

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## ***Area Planning Subcommittee East Wednesday, 23rd February, 2011***

**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](mailto:gwoodhall@eppingforestdc.gov.uk)  
Tel: 01992 564470

Members:

Councillors A Boyce (Chairman), A Green (Vice-Chairman), W Breare-Hall, Mrs D Collins, Ms 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

**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 - 22)**

To confirm the minutes of the last meeting of the Sub-Committee, held on 2 February 2011 (attached).

**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 23 - 54)**

(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

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

## 9. EXCLUSION OF PUBLIC AND PRESS

### Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

### Confidential Items Commencement

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

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

### Background Papers

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

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

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

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

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

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

### **When and where is the meeting?**

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

### **What can I say?**

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

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

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

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://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 February 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.25 pm

**Members Present:** A Boyce (Chairman), A Green (Vice-Chairman), W Breare-Hall, Mrs D Collins, P Gode, Mrs A Grigg, 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

**Other Councillors:** None

**Apologies:** Ms C Edwards and Ms J Hedges

**Officers Present:** J Shingler (Principal Planning Officer), C Neilan (Landscape Officer & Arboriculturist), G J Woodhall (Democratic Services Officer) and P Seager (Chairman's Secretary)

### 96. 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.

### 97. WELCOME AND INTRODUCTION

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

### 98. MINUTES

#### RESOLVED:

(1) That the minutes of the following meetings be taken as read and signed by the Chairman as a correct record:

(a) 8 December 2010; and

(b) 12 January 2011.

### 99. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in item 6a of the agenda, Deed of Variation to Unilateral Undertaking – Affordable Housing Requirements for the Development at St John's

School, Epping (EPF/1400/04), by virtue of being the Housing Portfolio Holder. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the issue and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillors W Breare-Hall and D Stallan declared a personal interest in the following item of the agenda, by virtue of being Deputy Housing Portfolio Holder and Housing Portfolio Holder respectively. The Councillors had determined that their interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/2564/10 20 Red Oaks, Theydon Bois.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Grigg declared a personal interest in the following item of the agenda, by virtue of being a member of North Weald Bassett Parish Council and having attended both public meetings and meetings with Officers and the Environment Agency in respect of the site. The Councillor confirmed that she had not offered an opinion during any of these discussions. 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/0739/10 Threshers, Hastingwood Road, Hastingwood.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following item of the agenda, by virtue of being a member of North Weald Bassett Parish Council and the Housing Portfolio Holder. 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/0739/10 Threshers, Hastingwood Road, Hastingwood.

(e) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda by virtue of being professionally involved in property transactions at the site. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/0739/10 Threshers, Hastingwood Road, Hastingwood.

(f) Pursuant to the Council's Code of Member Conduct, Councillors Mrs S Jones and J Philip declared a personal interest in the following items of the agenda by virtue of being members of Theydon Bois Parish Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2564/10 20 Red Oaks, Theydon Bois; and
- EPF/2072/10 2 Heath Drive, Theydon Bois.

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

- EPF/2385/10 1 Griffins Wood Cottages, Epping.

(h) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of having called in the applicant at the previous meeting and having gone to school with the applicant. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/2385/10 1 Griffins Wood Cottages, Epping.



(i) 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 being a member of Sheering Parish Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2483/10 41 The Plashets, Sheering.

#### **100. ANY OTHER URGENT BUSINESS**

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

#### **101. DEED OF VARIATION TO UNILATERAL UNDERTAKING - AFFORDABLE HOUSING REQUIREMENTS FOR THE DEVELOPMENT AT ST JOHN'S SCHOOL, EPPING (EPF/1400/04)**

The Principal Planning Officer presented a report regarding a Deed of Variation to the Unilateral Undertaking in respect of the affordable housing requirements for the development at the St John's School site in Epping.

