.

Description of Site:

T1 and T2 both stand in a well maintained rear garden of this detached residential property, which backs onto forest and agricultural land. Both trees stand over 14 metres tall. The house faces the main road leading to Theydon Bois and is shielded by G1, comprising several roadside trees of differing sizes, which overhang both the highway and the roof of this single storey house. The character of this locality is of dense forest with dwellings piercing a natural closed landscape of canopy forest trees.

Relevant History:

NO pruning records exist for trees on this site

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.
LL08 Pruning of preserved trees

SUMMARY OF REPRESENTATIONS:

One immediate neighbour was notified but no representations were received.

Theydon Parish Council lodged an objection on the following grounds:

i) the poor quality of the submitted application form made it impossible for comments to be made on the application.
ii) several sections of the form were not completed regarding replacement trees, checklist and arboricultural report detailing the tree problems.
iii) it is expected that a Council Tree Officer report should be provided, considering the merits of the case. No report comes with this application.

Issues and Considerations:

Applicant issues

The sole reason put forward to fell the oak tree is the following:

- The tree is diseased.

Planning considerations

The main planning considerations in respect of the felling of the tree are:

i) Tree condition and life expectancy

The submitted reason that the tree is a diseased specimen has been visually assessed from ground level and the observations are described below.

The tree has clear signs of dieback throughout the crown. Large sections of the upper crown are dead and what foliage is attached to the main limbs is sparse and undersized, when compared to a healthy tree of this same species.

Leaves forming on the main stem and large branches of the tree are recognised as a sign of stress, indicating problems normally associated with root disorders.

Large pieces of bark have peeled off the lower stem and dysfunctional heartwood is visible on these areas. Its condition is poor with low vigour. It is estimated that the tree has a foreseeable life expectancy of less than 5 years into the future.

ii) Visual amenity

T1 Oak has moderate public amenity. It is clearly visible from the small lane off the main road. T1 has a narrow crown form, typical of a closely grown forest tree and does not provide a significant screening function due to its thin crown density.
The tree is a part of a group of large specimens in the rear garden but is subordinate to the more prominent Red Oak, T2, which is a more striking and important tree in form and size. T2 softens the built mass of the new garage building and contributes to the landscape character of the forest, which envelopes the property.

iii) Suitability of tree in current position

The tree was originally part of a forest group and must therefore be considered as highly suitable. Health issues supersede suitability in this instance.

iv) Replacement tree and other points of objection

The very poor quality of the submitted form required follow up correspondence with the agent, who provided a verbal description of the problems suffered by the tree and clarity on the relative locations and species of the trees under consideration. An acceptance of the requirement for a replacement was given at this time and deemed acceptable.

No report is written to Parish Councils prior to the committee report.

Conclusion:

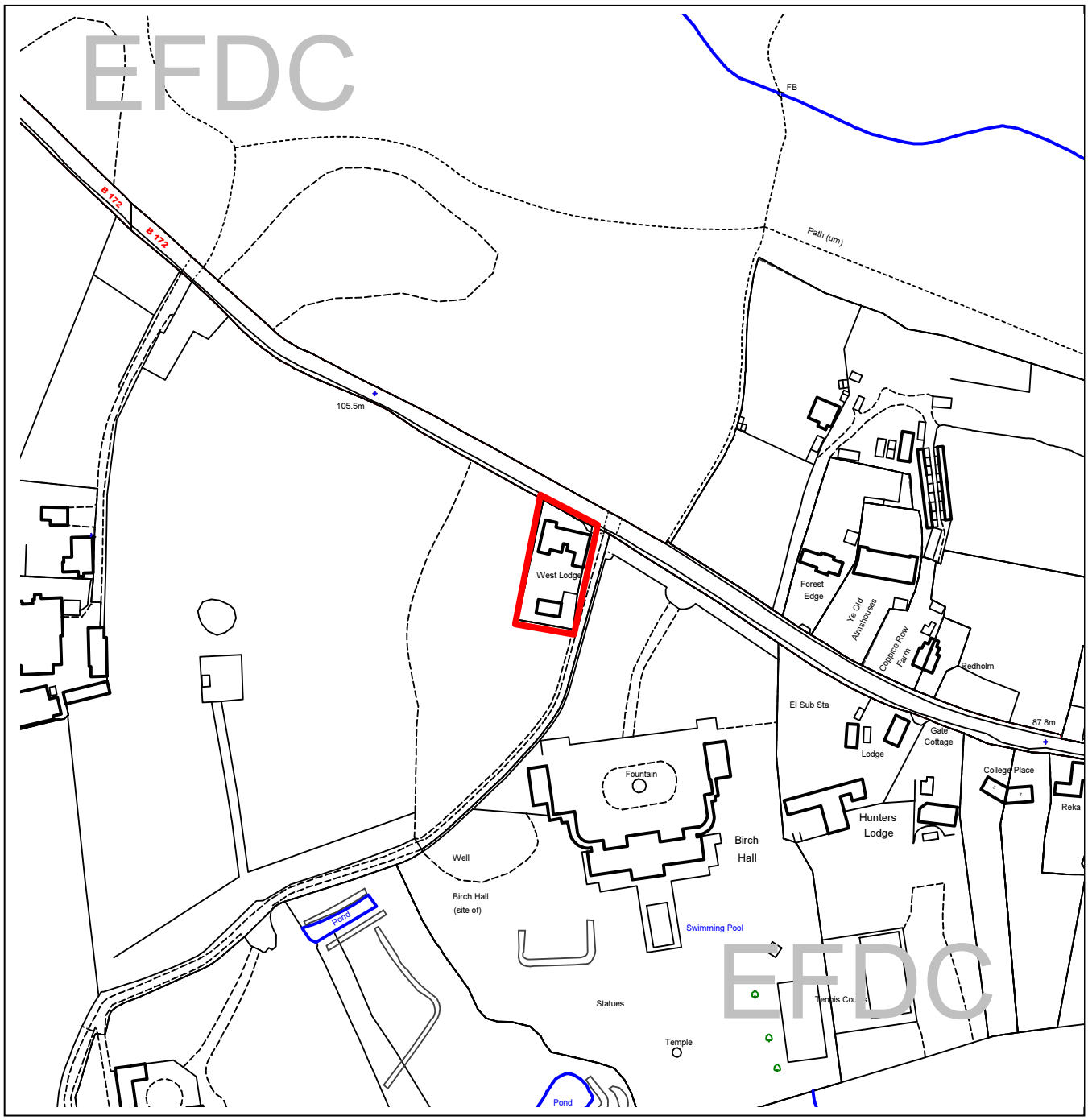
The tree has limited amenity value due to its location in the rear garden and, in the light of its poor health, it is considered that the loss of this tree would not constitute a serious harm to the powerful tree presence maintained by the dominant Red Oak. Therefore, it is recommended to grant permission to fell T1 Oak on the grounds that its declining condition renders it unsustainable. A suitable replacement will enhance the landscape character of this part of the garden and the Red Oak's retention is assured with the opportunity for it to maintain a full but managed crown. The proposal therefore accords with Local Plan Landscape Policy LL09.

It should be noted that the pruning consideration for T2 Red Oak and G1 Oaks element of the application is included in the report for members' information only. Pruning applications are dealt with under officer delegated powers.

In the event of members agreeing to allow the felling, it is recommended that a condition requiring the replacement of this tree 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



Agenda Item Number:	**1**
Application Number:	EPF/0873/10
Site Name:	West Lodge, Coppice Row Theydon Boi, CM16 7DR
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0218/10
SITE ADDRESS:	1-3 Coopers Hill Ongar Essex CM5 9EE
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Artur Hasani
DESCRIPTION OF PROPOSAL:	Change of use to a hand car wash including use of building as ancillary office, storage and staff facilities area. Erection of 2 covered bays including screen walls in yard area.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2 The development permitted by this planning permission shall only be carried out in accordance with the document Engineering Details for Proposed Hand Car Wash, 1-3 Coopers hill, Ongar, Essex, CM5 9AJ, April 2010 and Proposed Drainage Plan, Drawing No. 9158-01, April 2010 and the following mitigation measure detailed within the FRA:

Constructing the Drying Bay side walls with 1200mm x 300mm gaps along their length to allow the passage of water during times of flood.

3 The building adjacent to the south east site boundary shall only be used for purposes ancillary to the use of the site as a car wash and not for any other purpose. The building shall not be used to provide living accommodation for staff or any over-night sleeping accommodation.

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

Description of Proposal:

It is proposed to use presently vacant former light industrial/retail premises as a hand car wash including use of a building on the site as ancillary office, storage and staff facilities area. It is also proposed to erect 2 covered bays including screen walls in yard area.

The bays would be situated adjacent to the northwest site boundary, midway along its length. They would be linked to each other forming a long single bay 16m in length and 5m in width. They would be covered by a PVC canopy supported by a galvanised steel frame. The sides of the bays between the frame supports would be enclosed by a 1.1m high brick wall with openings at ground level to allow water to flow out of the bays. The application describes them as drying bays.

A 12m by 8m car wash area would be formed in the eastern corner of the site with levels falling to a central gully linked to a drain connected to the existing mains foul drainage from the site.

No alterations to the appearance of the building on site are proposed.

No alterations to the access to the site are proposed.

No alterations to the means of enclosure of the site are proposed.

Description of Site:

The site comprises a large hard surfaced area with a single-storey locally listed building on the southeast boundary. It is situated on the east side of Coopers Hill on the inside of a bend opposite its junction with Greensted Road. Access is directly off Coopers Hill with gates to the site set some 7m from the carriageway. Adjacent to the access to the site is a two-storey building used as a café on the ground floor with a flat above.

The site is situated within Environment Agency designated Flood Risk Zones 2 and 3.

To the north of the site are allotments, while to the south is public open space.

On the opposite side of Coopers Hill is a public house and its car park, south of which are houses on Coopers Mews. The public house is bounded by Greensted Road to the north, on the other side of which is a rough surfaced car park screened from Coopers Hill by mature trees.

To the east of the site is a gas valve compound operated by Transco, which is accessed through the site. The gas valve compound contains a group of preserved trees.

Beyond the allotments and gas valve compound is a river known as Cripsey Brook, which feeds into the River Roding.

The last lawful use of the site was as a mixed use for light industrial purposes, primarily furniture repairs, and the retail sale of furniture, prior to which it was used for industrial purposes as a dairy for the processing and distribution of milk.

Relevant History:

EPF/1860/07 Change of use for the retention of car valeting & hand car wash and retention of canopy. Refused on the basis of advice from the Highway Authority that the development causes an undesirable intensification of the use of a sub-standard access to a classified highway and that the applicant does not control sufficient land to provide an acceptable visibility splay. A subsequent appeal against that decision was dismissed.