The Sub-Committee was reminded that, following a planning appeal in 2006, the Planning Inspectorate had granted outline planning permission for the demolition of St. Johns School, Epping and the construction of a new secondary school and residential development. This had included the acceptance of a Unilateral Undertaking submitted by the applicant dated 19 September 2006. Subsequently, in 2009, the Council had approved the Reserved Matters application (EPF/0585/09) for the demolition of the School, the construction of the new school and the development of 149 dwellings, including 38 affordable homes in accordance with the outline planning permission. 19 of the affordable homes were to be provided as affordable rented housing, and 19 were to be provided as New Build Homebuy (shared ownership).

However, since then, the Government had announced fundamental changes to the tenancies that housing associations had to provide, and the rent levels they could charge, for new affordable housing developments. All new affordable rented homes had to now be provided with the "affordable rent" tenure, which would apply to this development, and the developer had requested the Council to agree to a Deed of Variation to the Unilateral Undertaking issued in 2006. It was therefore proposed that if the affordable housing was to be provided, then the developer's request should be agreed. It was noted that no changes were required for the New Build Homebuy (shared ownership) element.

The Housing Portfolio Holder added that the Council was still awaiting final details of the Government's proposed changes, hence the exact wording of the Variation could not be provided. However, the Council had no option but to agree the request if the affordable housing element of the development was to be provided. The Developer was anticipating the development being commenced in the Spring of 2011.

#### **RESOLVED:**

(1) That a Deed of Variation to the Unilateral Undertaking be entered into with the applicant in respect of the planning permission granted for the demolition of St John's School, Epping and the construction of a new secondary school and residential development, in order to enable the proposed rented affordable housing to be provided as the new "affordable rent" form of tenure, as required by the Government

and the Homes & Communities Agency, instead of assured tenancies with “social rents”.

**102. DEVELOPMENT CONTROL**

**RESOLVED:**

(1) That the planning applications numbered 1 – 7 be determined as set out in the schedule attached to these minutes.

**103. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Director 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**

<b>APPLICATION No:</b>	EPF/2564/10
<b>SITE ADDRESS:</b>	20 Red Oaks Mead Theydon Bois Epping Essex CM16 7LA
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/34/03 T1 - Oak - Fell and grind stump.
<b>DECISION:</b>	Granted (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=523731](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523731)

Before discussion of the application the Officer corrected an error on the agenda and made it clear that the Applicant is in fact Epping Forest District Council, as the house is a Council Property.

**CONDITIONS**

1. A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
  
2. The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0739/10
<b>SITE ADDRESS:</b>	Threshers Hastingwood Road Hastingwood North Weald Essex CM17
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Existing commercial skip site to be redeveloped into 14 residential units.
<b>DECISION:</b>	Referred to District Development Control Committee with recommendation to Grant subject to conditions and a revised legal agreement

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=517223](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=517223)

Members referred this item to District Development Control Committee with a recommendation to grant permission subject to the conditions listed and also to s.106 agreement to provide £160,000 towards affordable housing and £40,000 to the Highway Authority for Highway works/repairs in the vicinity.

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. No development or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. 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.
4. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.

5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
6. No development shall take place until details of the landscaping of the site, including retention of trees and boundary vegetation and including the proposed times of proposed planting (linked to the development schedule), have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.
7. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
8. Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
9. Prior to occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.
10. Prior to commencement of works, details of the proposed access and footway arrangements as shown in principal on Plan Ref: BRD/09/030/2 Rev: B shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include a 7.5m minimum radius kerbs, the provision of a 1.8m footway across the site frontage, and a ramped table feature.
11. Prior to first occupation of the development hereby approved, there shall be no obstruction within a parallel band visibility splay 2.4m wide as measured from the back edge of the carriageway across the entire frontage onto Hastingwood Road.
12. 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.