EPF/1831/08 Erection of car washing and valeting equipment, new island for directing traffic and full width lowered kerb to site frontage. Refused for the same reason as application EPF/1860/07

ENF/0337/07 Planning Enforcement investigation into the unauthorised use of the site as a hand car wash and erection of a canopy. Following the refusal of planning application ref EPF/1860/07 an enforcement notice was issued requiring the cessation of the use and removal of the canopy. An appeal against the notice was considered together with the appeal against the refusal of planning application ref EPF/1860/07and the notice was upheld. The notice was not complied with and the owner and occupier of the land were prosecuted for that failure. The occupier was found guilty but the requirements of the notice still were not complied with. Consequently the District Council took direct action to secure compliance in September 2009. That action was successful.

EPF/1878/09 Change of use to provide a hand car wash. The District Council exercised its power to decline to determine the application since it was substantially the same proposal that was refused planning permission on appeal within 2 years of the submission.

EPF/2277/09 Change of use to provide a hand car wash. Application registered as valid on the basis of advice from the Highway Authority that the submission included new information that had the effect of the submission being materially different to that previously refused permission on appeal. However, the application was subsequently withdrawn in order to amend the proposal to address objections raised by the Environment Agency on the basis that the submission did not include a Flood Risk Assessment.

Policies Applied:

CP2 Protecting the Quality of the Rural and Built Environment
E4A Protection of Employment Sites
U2A Development in Floor Risk Areas
U2B Flood Risk Assessment Zones
RP3 Water Quality
ST1 Location of Development
ST4 Road Safety
DBE1 New Buildings
DBE2 Effect (of new buildings) on Neighbouring Properties
DBE9 Loss of Amenity
RP5A Adverse Environmental Impacts

Summary of Representations:

NEIGHBOURS: - The occupiers of 4 neighbouring properties were directly consulted and the application was also advertised by the display of a site notice. Two responses were received as follows:

4 LONGFIELDS, ONGAR:

“These premises are across a small green from our house. When they were previously being used the noise from the premises was constant. The pressure washers were constantly droning. The existence of the car wash meant that persons using the café at the same location and the residents above the café were unable to park at the premises and used Longfield as a car park. Parking very close to the junction with Coopers Hill. This caused an obstruction as this meant there was not room for two way traffic. It also caused problems for myself and neighbours in accessing our driveways. The type of business being proposed by its very nature will lead to a substantial increase in the number of vehicles which will be entering and leaving the premises. This will cause extra vehicle congestion on a busy bend.”

TWO BREWERS PUBLIC HOUSE, GREENSTED ROAD:

“Having looked at the planning application we feel no highways safety issues have been addressed and therefore we object to this application as we previously have done before due to the road safety issues. This is a dangerous bend approx 30 yards from a zebra crossing on a busy main road. When the school buses arrive every morning and evening it is extremely busy and we feel the car wash will only make matters worse.”

ONGAR TOWN COUNCIL:- “Councillors expressed concerns about the possible numerous traffic movements emerging onto Coopers Hill and the associated danger to other road users including pedestrians.”

HIGHWAY AUTHORITY (ESSEX COUNTY COUNCIL): - No objection raised. The Highway Authority explains its response as follows:

“The applicant has produced a comprehensive assessment on the impact of the existing uses, relative to the permitted development that exists on the site, in terms of traffic flow. It is with regard to the intensification of the site that the Highway Authority has to concede that the new data supplied demonstrates that the proposed car wash and sandwich shop generate less vehicle movements than the previous uses did. Although this does not alter the fact that the visibility splay to the right of the access is substandard and a full 43 metres would be required if the traffic were to increase, because of the lack of intensification or amendment to the existing access there can be no grounds for objection from the Highway Authority.

This application would have continued to receive an objection from the Highway Authority on safety terms, as per our comments on previous applications and the relevant planning appeal decision, had this new data not been provided. Any further applications that propose to increase the vehicle movements to this site will continue to receive objections on safety terms.”

ENVIRONMENT AGENCY:- The development is acceptable provided the measures detailed in the Engineering Details Document and Proposed Drainage Plan submitted with the application are implemented and secured by way of a condition on any planning permission granted.

Issues and Considerations:

The main issues to consider are the principle of the use of the site as a hand car wash, its impact on the operation of adjacent uses, the visual impact of the use, the impact of the use of the living conditions of neighbouring residents, impact on flood risk and the water environment and highway safety.

Principle:

The proposed use would generate employment on a vacant employment site and in that respect it accords with adopted planning policy. Furthermore, the proposal would bring back into beneficial use vacant previously developed land situated in an urban area.

Operation of adjacent uses:

The development would not be harmful to the operation of the adjacent café or the gas valve compound, to which vehicular access would be maintained.

Visual impact:

The proposed canopies over drying bays, and other related minor works, would not be clearly seen from any public area. They are of a simple design and of limited height such that their siting would not be harmful to the setting of the adjacent locally listed building on site.

Impact on living conditions:

The location of the site is relatively remote from residential properties. The previous unauthorised use as a hand car wash did not appear to cause harm to the living conditions of any such property. However, a local resident at Longfields has indicated the operation of that use caused noise that, although not at a level to be a statutory nuisance, was nevertheless perceived to be annoying and therefore harmful to amenity. In terms of its impact on amenity, the current proposal is so similar to the previous use that it is very likely to have the same impact on amenity.

Having regard to the lawful use of the site for mixed light industrial and retail purposes together with the largely open nature of the site, if the lawful use recommenced it would not be unusual for such usage to generate noise. Furthermore, since the site is separated from the nearest properties on Longfields by some 50m and the existing building on the site to a great degree acts as a noise barrier between the car washing area and the nearest properties on Longfield, the level of noise created by the proposal is unlikely to cause excessive harm to the amenities enjoyed by the occupants of those houses. In arriving at this view, weight has been given to the situation of the nearest houses on Longfields which face north, thereby further shielding their rear gardens from any noise that would be generated by the use.

Flood Risk and Water Environment:

The application site lies within Flood Risk Zones 2 and 3 and in the vicinity of a river. Although a lot of water would be used by the car wash generating significant foul water run-off, the drainage proposals worked up in consultation with the Environment Agency are adequate enough to cope with this. Should planning permission be granted it is necessary to impose the condition requested by the Environment Agency to secure the drainage measures.

Highway Safety:

Although the proposed car wash would result in the intensification of the use of a substandard access onto a classified highway, there has historically been an access point in this location serving uses including a dairy and later the repair of furniture with ancillary sales, all of which would have generated some level of usage. The Highway Authority is satisfied the applicant has now produced good evidence demonstrating the car wash would generate less vehicle movements than the lawful use of the site.

The evidence showed that, based on the floor space within the buildings alone, the lawful use of the site could generate 167 vehicle movements each day the use is operating. This is compared to the findings of surveys of vehicle movements generated by the previous unauthorised hand car wash. The surveys were carried out between 07.00 and 19.00 on Saturday 6 June and Tuesday 9 June 2009. Their findings are the hand car wash use generated 86 vehicle movements and that the total number of vehicle movements generated by both the car wash and adjacent café, which utilises the same vehicular access, did not exceed 132.

The evidence upon which the Highway Authority's advice is based was not available when the appeal against the refusal of planning application ref. EPF/1860/07 was heard. When assessing the merits of the appeal the Inspector did not disagree with the Council's stated position that a change of use could be acceptable if there was little, if any, intensification of traffic using the access.

Having regard to the evidence, the advice of the Highway Authority and the views of the Inspector considering the appeal against the previous refusal of planning permission it is unlikely the District Council would be successful in resisting the proposal at appeal on the basis that it would intensify the use of an existing sub-standard access to Coopers Hill.

Notwithstanding the position on the matter of the intensification of the use of the access, it is the case that the visibility splay north of the access along Coopers Hill is inadequate. That situation is harmful to the interests of highway safety therefore any grant of consent for the development should ideally be subject to a condition requiring steps be carried out to achieve a suitable visibility splay prior to the commencement of the development. In this case that would require land to the north of the access outside the application site to be kept clear of any obstruction to visibility, such as fences and vegetation, above a height of approximately 900mm.

Unfortunately, the applicant does not control any land adjacent to the access where he could carry out measures to improve the visibility splay. A telephone discussion between the case officer and a person claiming to be the owner of the land concerned revealed that person is not willing to allow such measures on his land. No written confirmation of this has been received but, notwithstanding the absence of such confirmation, in these circumstances it would be unreasonable to require such measures by condition. That is because the applicant is known to not be in a position to comply with the requirements of such a condition and it appears there is no reasonable prospect of him being able to in the near future.

Since it is not possible for the visibility splay to be improved to an adequate standard it is necessary to consider whether that warrants the refusal of planning permission. In this case even if the lawful use were commenced, regardless of the vehicle movements it generated, that use would be similarly constrained by the sub-standard visibility splay but it would not be open to the District Council to control that situation since no planning permission would be required. Moreover, the Highway Authority is now firmly of the view that evidence demonstrates the proposed use would generate less traffic than the lawful use and it has not put forward any evidence that the actual use of the access generated by the previous unauthorised hand car wash caused any accidents. In the circumstances, it is also unlikely that the District Council would be successful in defending at appeal any decision to withholding consent on the basis that the applicant is not in a position to provide improvements to the visibility splay.

Conclusion:

Assessment of this proposal in the context of the very strong enforcement action taken by the District Council to secure the interests of highway safety on the basis of advice from the Highway Authority is difficult. Regardless of the background to this application, it must be assessed on its own merits. The change in the views of the Highway Authority is frustrating, not least for the Highway Authority itself who gave evidence for the Council at the previous appeal. However, it is fully understood that change of opinion took place following careful assessment of new evidence provided by the applicant.

The development was previously resisted solely on the basis that it caused harm to highway safety. Advice from the Highway Authority is now that the proposal would not cause any greater harm than that which would be caused by the lawful use of the site and consequently there is no evidence to demonstrate the proposed use would cause material harm to the interests of highway safety.