13. A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
14. Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

15. Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2053/10
<b>SITE ADDRESS:</b>	Colemans Farm Theydon Mount Epping Essex CM16 7PP
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of agricultural buildings within the curtilage of the listed structures, demolition of the modern addition to the listed buildings, conversion and change of use of 2 no. agricultural listed buildings to single dwellings, conversion of existing stables to garages and storage for the ancillary use of one of the listed barns identified as south barn, construction of ancillary structure to the listed building identified as north barn (1 no garage). Erection of single storey cottage.
<b>DECISION:</b>	Granted (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=521936](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521936)

**CONDITIONS**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
2. No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
3. No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
4. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and E shall be undertaken without the prior written permission of the Local Planning Authority.

6. If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
7. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
8. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
9. No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]



10. Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
11. Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
12. The development hereby approved shall be carried out in accordance with the Ecological Assessment prepared by 'Potamos Consulting' of July 2010.
13. The pair of semi detached cottages shall remain in their current form and shall not be converted into one unit without the prior written approval from the Local Planning Authority.
14. Prior to the first occupation of the new single storey unit hereby approved the buildings shown to be demolished shall be demolished and removed from the site and all works to the listed buildings, shown in the approved plans shall be completed in accordance with the approved details.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2072/10
<b>SITE ADDRESS:</b>	Colemans Farm Theydon Mount Epping Essex CM16 7PP
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II listed building application for the demolition of agricultural buildings within the curtilage of the listed structures, demolition of the modern addition to the listed buildings, conversion and change of use of 2 no. agricultural listed buildings to single dwellings, conversion of existing stables to garages and storage for the ancillary use of one of the listed barns identified as south barn, construction of ancillary structure to the listed building identified as north barn (1 no garage).
<b>DECISION:</b>	Granted (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=522015](http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=522015)

**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. No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
3. Additional drawings that show details of the proposed new windows, doors, glazing, rooflights, eaves, verges, fascias, cills and structural openings, by section and elevation at scales between 1:20 and 1:1 as appropriate of the listed barns, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
4. The extent of glazing at the west end of the north barn shall be subject to investigation of fabric once the timber frame is exposed.
5. All timber boarded doors and internal boarded finishes of the Listed Buildings shall be retained, unless agreed in writing by the Local Planning Authority.
6. No cleaning of timber frames shall take place without prior written approval of the Local Planning authority.

7. Additional details of proposed insulation and internal finishes of the Listed buildings shall be submitted to and approved in writing by the Local Planning Authority, to ensure that the timber frame remains exposed.
8. Any work to the floors and brick plinths of the Listed Buildings shall be agreed in writing by the Local Planning Authority.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2130/10
<b>SITE ADDRESS:</b>	2 Heath Drive Theydon Bois Essex CM16 7HL
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension and two storey side extension and side dormer window. (Revised application)
<b>DECISION:</b>	Refused

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=522235](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=522235)

**REASON FOR REFUSAL**

1. The proposed development, in particular the double storey side extension, due to its size, bulk and scale would result in a disproportionate addition to the house that is significantly out of character with its appearance. It would therefore detract from the appearance of the house and that of the street scene contrary to Policies CP2 and DBE10 of the adopted Local Plan and Alterations.

Members considered that although the scheme was an improvement over the previously refused scheme that was dismissed on appeal, the side addition was still of excessive bulk, exacerbated by the raised ridge height. They considered that particularly due to the position of the development on land significantly higher than the adjacent properties in Dukes Avenue, the extension would be prominent in the street scene and harmful to the character and amenity of the area. Whilst acknowledging that there are similar developments in the area, it was considered that these illustrated the harm that such extensions can cause and that they should not be regarded as a precedent to be followed.

The development was therefore considered to be contrary to Policies CP2 and DBE10 of the adopted Local Plan and Alterations and was refused.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2385/10
<b>SITE ADDRESS:</b>	1 Griffins Wood Cottages High Road Epping Essex CM16 4DH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two-storey side extension.
<b>DECISION:</b>	Referred to District Development Control Committee with a recommendation for approval

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=523147](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523147)

Members referred the application to District Development Control Committee with a recommendation for approval.