The evidence relating to the vehicle movements generated by the hand car wash use should be considered in the context of the Council's stated position at the appeal against the refusal of planning application ref. EPF/1860/07. That was, a change of use could be acceptable if there was little, if any, intensification of traffic using the access. In coming to his decision on the appeal

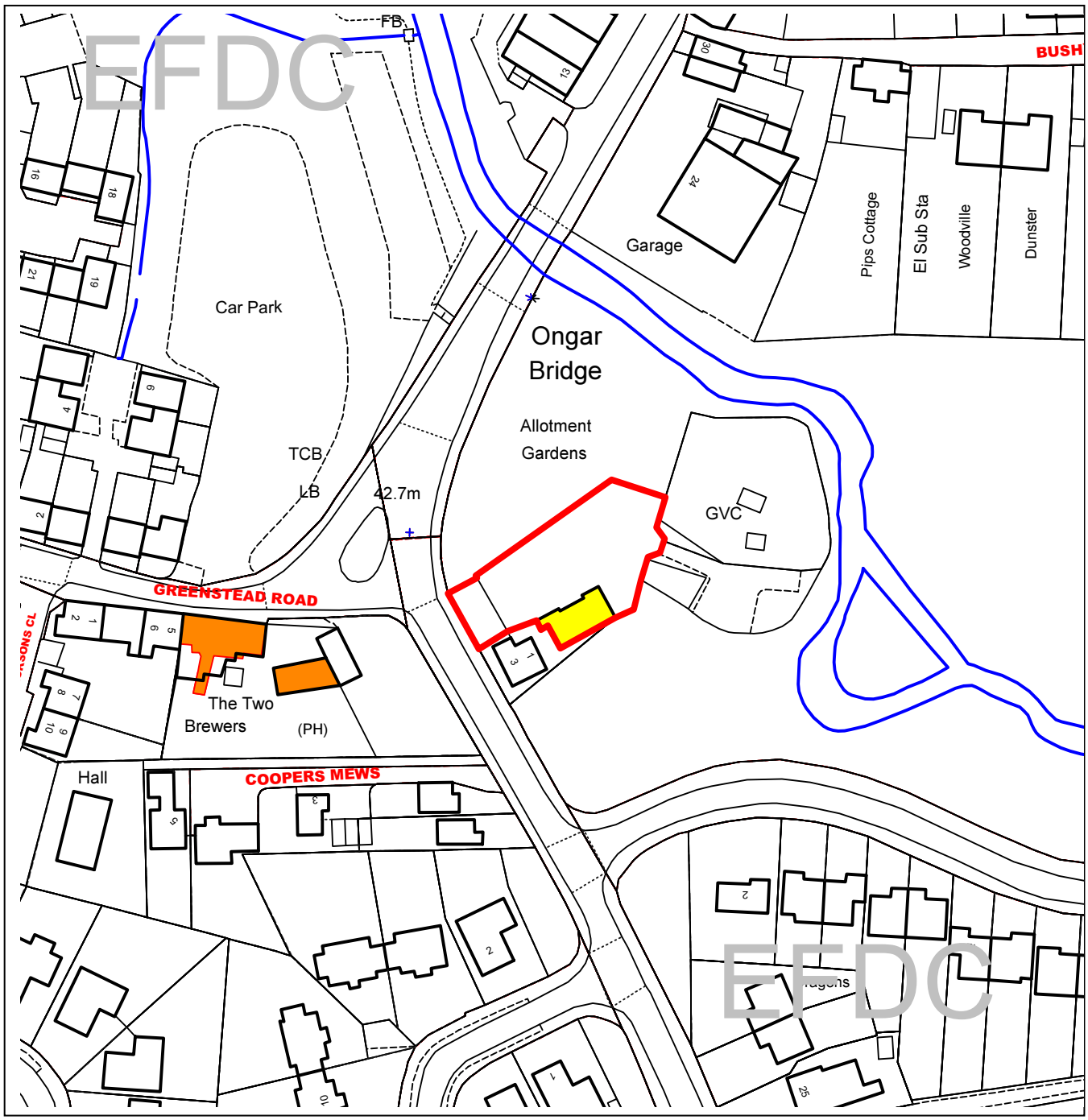
the Inspector expressly made the point that he did not disagree with that view. In those circumstances it would be difficult to persuade a Planning Inspector now that, since the fallback position of a recommencement of the lawful use of the site is unrealistic, no other use should be made of the site until visibility splays at the access to it are improved to current standards. Accordingly, the District Council would be unlikely to be able to defend a decision to refuse planning permission on the basis that the proposed use would be harmful to highway safety.

Neither the previous unauthorised use nor the proposed use has been assessed as likely to cause material harm to other interests of importance.

Having regard to the above assessment of the proposal there are no grounds for withholding consent.

Epping Forest District Council

Area Planning Sub-Committee East



Agenda Item Number:	**2**
Application Number:	EPF/0218/10
Site Name:	1-3 Coopers Hill, Ongar, CM5 9EE
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0600/10
SITE ADDRESS:	Norton Field Farm Norton Lane High Ongar Ongar Essex CM4 0LN
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Ian Chisholm
DESCRIPTION OF PROPOSAL:	New barn with workshop and new poultry rearing unit.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2 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 the development hereby approved, details of foul drainage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

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

This application was deferred by Members from the Plans Sub Committee East on 2nd June, with a request that further evidence of the need for the proposed buildings be sought. Officers revisited the farm on Tuesday 8th June to again view the business and to seek further evidence of the existing level of agricultural use.

The visit confirmed as previously stated that there are approximately nine thousand free range hens currently on site and that the farm is clearly producing free range eggs on a large scale. Officers viewed the inside of the egg laying barn on the site which measures approximately 50 metres by 25metres and it was full of hens. Some additional hens were wandering in the surrounding free range area. Photo's were also taken of a large stack of egg boxes full of eggs ready for collection and eggs were seen to be collected from the barn, via an automated system.

The applicant explained that he was about to restart meat production, with the intention that day old chicks would be brought in and would be reared within the mobile units that are on the land (which are permitted development) The intention is to provide meat mainly for the Christmas market and this will therefore be geese, turkeys and cockerels. The units were being made ready for this use.

The applicant states that further production will take place all year round for meat chickens and POL birds in small batches of around 300 for farmers markets and local butchers.

The intention is that processing will take place within the part built building approved under EPF/2123/03 (Erection of building for use as a poultry slaughter house) As work has commenced on this building (the frame is complete) it can be completed at any time. The applicant has confirmed that it his intention to complete this building in the near future, but that as the meat production will be smaller than in the past, part of this building will be used for egg storage and grading, establishing a packing station to sell the eggs directly to the supermarkets instead of indirectly.

At the time of the site visit there were farm related items, equipment, freezer, tractors and materials, stored in the open as there is no general barn/storage building on site. The barn/workshop now proposed would enable these items to be stored inside and is not considered excessive given the size of the farm and the intensity of the use. The second building proposed is an open side barn in which it is proposed to keep 4 chick rearing containers, which again would otherwise be kept in the open.

At the time of the site visit the Farm had just had an unannounced spot check visit from the RSPCA who monitor sites for compliance with Freedom Food Standards. Their report of that visit states that 9000 laying hens were housed: that they were aged 46 weeks and that no non-conformities were found.

The applicant produced some paperwork in connection with the business including a recent order for chicks.

The applicant also states that it is his intention to apply in due course to further extend the existing poultry shed to take it up to 16000 birds and that he intends to continue investing in the site (approx £500K) and expand and invest up to £4million in other locations when sites become available

He considers that now is a very good time for such investment and expansion as a result of the pending 2012 ban on cage production in the EU which means that the UK egg industry will need to expand.

The site is approximately 10 hectares in size and has more than adequate land available for an expansion of the free range unit.

There was no evidence on site that the land is being used for any other business purposes. There is however a large mound of crushed concrete on the site and complaints that the site is being used for crushing of concrete have been investigated by Essex County Council who are responsible for development which includes minerals and waste disposal. Whilst the applicant's son does operate a Concrete crushing business this is sited elsewhere and there is no evidence that it operates from Norton Field Farm, although his vehicle may be parked at this site, and the mound that is on site has not noticeably changed in the last few years. The applicant claims that the material is required to provide floor surfacing material and bases for the buildings that he is proposing and it is understood that it is also used within the poultry house as a material that can be easily removed and replaced with clean material when there is a change-over of birds, which

makes clearing and disinfecting of the housing easier. Whilst the County enforcement officer is keeping an eye on the site there have been no recent complaints and the material kept at site does not appear disproportionate for the use that the applicant proposes. There is no action pending.

As previously stated to committee it is considered that this is a bona fide agricultural proposal on a well established poultry unit. The buildings proposed are not considered excessive for the size and nature of site, and the use of the buildings is of course restricted to agriculture. The fact that there is a partially completed building on site is not considered reasonable grounds for refusal of the current application. The applicant's explanation that the 3 buildings will be required due to his expansion into meat production and his desire to house his equipment and rearing units is entirely reasonable. The development is therefore appropriate in Green Belt terms and in accordance with policy. The original report, with an expanded Planning History section for further clarification, is attached below and the recommendation remains for approval.

Description of Proposal:

This application seeks planning permission for the erection of a poultry rearing unit (12.5 x 15 metres max. height 6.4 metres) and a workshop (30 x 8 metres max. height 5.5 metres).

Description of Site:

The application site forms part of a 10.125 hectare poultry farm, located within the Metropolitan Green Belt on the southern side of Norton Lane. The siting of the proposed building is adjacent to an existing access road from Norton Lane. There is considerable natural screening along the site boundary with Norton Lane, resulting in there being only very limited views into the site. The land upon which the buildings are proposed is presently used for open storage.

Relevant History:

Fairly extensive planning history relating to the agricultural use of the site:

AGR/EPF/6/94 Agricultural determination for erection of barn – Planning not required.

EPF/1223/96 Siting of agricultural workers mobile home for 3 year period - Refused

Stop Notice and Enforcement Notice regarding above 9/12/96

AGR/1234/96 Agricultural determination for Free Range Egg Unit - Planning not required

AGR/0431/97 Agricultural determination for free range egg unit - Planning Required

EPF/1082/97 Erection of new building in connection with free range poultry business - Granted

EPF/1083/97 Retention of mobile home for up to 3 years – Granted

EPF/1084/97 Agricultural determination Free Range Egg Unit - Planning Not Required

EPF/1641/00 Retention of temporary dwelling - Refused

EPF/661/01 Retention of temporary dwelling - Refused. The retention was however allowed on appeal subject to agricultural occupancy condition.

Enforcement notices regarding the retention of the temporary dwelling, siting of a barn and entrance gates without consent were issued but were quashed and the works were allowed on

appeal. The Inspector found that the council had refused consent amongst other things on the grounds that there was insufficient evidence to demonstrate viability and an agricultural need. In allowing the appeals and additionally awarding costs against the council the inspector states that the council had failed to accept the ample and clear evidence that there was a viable enterprise, he went on to say; " Its failure to do so appears to me to have been dictated by a deep seated scepticism as to the genuineness of the appellant's agricultural enterprise."

CLD/EPF/846/03 Certificate of lawfulness for the placing of 10 mobile chicken houses – Lawful

AGR/EPF/848/03 Agricultural determination for new barn to replace existing barn - Planning required and granted.

EPF/0979/03 Erection of permanent dwelling for use in connection with agricultural use - Approved.

EPF/2128/03 Erection of building for use as a poultry slaughter house. Approved 2/3/04 (This is the structure that is partially built although it is the same in size and position as that barn allowed in the above agricultural determination.

AGR/EPF/1658/07 Agricultural determination application for extension to poultry unit – Permission not required.

Policies Applied:

East of England Plan

SS7 Green Belt
ENV2 Landscape
ENV3 Biodiversity
ENV7 Built Environment

Local Plan

CP2 - Protecting the Quality of the Rural and Built Environment
CP3 – New Development
GB2A – Green Belt
GB7A – Conspicuous development
GB11 – Agricultural Buildings
DBE1 - Design
DBE 2, 9 – Amenity
LL11 - Landscaping

Summary of Representations:

Notification of this application was sent to High Ongar Parish Council and a notice was displayed along the Highway land outside the site.

The following representations have been received:

HIGH ONGAR PARISH COUNCIL. Objection.

The application seeks to increase the size of the existing poultry unit by almost 25%. There would, therefore, be a considerable increase in the amount of green area which would need to go under concrete.

This would not only impinge on the countryside by an intensive use application, but inevitably there will be an increase in the number of vehicles using what is largely a single lane track, to the detriment of the road and the area, and causing further nuisance to local inhabitants. This application raises several questions and comments, to which the Parish Council requests responses:

- This is a proposal for a new barn and workshop. Currently there exists a steel framework for a large barn, which has not been completed. Is this, therefore, an application to complete this barn of is it for an additional barn?
- Question 7 (*Waste Storage and Collection*) of the application: A poultry-rearing unit will raise issues of storage and management of litter when the house is depopulated. Also, there will be considerable quantities of dirty water from unit cleaning between flocks. Has consideration been given to the likely impact on the existing water-course and environment in the management of this?
- Question 10 (*Materials*) of the application: If this application is approved, there will inevitably be a need for vehicle access and hard standing to service a workshop and livestock unit. This has not been addressed in this application.
- Question 16 (*Trees and Hedges*) of the application: no evidence of attempts to carry out a tree survey have been observed.
- Question 24 (*Hazardous substances*) of the application: no reference has been made in the application of how this rearing unit will be heated and with the necessity to heat a rearing unit, presumably there is a likelihood of LPG brooders to be used?
- The Council requests a check that this application complies with the original permission granted by the Inspector for a poultry farm, especially with regard to the number of buildings.
- If this application should be approved, the Council requests a condition be included that the workshop is for use in connection with the poultry farm, and not for an alternative business.
- Any approval should be conditional on compliance with previous actions and decisions by District Council Enforcement Officers.

The Council requests responses to the issues raised above and urges planning officers give serious consideration to all these points when reviewing this application.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on the openness of the Green Belt and on the character and appearance of the area. Impact on trees, Highway safety and public health will also be considered.

Green Belt

Policy GB2A of the Adopted Local Plan identifies types of development which are appropriate within the Green Belt. The proposed buildings would be used for agricultural purposes and would, therefore, constitute appropriate development within the Green Belt.

Policy GB11 of the Adopted Local Plan encourages agricultural buildings, provided that the proposals:

i. are demonstrably necessary for the purposes of agriculture;
ii. would not be detrimental to the character and appearance of the locality or to the amenities of nearby residents;
iii. would not have an unacceptable effect on highway safety, water quality/supply or watercourse;

iv. would not significantly threaten any sites of importance for nature conservation.

Analysis of the proposed development in relation to these provisos is as follows:

i. The site has agricultural use as a poultry farm. It is accepted that the scale and nature of the proposed buildings is such that they are necessary for the purposes of agriculture.

ii. The buildings are in keeping with the rural and agricultural landscape of the surrounding area. The siting of the buildings is such that nearby neighbouring residents would not be affected.

ii. The development would not be harmful to Highway Safety, as the existing access point and track would be utilised. As the development would form an extension to the existing agricultural activity on the site, it is not considered that there would be any harm to water supply/courses. However, following the expression of concern from High Ongar Parish Council, advice has been sought from the Council's Environmental Services Section. Their response will be verbally reported at the Committee Meeting.

v. There are no nearby sites of importance for nature conservation which would be affected by the proposed development.

The buildings would be close to existing structures within the site and their impact would be softened by existing landscaping. It is not, therefore, considered that they would be detrimental to the open character of the Green Belt.

Character and Appearance

The proposed buildings would be agricultural in their character. The barn/workshop closest to the highway boundary would be timber clad with a concrete roof. The poultry rearing shed would be steel clad with two open sides.

The buildings would be in keeping with the agricultural and rural character of the site and surrounding area.

Trees and Landscaping

The proposed barn building would be located approximately 9.5 metres from the boundary and due to this distance there would not be any material harm to the vegetation. The vegetation would partially screen the barn/workshop when viewed from the road, which would soften its impact.

Highway Safety

The proposed buildings would utilise the existing highway access and driveway. This would be acceptable.

Water Quality

The nature of the agricultural use is such that waste water would be likely to contain animal faeces and as such would be classed as foul water rather than surface water. A planning condition may be attached requiring details of foul drainage, to ensure that there is no harm to public health.

Other Matters

High Ongar Parish Council has raised a number of concerns in relation to this proposal and has requested that their concerns are addressed.

Observations on their concerns are:

It is confirmed that no works have taken place regarding the construction of the proposed buildings. Accordingly the works are in addition to any other works which are occurring on the site.

Concern has been raised by the Parish Council regarding the possible storage of Liquid Petroleum Gas (LPG) on the site to power the brooders. Brooders can be powered by gas or electricity and the applicant has not confirmed what would be used in this case – although they have indicated on the planning application form that the proposal does not involve the use of storage of LPG on the site. Notwithstanding this, if the applicant were to use LPG gas, in accordance with guidance provided by the Health and Safety Executive (HSE), it is not considered that there would be such a risk to public safety that would justify either the refusal of planning permission or the use of a planning condition. Having regard to guidance in Circular 11/95, it is not considered to be necessary to attach a planning condition, as the HSE would be the most appropriate agency to deal with any unsafe activity.

Having regard to the design of the buildings and as the site is in agricultural use and is presently used as a poultry farm, which appears to be a successful enterprise, the use of a planning condition limiting the use of the buildings would not accord with Government guidance in Circular 11/95.

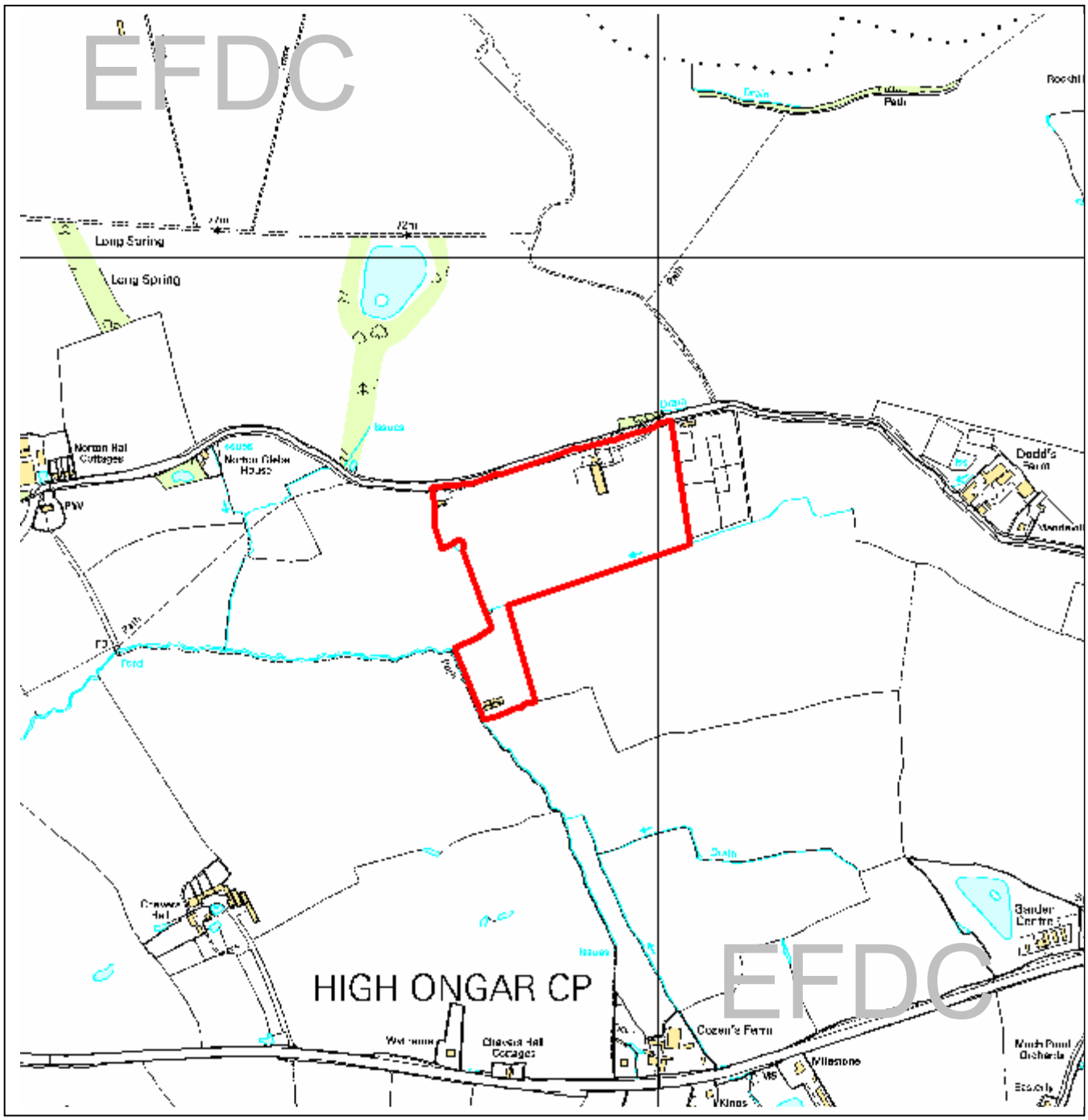
It would not be appropriate to attach a planning condition to an approval under this application which seeks to resolve issues related to previous actions/decisions, as requested by the Parish Council. The only matter being investigated on the site at present is the storage of crushed concrete, which is being investigated by both District and County (as the Waste Authority) Enforcement Officers.

Conclusion:

In light of the above appraisal, it is considered that the proposed building would be appropriate within the Metropolitan Green Belt and would not cause any other material harm that would justify the refusal of planning permission. Accordingly, it is recommended that planning permission be granted.