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2483/10
<b>SITE ADDRESS:</b>	41 The Plashets Sheering Bishop'S Stortford Hertfordshire CM22 7NN
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a one bed attached dwelling.
<b>DECISION:</b>	Granted (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=523416](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=523416)

**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, unless otherwise agreed in writing by the Local Planning Authority.
3. Gates shall not be erected on the vehicular access to the site.
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, D and E shall be undertaken without the prior written permission of the Local Planning Authority.
5. No development shall take place until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

## AREA PLANS SUB-COMMITTEE 'EAST'

23 February 2011

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

<u>ITEM</u>	<u>REFERENCE</u>	<u>SITE LOCATION</u>	<u>OFFICER RECOMMENDATION</u>	<u>PAGE</u>
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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2156/09
<b>SITE ADDRESS:</b>	Nine Ashes Farm Rookery Road Ongar Essex CM4
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Stuart Harding
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from agricultural use to B1 and B8 use. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=509050](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=509050)

**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 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order, the premises shall be used solely for B1a and B8 use classes as identified on the approved drawing EQX\_204 rev. B and not for any other use.
- 3 Before the commencement of the development or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:
  - (a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.
  - (b) An assessment of condition, and value.
  - (c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.
  - (d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.
- 4 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

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

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

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

- 5 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.

- 6 The parking areas shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of employees and visitors vehicles.
- 7 Prior to the commencement of the development hereby approved details of the proposed refuse and cycle stores shall be submitted to the Local Planning Authority for approval in writing.
- 8 Prior to the first operation of the uses hereby permitted, the refuse and cycle stores shall be erected in accordance with details agreed by the Local Planning Authority.
- 9 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 10 There shall be no open storage of equipment, materials or other goods within the site.
- 11 The use hereby permitted shall take place Monday to Fridays only between the hours of 0800 and 1800 and at no other time at weekends or bank/public holidays.
- 12 No deliveries shall be received onto the site other than on Monday to Fridays only between the hours of 0800 and 1800 and at no other time at weekends or bank/public holidays.
- 13 No unbound material shall be used in the surface finish of the driveway within 8 metres of the highway boundary of the site.
- 14 Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 8 metres from the nearside edge of the carriageway.
- 15 Prior to the commencement of the use hereby approved, both vehicular accesses to the site, as shown in principle on drawing no.EQX\_204 Rev.C, shall be constructed by way of a bellmouth access with minimum radii of 7.5 metres returning to a minimum access width of 5 metres.
- 16 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.

And Subject to the applicant/developer signing up to and completion of a **SECTION 106 LEGAL AGREEMENT**, within 9 months of the date of this Committees resolution, to secure the following:

- The provision of raised kerbs to current Essex County Council specification
- A footway, with a minimum width of 1.8 metres and tactile paving where appropriate, to be constructed from the existing bus stop on the eastern side of Rookery Road to the southern access into the site.

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

### **Description of Proposal:**

This application seeks planning permission for the change of use of the site from agriculture to mixed B1a office use(639m<sup>2</sup>) and B8 storage and distribution use (876m<sup>2</sup>). Hours of operation of the uses are sought from 9-5 Monday to Friday. The scheme includes space for 28 car parking spaces, including 4 disabled spaces and 2 van loading spaces, and a refuse store and cycle storage. The works include the demolition of 151 m<sup>2</sup> of floorspace and the provision of landscaping.

The B8 storage usage is proposed within the large central building which it is intended to split internally into 8 small storage units of between 74 m<sup>2</sup> and 115 m<sup>2</sup> floorspace and will therefore be for small scale storage use, unlikely to generate substantial HGV traffic. The proposed Office units are within the remaining smaller scale sheds on the site, creating 9 small office units. Elevational changes to provide windows to these units are proposed. Toilets/showers and lockers for the site are also to be provided. The office units range in size from just 21.4m<sup>2</sup> to 85m<sup>2</sup>.

It is proposed that access would be via the northern access adjacent to the boundary with no 1 Nine Ashes Cottages, with the exit being taken from the second, narrower, driveway in the centre of the site.