Epping Forest District Council

Area Planning Sub-Committee East



Agenda Item Number:	**3**
Application Number:	EPF/0600/10
Site Name:	Norton Field Farm, Norton Lane High Ongar, CM4 0LN
Scale of Plot:	1/10,000

Report Item No: 4

APPLICATION No:	EPF/0665/10
SITE ADDRESS:	Masons Bridge Farm Fiddlers Hamlet Epping Essex CM16 7PB
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs Paul Micallef
DESCRIPTION OF PROPOSAL:	Conversion of existing outbuilding into a separate dwelling with associated parking and amenity space.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2 Materials to be used for the external finishes of the proposed development shall match those of the existing building or those specified within the submitted planning application, unless otherwise agreed in writing by the Local Planning Authority.

3 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

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

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

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.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the conversion of an existing outbuilding into a separate dwelling. The outbuilding was granted consent in 2008 for use as ancillary accommodation in connection with Masons Bridge Farmhouse. The only additional external alterations over those previously agreed involve the installation of a glazed window to all three open car port fronts (previously one was to be retained open for vehicle parking) and the subdivision of the garden area to provide a private courtyard and parking area.

Description of Site:

Masons Bridge Farm is a historic group of buildings where the farmhouse, converted barn and this outbuilding are all individually listed. The listing dates this outbuilding to the 17th or 18th century and it highlights its group value. The existing building is used as cart lodge parking for three vehicles, a study and a storage area. It has a traditional appearance of a standard open cart lodge with the façade and posts being of historic importance, and internally there is exposed historic timber framing.

Relevant History:

EPF/1123/08 - Conversion of existing outbuilding into dwelling ancillary to existing house – withdrawn 24/07/08
LB/EPF/1125/08 - Grade II Listed building application for the conversion of existing outbuilding into dwelling ancillary to existing house – withdrawn 24/07/08
EPF/1541/08 - Conversion of existing outbuilding into dwelling ancillary to existing house – approved/conditions 02/10/08

LB/EPF/1542/08 - Grade II listed building application for the conversion of existing outbuilding into dwelling ancillary to existing house for use by family member or friend – approved/conditions 02/10/08

Policies Applied:

GB2A – Development in the Green Belt
GB8A – Change of use or adaptation of buildings
GB9A – Residential conversions
DBE4 – Design in the Green Belt
DBE8 – Private amenity space
HC10 – Works to Listed Buildings
HC13 – Change of use of Listed Buildings
ST6 – Vehicle parking

Summary of Representations:

TOWN COUNCIL – Objects to this proposal to create further residential development in the Green Belt. This site has seen previous piecemeal development which has significantly changed the character of this location. This proposal pushes the process still further and may be expected to result in yet more applications for 'ancillary' facilities and features which will further intensify the suburban appearance of the site.

Issues and Considerations:

The application site is located within the Metropolitan Green Belt, whereby PPG2 states "*the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there*". To reflect this, Local Plan policy GB8A states that "*the Council will grant planning permission for the change of use and adaptation of a building in the Green Belt*" subject to certain criteria. The proposed use of the outbuilding as a separate dwelling is considered to comply with these criteria in this instance, and as such the proposal is not considered inappropriate development within the Green Belt.

The outbuilding was previously granted consent for a change of use to ancillary accommodation in connection with Masons Bridge Farmhouse. As part of this the majority of alterations to the building have been agreed. The significant difference with this scheme is that the third car port, which originally was to be retained as an open fronted parking area, is now proposed to be used as a bedroom with a glazed window. As the glazing on this bay would be set back behind the posts to maintain a sense of openness, much the same as the two bays previously agreed to be enclosed, it is not considered that the conversion of the last bay would be damaging to the special interest of the listed outbuilding or the setting of the listed farmhouse.

As with the previously approved application, other proposed openings are utilitarian in character and any historic timber frame will remain exposed internally. Therefore, subject to conditions regarding details of windows and materials, the proposed changes would not be detrimental to the historic character or appearance of the listed cart lodge.

The use of the outbuilding as a separate dwelling would result in the subdivision of the existing garden to provide for private amenity and parking space to serve the new dwelling. This subdivision would be achieved through the installation of a hedge to mirror the existing boundary treatment in this location. Although this would divorce the outbuilding from the listed farmhouse, historically there was more subdivision of the yard than currently seen and historic maps show that the current visual relationship between the former cartlodge (the outbuilding in question) and the farmhouse has evolved through the loss of walls and other outbuildings. As such the further eroding of the curtilage of the listed farmhouse and reinstatement of some additional subdivision is

not considered detrimental to the historic setting of the listed farmhouse. Furthermore, the proposed private amenity space would be sufficient to serve future occupiers of the site and comply with Local Plan policy DBE8.

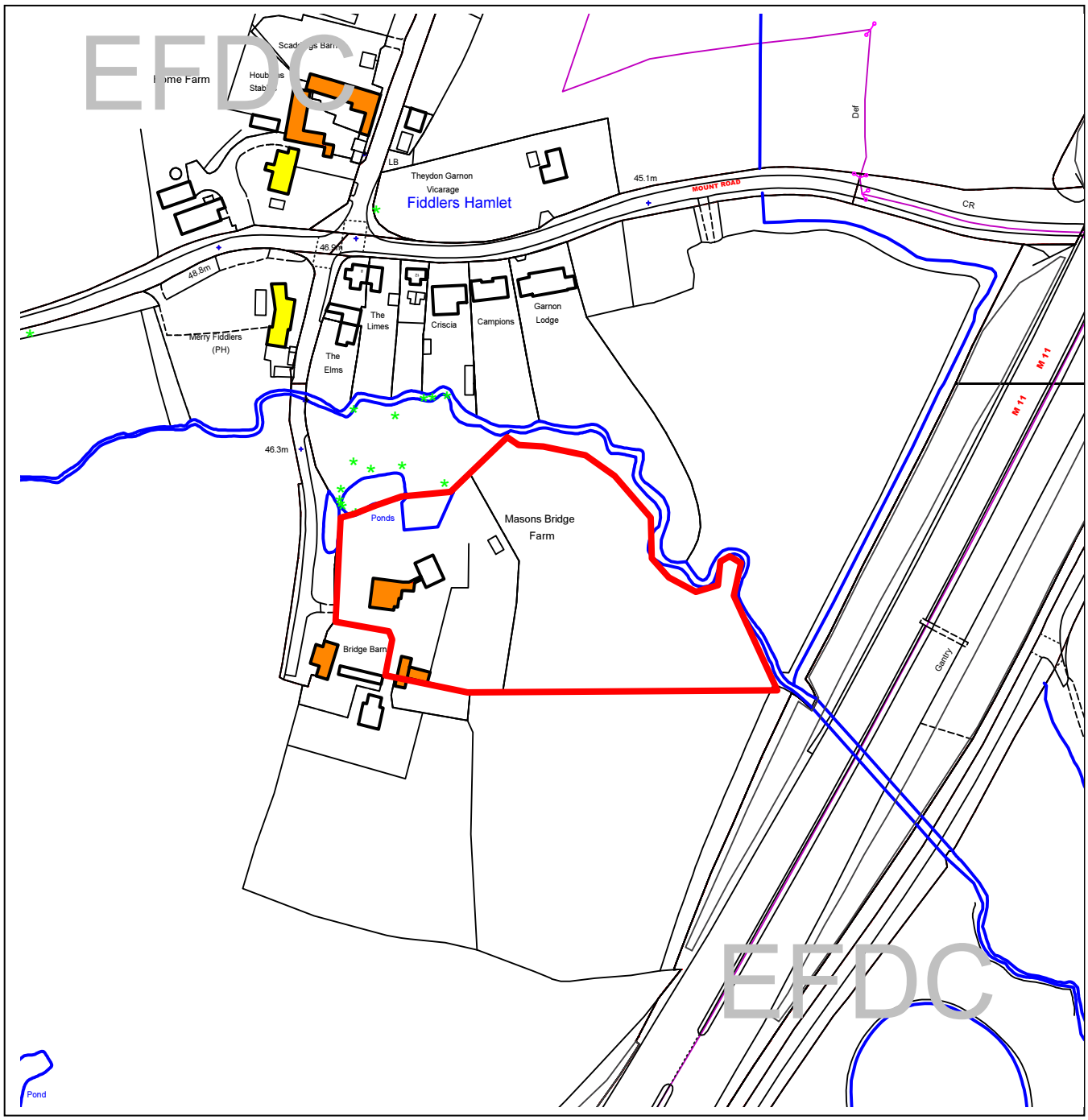
The existing cart lodge provides off street parking provision for three cars and is used by Masons Bridge Farm house. The conversion of this building would result in the loss of these spaces and would involve the need to provide an additional two parking spaces for future occupiers of the site. Notwithstanding this, the site as a whole is very large and there is a generous front garden for the farmhouse with enough space for more than the required off street parking provision. Furthermore, the subdivided site would provide adequate space for the parking of at least two cars within the new site as indicated on Plan Ref: 1098/03. Although there is a concern that the loss of this outbuilding for ancillary purposes may result in further application for new outbuildings to serve Masons Bridge Farmhouse, any further proposed outbuildings would require planning consent and would be assessed on their own merits.

Conclusion:

The conversion of the outbuilding to separate residential accommodation would be an acceptable use to the existing listed outbuilding and would not be detrimental to the openness or character of the Green Belt. The proposed changes would not be detrimental to the historic character or appearance of either the listed outbuilding or the main listed farmhouse. There would sufficient off street parking provision and private amenity space to serve both the future occupiers of the new dwelling and the residents of Masons Bridge farmhouse. As such the proposed development is deemed as acceptable and is therefore recommended for approval.

Epping Forest District Council

Area Planning Sub-Committee East



Agenda Item Number:	**4 & 5**
Application Number:	EPF/0665/10 & EPF/666/10
Site Name:	Masons Bridge Farm, Fiddlers Hamlet, CM16 7PB
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0666/10
SITE ADDRESS:	Masons Bridge Farm Fiddlers Hamlet Epping Essex CM16 7PB
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr & Mrs Paul Micallef
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the conversion of existing outbuilding into a separate dwelling with associated parking and amenity space.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.

2 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, 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.

3 The rooflight hereby approved shall be a cast metal conservation rooflight and shall remain as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Listed Building consent is being sought for the conversion of an existing Grade II listed outbuilding into a separate dwelling. The outbuilding was granted consent in 2008 for use as ancillary accommodation in connection with Masons Bridge Farmhouse. The only additional external alterations over those previously agreed involve the installation of a glazed window to all three open car port fronts (previously one was to be retained open for vehicle parking) and the subdivision of the garden area to provide a private courtyard and parking area.

Description of Site:

Masons Bridge Farm is a historic group of buildings where the farmhouse, converted barn and this outbuilding are all individually listed. The listing dates this outbuilding to the 17th or 18th century and it highlights its group value. The existing building is used as cart lodge parking for three vehicles, a study and a storage area. It has a traditional appearance of a standard open cart lodge with the façade and posts being of historic importance, and internally there is exposed historic timber framing.

Relevant History:

LB/EPF/1125/08 - Grade II Listed building application for the conversion of existing outbuilding into dwelling ancillary to existing house – withdrawn 24/07/08
LB/EPF/1542/08 - Grade II listed building application for the conversion of existing outbuilding into dwelling ancillary to existing house for use by family member or friend – approved/conditions 02/10/08

Policies Applied:

HC10 – Works to Listed Buildings
HC13 – Change of use of Listed Buildings

Summary of Representations:

TOWN COUNCIL – Objects to this proposal to create further residential development in the Green Belt. This site has seen previous piecemeal development which has significantly changed the character of this location. This proposal pushes the process still further and may be expected to result in yet more applications for 'ancillary' facilities and features which will further intensify the suburban appearance of the site.

Issues and Considerations:

The outbuilding was previously granted consent for a change of use to ancillary accommodation in connection with Masons Bridge Farmhouse. As part of this the majority of alterations to the building have been agreed. The significant difference with this scheme is that the third car port, which originally was to be retained as an open fronted parking area, is now proposed to be used as a bedroom with a glazed window. As the glazing on this bay would be set back behind the posts to maintain a sense of openness, much the same as the two bays previously agreed to be enclosed, it is not considered that the conversion of the last bay would be damaging to the special interest of the listed outbuilding or the setting of the listed farmhouse.

As with the previously approved application, other proposed openings are utilitarian in character and any historic timber frame will remain exposed internally. Therefore, subject to conditions regarding details of windows and materials, the proposed changes would not be detrimental to the historic character or appearance of the listed cart lodge.

The use of the outbuilding as a separate dwelling would result in the subdivision of the existing garden to provide for private amenity and parking space to serve the new dwelling. This subdivision would be achieved through the installation of a hedge to mirror the existing boundary treatment in this location. Although this would divorce the outbuilding from the listed farmhouse, historically there was more subdivision of the yard than currently seen and historic maps show that the current visual relationship between the former cartlodge (the outbuilding in question) and the farmhouse has evolved through the loss of walls and other outbuildings. As such the further eroding of the curtilage of the listed farmhouse and reinstatement of some additional subdivision is not considered detrimental to the historic setting of the listed farmhouse.

Although there is a concern that the loss of this outbuilding for ancillary purposes may result in further application for new outbuildings to serve Masons Bridge Farmhouse, any further proposed outbuildings would require planning consent and would be assessed on their own merits.

Conclusion:

The conversion of the outbuilding to separate residential accommodation would not be detrimental to the historic character or appearance of either the listed outbuilding or the main listed farmhouse. As such the proposed development is deemed as acceptable and is therefore recommended for approval.

Report Item No: 6

APPLICATION No:	EPF/0752/10
SITE ADDRESS:	24 Green Glade Theydon Bois Epping Essex CM16 7LY
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Robert C Bird
DESCRIPTION OF PROPOSAL:	Removal of existing rear extensions and detached garage, construction of side and rear single storey extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

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

Description of Proposal:

The applicant seeks planning permission for the construction of a single storey extension that is to wrap around the side and rear elevations of an end of terrace dwelling.

It should be noted that the existing detached garage to the side of the dwelling and the existing lean-to at the rear are to be removed to make way for the proposed development. The side element of the development would be set in slightly behind the existing front façade, have a width of 4 metres and would have a depth of 10.8 metres. The rear element of the development would project 4 metres from the original rear façade of the dwelling and would have a width of 9.3 metres. The development would comprise of a pitch roof resulting in a maximum height of 3.6 metres to the ridgeline. It would be finished in rendered brickwork with pan tiles to match the existing roof. The rear element of the extension would be constructed up against the north eastern site boundary.

Description of Site:

The subject site is located on the corner of Green Glade and Pakes Way. Although the site fronts Green Glade, vehicle access to it is via Pakes Way. The site itself is mainly regular apart from the

south western site boundary which follows the curve of Pakes Way. It is relatively level and comprises of approximately 350 square metres.

Located towards the front of the site is a double storey end of terrace dwelling finished in render with a pan tiled roof. Off street parking is located on the hard surface towards the front of the existing detached garage as the existing garage is too small for modern day vehicles and is now used for general storage. A private open space area is located to the rear of the site. Located on the side and rear boundaries is a medium size timber paling fence. Mature vegetation in the form of large trees is located along the south western site boundary.

The subject site is located within a well established built up area mainly comprising of semi detached and terrace style dwellings. Building form, scale and sizes are very similar within the street scene. Front setbacks from the highway are consistent and spaces/gaps between building blocks form an important component to the character of the surrounding area.

Relevant History:

There is no relevant recorded planning history for the subject site.

Policies Applied:

CP2 Protecting the Quality of the Rural and Built Environment
DBE9 Loss of amenity
DBE10 Design of residential extensions

Summary of Representations

THEYDON BOIS PARISH COUNCIL – Objects for the following reason:

- Whilst we have no objection to a single storey extension in this location, we do wish to register an objection to this particular proposal. Our concern relates to the adverse visual impact upon the amenity of the neighbour with reference to the proposed gable-end roof. We would like to recommend that a hipped roof style to the rear would in our view, lessen the impact upon the neighbour and if used also to the front elevation would improve the overall appearance of the addition and from an aesthetic point of view would have more harmony with the street scene.

The Parish Council's concerns are addressed within the issues and considerations section of this report.

11 properties were consulted - no letters of representations were received at the time of writing this report.

Issues and Considerations:

The main issues to be addressed in this case are whether the proposed development is acceptable in terms of its design and appearance, whether it would be harmful to the character of the surrounding area and whether it would be harmful upon the amenities of adjoining occupiers.

Design and appearance:

The development is appropriate in terms of its size and scale as it would not appear bulky or excessive in terms of its massing. It is noted that it is to project 4 metres from the original rear façade, however this is not uncommon as there are other single storey rear extensions along this part of Green Glade that project the same distance including the adjoining property of number 22

Green Glade. Although the extension is also to have a width of 4 metres which almost doubles the width of the dwelling itself, it is in a corner location and it would still be set in from the south western site boundary. The proposed development would form an integral part of, and appear subservient to the original dwelling without causing material detriment.

In terms of the development reflecting the character of the street scene, in this case the proposed development would be appropriate. Only the side element of the wrap around extension would be seen from certain vantage points and as a result it would not be harmful to the appearance of the surrounding area. Plus the existing vegetation on the site boundary would help soften the appearance of it.

Neighbouring amenities:

Given that the proposed development is single storey and there is existing screening on the boundaries in the form of a fence and vegetation, the development would not result in a loss of privacy to adjoining property occupiers.

In relation to the Parish Council's concerns it should be noted that the applicant is not applying for a gable-end roof to the rear elevation against the adjoining boundary of number 22 but a lean-to pitch roof. It is considered that the pitch roof on the boundary extending up to a maximum height of 4 metres would not result in material detriment to the adjoining property occupier given that the adjoining property has a rear extension that also projects 4 metres. It is noted that there would be some minor overshadowing from the proposed development however any shadow would be over the roof of the adjoining property's extension and not into any habitable room windows.

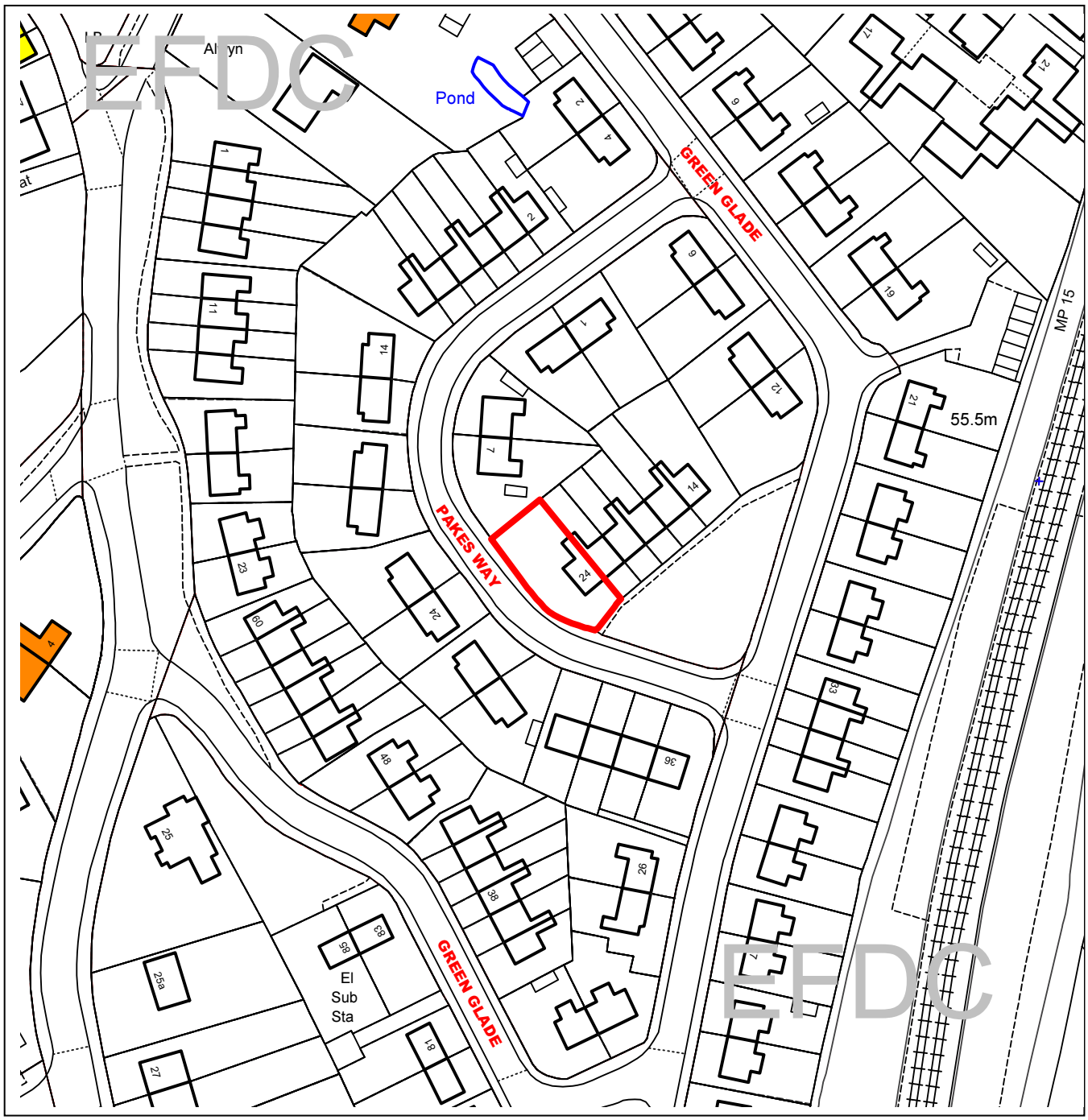
It is also considered that the proposed development would not be visually intrusive or appear as an overbearing or dominant feature when viewed from adjoining properties or from public vantage points due to the small nature of the size and scale of the development and the existing boundary planting.

Conclusion:

In conclusion it is considered that the proposed development is acceptable in terms of its design and appearance in that it will reflect the character of the surrounding area and the existing building and that it would not cause harm to the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

Epping Forest District Council

Area Planning Sub-Committee East



Agenda Item Number:	**6**
Application Number:	EPF/0752/10
Site Name:	24 Green Glade, Theydon Bois CM16 7LY
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0881/10
SITE ADDRESS:	40 Landview Gardens Ongar Essex CM5 9EQ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Dave Evans
DESCRIPTION OF PROPOSAL:	Certificate of lawful development for existing raised decking and patio. (Resubmitted application)
RECOMMENDED DECISION:	Lawful

REASONS FOR RECOMMENDATION

1 Following an examination of Council records, the information submitted with the application and inspections of the application site it is clear that:

1. The patio is more than 4 years old and is therefore time immune from enforcement action. Even if it was not, it would be permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
2. The works to the patio comprising of reconstructing pre-existing steps from it to the adjacent lawn and resurfacing are not development.
3. The wall erected around part of the northern edge of the patio is permitted development under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
4. The decking is not a raised platform as it is no more than 300mm in height as measured from the highest part of the surface adjacent to it, and does amount to a distinct building that is permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
5. The decking is required for a purpose incidental to the use of 40 Landview Gardens as a dwellinghouse.

Accordingly, the development the application relates to is lawful development.

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

Description of Proposal:

This application is essentially a duplicate of application ref EPF/2365/09 that this Committee deferred making a decision on at their meeting on 3 March 2010. That application was subsequently withdrawn by the applicant in order that it could be submitted and considered separately from an application to retain a two-storey rear extension, ref EPF/2490/09. The application to retain the extension was withdrawn following this Committee's decision on 3 March to also defer making a decision on that application. Given the similarity between this application and the withdrawn application for a Certificate of Lawfulness the Officer's assessment of this application is the same as that for the withdrawn application.

This application seeks to establish that an existing patio and raised decking is a lawful development. It is not an application for planning permission. Normally such applications are dealt with by the Director of Planning under powers delegated to him. This is on the basis that decisions on such applications are based on the application of planning law in respect of facts/evidence put forward by the applicant and/or third parties and that gathered by Officers. An assessment of the planning merits of a development is not relevant to an assessment of whether it is lawful or not. This case is nonetheless reported to Members because of the concerns about the legality of the development raised with the Director of Planning by Cllr Jacobs.

The raised decking this application relates to is situated to the rear of a two-storey rear extension. The patio is largely situated to the east side of the two-storey extension, rear of a lawful single storey side extension.

The basis on which the Certificate is sought is that the development is permitted development, that is, it benefits from a general deemed planning permission for such development given in law and does not require any express planning permission from the District Council.

Description of Site:

The application site comprises a part single, part two-storey detached house and its associated garden. It is located on the north side of Landview Gardens, a short distance from its junction with Kettlebury Way. Nos 1 – 7 (odd) Kettlebury Way back on to the side garden boundary. They are two-storey detached houses with relatively short back gardens, approximately 12m in depth as measured between the rear of the original houses and the boundary with the application site. Land levels rear of the original house fall. The rear gardens of houses at 1 – 7 Kettlebury Way are approximately 600mm below the level of the rear garden at the application site.

No. 5 Kettlebury Way has a two-storey rear addition across the entire rear elevation that projects 3.5m thereby reducing the rear garden depth at that property to approximately 9m. It also has a single-storey side addition. The greater part of the extension is beyond the rear garden boundary.

No 7 Kettlebury Way has a small part-width two-storey rear addition and a two-storey side extension. It also has a 2.8m wide detached garage in the rear garden abutting the boundary with the application site, beyond which is the flank wall of the original house and part of the extension.

Relevant History:

EPF/1967/07 Two-storey side & rear and single-storey rear extension. Refused.
EPF/0417/08 First floor side & rear extension and single-storey rear extension. Refused.
EPF/1070/08 Single-storey front and two-storey rear extension. Approved.
EPF/0853/09 Alteration and retention of raised decking. Refused.
EPF/1347/09 Alteration and retention of raised decking. Withdrawn.
EPF/2016/09 Retention of raised decking and patio. Withdrawn.
EPF/2365/09 Application for a Certificate of lawful Development for existing raised decking and patio. Withdrawn
EPF/2490/09 Retention of two-storey rear extension. Withdrawn.

Relevant Legislation:

The particular piece of legislation against which this application must be assessed is the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (referred to as the GPDO in this report). Also of relevance are sections 55 and 336 of the Town and Country Planning Act 1990.

S. 55 of the Act sets out the meaning of development. This includes any building operation. It makes it clear that works of maintenance, improvement or other alteration of a building that do not materially affect its external appearance are not development.

S. 336 of the Act states a building "includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

Part 1 of Schedule 2 to the Order gives conditional deemed planning permission for development within the curtilage of a dwellinghouse. All such development must be for "a purpose incidental to the enjoyment of the dwellinghouse as such".

Class A of Part 1 relates to "The enlargement, improvement or other alteration of a dwellinghouse". Class E essentially relates to the provision of outbuildings within the curtilage of a dwellinghouse. Class F relates to the provision of a hard surface within the curtilage of a dwellinghouse and generally permits the entire rear garden of a dwelling house to be hard surfaced.

The GPDO does not specifically give deemed planning permission for a raised platform. Class A makes it clear the development it relates to cannot benefit from deemed planning permission if it would consist of or include the construction or provision of a raised platform. Class E states development it relates to cannot be permitted development if it includes the construction or provision of a raised platform. It does not state that development which consists of a raised platform cannot benefit from permitted development rights given under that Class.

Class F does not set any limit on the depth a hard surface can be while the term "hard surface" is not defined in planning legislation.

Part 2 of Schedule 2 to the Order gives conditional deemed planning permission for minor operations on any land. Class A of Part 2 relates to, inter alia, the construction of a wall. This is permitted development subject to a height limit of 2m above ground level where it is not adjacent to a highway used by vehicular traffic.

The Order states that for the purposes of Part 1 of the Order, "raised" in relation to a platform means a platform with a height greater than 300mm.

Article 1(3) of the Order states, unless the context requires otherwise, any reference to the height of a building in the Order shall be construed as a reference to its height when measured from ground level. It clarifies that "ground level" means the level of the highest part of the surface of the ground immediately adjacent to the building.

SUMMARY OF REPRESENTATIONS:

NEIGHBOURS: - 5 neighbours were consulted and responses were received from the occupants of 38 Landview Gardens and Nos. 1, 5, 7, 12, 14, 18 and 20 Kettlebury Way.

Some raise matters unrelated to the matter of whether the development is lawful. Since those matters are not relevant to the consideration of this application they are not reported.

38 Landview Gardens, Ongar:

"I have lived at number 38 Landview Gardens for over 20 years and can confirm that the patio built as part of the extension to No. 40 is a new construction being there less than 2 years.

Prior to the construction work on No. 40 there was a patio in existence. However, this was at a much lower elevation and encroached on to the rear garden approximately 10 foot less than the new construction. Much of the old patio is beneath the single storey extension."

1 Kettlebury Way, Ongar:

"…any original patio was built over when the property was extended. The property extension was carried out after June 2008 when the builder who owns the property purchased it. Therefore the current patio is new and not four years old."

5 Kettlebury Way, Ongar:

"The timber raised platform was built in March/April 2009 with modifications thereafter up to October 2009.

The patio was reinstated and extended with a raised section in April/May 2009.

The Applicant refers to Planning Permission ref.EPF/1090/08 but that is irrelevant. It is irrelevant because this application/consent provided no information as to how a 1200 mm/4'0" step down from the extended dwelling to the rear garden was to be accommodated – even though there were Building Regulations implications and Health and Safety implications. Yet the sole purpose of the raised platform(s) in the current application for a CLD is to provide access from the extended dwelling to the gardens and vice versa.

The Applicant states "The patio is more than 4 years old". This is not true. Part (particularly the raised area) is entirely new and part is replacement of existing. Accordingly the Applicant's subsequent reasoning is flawed.

The Applicant states "The works to the patio comprising of reconstructing pre-existing steps from it to the adjoining lawn and resurfacing are not development. This is not true. The North East raised patio area is entirely new as are the steps to it. The original steps were consumed by the foundation works to the unauthorised two-storey extension. Accordingly the Applicant's subsequent reasoning is flawed.

The Applicant states "The decking is not a raised platform and does amount to a distinct building that is permitted development as defined in Class E of Part 1 of Schedule 2". This is not true. Class E, clause E (a) of the 2008 Order allows permitted development to "any building --- required for a purpose incidental to the enjoyment of the dwelling house as such". The dictionary definition of "incidental" is **inessential**. It is the case that the decking is a raised platform provided for the **specific key purpose** of giving safe access from the house to the garden, a drop of 1200 mm/4'0" and vice versa. This essential function of the decking (and part patio) takes those elements outside the scope of Class E, clause E (a). Accordingly the decking (and part patio) should be the subject of a planning application."

The occupiers of 5 Kettlebury Way also make reference to previous correspondence they sent in connection with withdrawn applications.

7, 12, 14, 18 and 20 Kettlebury Way, Ongar do not comment or offer information on the lawfulness of the development. They solely raise objection to the development on the basis of its planning merits. Since an assessment of the planning merits of the development is not material to the consideration of this application those comments are not reported.

ONGAR TOWN COUNCIL – No response received.

Issues and Considerations:

This assessment only deals with the need for planning permission for the patio and decking. As indicated above, the planning merits of the development are not relevant to that assessment which must be based solely on findings of fact and an application of planning law.

The Patio:

A patio is captured by the definition of a building set out in the Act and the construction of the patio in the first instance is development.

Having regard to photographs of the site taken prior to the construction of the two-storey rear extension, it is clear that the patio is more than 4 years old. The area of the patio is smaller than it originally was since part of it has been redeveloped to provide extensions. Buildings that are more than four years old are time immune from enforcement action and consequently are lawful, therefore it is not necessary to deal with the question of whether it required planning permission in the first instance. For completeness it is pointed out that if it were treated as a hard surface it would be permitted development under Class F of Part 1, Schedule 2 to the GPDO. If it were treated as amounting to more than a hard surface and was constructed today it would be permitted development under Class E because it would amount to an outbuilding that is not higher than 2.5m within 2m of a boundary of the property. There is no requirement within Class E that an outbuilding be set any distance from the dwellinghouse.

It is clear that works have been carried out to the patio. Those works consist of building a wall around part of its northern edge, reconstructing pre-existing steps from it to the adjacent lawn and resurfacing that part of the patio. The resurfacing works and works to the steps are works of repair and maintenance that do not materially affect its appearance. As such they are not development and therefore do not require any planning permission. Since the wall is not adjacent to a highway used by vehicular traffic and is less than 2m high it is permitted development under Class A of Part 2 of Schedule 2 to the GPDO.

Although neighbours state that the patio projected a lesser distance into the rear garden, no evidence of their assertion is given. Aerial photographs of the locality taken in November 2006 show the patio that originally existed prior to any works taking place. Comparison of those photographs with the existing patio show there is no material difference between the distance the patio previously projected into the rear garden and the distance it currently does.

The Decking:

Decking is also captured by the definition of a building set out in the Act. For the purposes of assessing the need for planning permission consideration is given to whether the decking amounts to a raised platform. All steps leading down to it are treated as being part of the decking in this instance. A raised platform is defined in the GPDO as a structure that is more than 300mm high. Anything lower is therefore not a raised platform. The measurement of height must be taken from the surface of the highest part of the surface adjacent to it. In the event of the surface of adjacent land being raised immediately before or after a development is completed it is appropriate to take the measurement from the highest original level, even if the amount of the raising that has taken place is not sufficient to have required planning permission. It should be noted, however, Article

1(3) of the GPDO does not make reference to original levels when prescribing how the height of a building should be measured.

The highest ground level adjacent to the decking is that immediately to the west side of the extension. That land is clearly adjacent to the decking since it abuts it. Furthermore, there is no higher level of land that is adjacent to the decking.

Evidence of original land levels on this part of the site exists within two manholes in that location. The covers to both have been removed and brickwork inside examined by the case officer. The officer found the bricks and associated pointing that form the sides of the shaft appeared old, with only the top course and a concrete surface surrounding the manhole cover appearing to have been laid recently. The manhole nearest the decking is approximately 300mm from it and given the nature of its construction it is very likely that the original level of the land continued to the point that the decking starts. Accordingly, it was found that the highest adjacent land level immediately prior to the construction of the decking is a maximum of 100mm below the existing surface of the land immediately to the west of the extension.

Measurements taken on site demonstrate the surface of the decked area is a maximum of 150mm below the existing surface of the highest adjacent land and therefore 50mm below established original land level.

As indicated above, the steps leading down to the decked area from the two-storey rear extension to the house are treated as being part of the decking for the purpose of establishing whether the decking is captured by the definition of a raised platform set out in the GPDO. Measurements taken on site demonstrate the top of the highest step leading to the decking from the extension is 150mm above the existing surface of the highest adjacent land and therefore 200mm above the original ground level.

In the circumstances, even allowing for a small margin of error in measurements, no part of the decking is more than 300mm above the surface of either the existing or the original highest land level adjacent to the decking. Consequently, the decking is not captured by the definition of a raised platform set out in the GPDO.

It is also necessary to establish whether the decking is an integral part of another structure or a distinct building. The only other structure it could be part of is the adjacent two-storey rear extension. Members should be aware that since the decking was originally constructed it has been significantly lowered and steps added to it to facilitate access to it from the extension. This has been carried out without requiring any modification to the extension. That this has taken place is evidence that the decking is not part of the adjacent two-storey rear extension even though it abuts it. It is therefore clear that the decking is a building distinct from the extension and the assessment of the need for planning permission to erect it must be carried out on that basis.

It has been established above that the decking is development, that it is not a raised platform and that it does amount to a distinct building. In those circumstances and having regard to its situation in the curtilage of a dwellinghouse it would appear that the decking is permitted development under Class E of Part 1 Schedule 2 to the GPDO.

Class E.1 sets out a number of limitations on the size and location of buildings that can benefit from the deemed planning permission given in Class E. They are dealt with in turn below:

a) The ground area covered by buildings within the curtilage (excluding the original dwellinghouse) is less than 50% of the curtilage (excluding the ground area of the original dwellinghouse)

b) The decking is not on land forward of a wall forming the principal elevation of the original dwellinghouse.

c) The decking does not have more than one storey.

d) The decking (which is within 2m of the boundary of the curtilage of the dwellinghouse) does not exceed a height of 2.5m.

e) There is no question of an eaves height exceeding 2.5m since the decking is a building that does not have a roof.

f) The decking is not in the curtilage of a listed building.

g) The decking does not include a raised platform (as defined in the GPDO).

h) The decking does not amount to a dwelling or a microwave antenna.

i) The decking is not a container that exceeds 3,500 litres

Class E.2 sets out further limitations in respect of buildings that can benefit from the deemed planning permission given in Class E. They do not apply in this case because the curtilage of the dwellinghouse this application relates to is not within a World Heritage Site, a National Park, an area of outstanding natural beauty or the Broads. Further limitations set out in Class E.3 also do not apply because the land is not in Article 1(5) Land as defined in Part 2 of Schedule 1 to the GPDO.

The occupiers of 5 Kettlebury Way argue that the decking is not required for a purpose incidental to the enjoyment of a dwellinghouse as such. They do so on the basis that it is required for a "specific key purpose of giving safe access from the house to the garden" and come to that view because they understand the word incidental to mean inessential based on a dictionary definition.

The Oxford English Dictionary defines the word incidental as "occurring as a minor accompaniment". Furthermore, it is not uncommon for decking to be constructed in the rear garden of a dwellinghouse abutting its rear elevation. In this case there is no evidence that demonstrates the decking is not required for a purpose incidental to the enjoyment of a dwellinghouse as such. Indeed, the occupiers of 5 Kettlebury Way do not say the decking is required for any purpose other than a purpose in connection with the use of 40 Landview Gardens as a dwellinghouse. Rather, they argue it is required for a purpose that is more than incidental to the dwellinghouse.

In planning terms, where a development is for a purpose that is more than incidental to its lawful use, that purpose would amount to a new primary purpose for the use of the land where the development takes place. Where a new primary purpose of land occurs that is a material change in the use of the land. Making a material change in the use of land is development that requires planning permission.

40 Kettlebury Way is a single planning unit being used for the sole purpose of a dwellinghouse. The decking is of a size and location that it is clearly required for purposes in connection with that use. It is in fact only used for purposes in connection with the use of the dwellinghouse as such. Moreover, such usage certainly does not amount to the creation of a new planning unit. Consequently there can be no doubt the decking meets the test of being required for a purpose incidental to the enjoyment of 40 Landview Gardens as a dwellinghouse. Members are advised that if this matter was considered at appeal a Planning Inspector would not accept an argument to the contrary to be a reasonable position for a Local Planning Authority to hold.

Conclusion:

Following an examination of Council records, the information submitted with the application and inspections of the application site it is clear that:

1. The patio is more than 4 years old and is therefore time immune from enforcement action. Even if it was not, it would be permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
2. The works to the patio comprising of reconstructing pre-existing steps from it to the adjacent lawn and resurfacing are not development.
3. The wall erected around part of the northern edge of the patio is permitted development under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
4. The decking is not a raised platform and does amount to a distinct building that is permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
5. The decking is required for a purpose incidental to the use of 40 Landview Gardens as a dwellinghouse.

Accordingly, the development the application relates to is lawful development and the Certificate of lawfulness applied for should be granted. This conclusion is arrived at following consultation with the Council's solicitor.

If Members disagree with this assessment and find the development to be unlawful it must be recognised that the applicant would have a right of appeal against a decision to refuse to grant the Certificate. That is also the case if, following an assessment of the planning merits of the decking, the Council takes enforcement action against it. The grounds of any appeal against an enforcement notice would almost certainly include the ground that the decking does not need planning permission because it is permitted development. Officers are of the opinion that it is very likely such appeals would be linked and they may well be dealt with by way of a public inquiry in order to give weight to the findings, although that is a matter for the Planning Inspectorate to decide.

Epping Forest District Council

Area Planning Sub-Committee East

Agenda Item Number:	**7**
Application Number:	EPF/0881/10
Site Name:	40 Landview Gardens, Ongar CM5 9EQ
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0908/10
SITE ADDRESS:	37 Bury Road Epping Essex CM16 5ET
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr D Smith
DESCRIPTION OF PROPOSAL:	Single storey side and rear extension.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

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

Description of Proposal:

Single storey side and rear extension 3m deep, 8.3m wide extending to the side by 2.6m. The extension will be flat roofed, 3.1m in height with 2 glass lanterns within the roof.

Description of Site:

37 Bury Road is a semi-detached property on the edge of the built up area of Epping, within a deep plot. It is not within the Metropolitan Green Belt or a Conservation Area. The property has been previously extended to the rear with a flat roof single storey extension which this application seeks to extend.

Relevant History:

EPU/0080/57 – Application to erect an addition – Permitted Development

Policies Applied:

Epping Forest District Local Plan and Alterations

DBE9 – Impact on Amenity
DBE10 – Extensions to Dwellings

SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL: Council objects to this application on the basis of the side window's height creating an overlooking situation for the neighbouring property. It is suggested that this window is not required for the viability of the development.

NEIGHBOURS
2 properties were consulted
39 BURY ROAD – concerns with regards to the lantern lights on the flat roof with regards to loss of privacy

Issues and Considerations:

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

- Amenity of Neighbouring Properties
- Design Issues

Amenity of Neighbouring Properties

The proposal extends to the same depth as the rear projection at No. 39 and therefore is not considered to impact on this property in terms of loss of light or outlook. No. 39 has raised concerns with this proposal due to loss of privacy from the lantern lights where occupiers of No. 37 can look up out of these. It is not considered the proposed lantern lights give rise to any loss of privacy above that which can occur at present with the occupiers of No. 37 standing in the garden and looking up.
The Parish Council have objected to the side facing window suggesting that this will give rise to overlooking at No. 35. Again it is not considered that this proposal will cause overlooking as even though the window is slightly higher than normal, it is at ground floor level, there is a fence in between the properties and this window will replace a similar window at the same height which is in the existing rear extension.

Design Issues

Although having a flat roof, the proposal is mainly to the rear and considered an acceptable design. It will be partly visible from the streetscene but it is set back by some 7.5m from the main front wall and screened by an existing shed and is therefore considered acceptable.

Conclusion:

The proposal is considered a satisfactory design, which is not considered to be significantly detrimental to neighbouring amenity, approval is therefore recommended.

Epping Forest District Council

Area Planning Sub-Committee East

Agenda Item Number:	**8**
Application Number:	EPF/0908/10
Site Name:	37 Bury Road, Epping, CM16 5ET
Scale of Plot:	1/1250

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