The existing open area to the south east is to be retained free of development and landscaped.

### **Description of Site:**

The application site is located on the eastern side of Nine Ashes Road, to the south of the junction with King Street. The site contains several redundant agricultural buildings. There is an area of open agricultural land to the east of the site, to the north and south are residential properties.

### **Relevant History:**

- EPF/2074/01. Change of use from agricultural to storage/light industry. Refused 08/03/02 for the following reason:

*The proposed development is of a scale that would result in significant increased activity on the site leading to additional disturbance detracting from the amenities of nearby residential properties and from the area as a whole, contrary to the requirements of policies GB8, E12 and DBE9 of the adopted Local Plan.*

- EPF/0015/03. Change of use to light industrial and storage and distribution (B1c and B8) uses. Refused 04/06/03 for the following reasons:

*The proposed change of use of the application buildings is considered unacceptable due to the impact such use would have upon the open character and amenities of this rural area by reason of noise, disturbance and traffic generation contrary to Policy GB8 of the District Local Plan.*

*The proposed commercial use of these rural buildings would lead to additional highway dangers for pedestrians in the immediate vicinity particularly given the layout, condition and*

*inadequacies of the surrounding highway network contrary to policies GB8 and T17 of the District Local Plan.*

- EPF/2188/04. Change of use from agricultural to residential use and the building of 3 no. detached blocks containing 12 no. units with associated parking. Demolition of existing barn. Refused 16/03/05 for the following reasons:

*The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

This was subsequently DISMISSED at appeal. Reasons: Inappropriate development in the Green Belt, non-sustainable location and undesirable precedent.

- EPF/2232/05. Demolition of existing buildings and redevelopment with 10 no. dwellings (Revised application). Refused 17/03/06 for the following reasons:

*The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4, and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

- EPF/1419/09. Change of use from agricultural use to B1, B2 and B8 use. Refused 28/09/09 for the following reasons:

*The proposed change of use is unacceptable due to the impacts the uses would have upon the open character and amenities of this rural area by reason of disturbance and traffic generation contrary to Policies CP2(i); ST4 (iv) and GB8A (iii) of the Adopted Local Plan and Alterations.*

*Insufficient information has been submitted to enable full consideration of the impact of the proposed development on trees within the application site, contrary to policy LL10 of the Adopted Local Plan and Alterations.*

*The proposed change of use is unacceptable due to the impacts the uses would have upon the amenities of the occupiers of neighbouring dwellings by reason of noise, disturbance and traffic generation contrary to Policies RP5A and DBE9 (iv) of the Adopted Local Plan and Alterations.*

**Policies Applied:**

CP2 – Quality of the built and rural Environment  
RP5 – Adverse Environmental Impacts  
HC12 – Development affecting the setting of Listed Buildings  
LL10 – Adequacy of landscaping provision for retention  
LL11 – Landscaping Schemes  
GB1 – Green Belt Boundary  
GB2A – Development in the Green Belt  
GB8A – Change of Use or Adaptation of Buildings in the Green Belt  
E4A – Protection of Employment Sites  
ST4 – Road Safety  
ST5 – Travel Plans  
ST6 – Vehicle Parking  
DBE1 – New Buildings  
DBE2 – Neighbouring Amenity

**Summary of Representations:**

Notification of this planning application has been sent to High Ongar Parish Council and to 38 neighbouring residents. Letters of objection/comment have been received from the Parish Council and from the following 67 neighbouring dwellings, a neighbouring school and local MP:

1, 3, 4, 6 Nine Ashes Farm Cottages, Rookery Road, Nine Ashes; 1 Nine Ashes Farmhouses, 267 Nine Ashes Road, Blackmore; 2 Nine Ashes Farmhouses, 269 Nine Ashes Road, Blackmore; 9, 10 Paslow Hall Cottages, King Street, High Ongar; 11 Jericho Place, Blackmore, Ingatestone; 5, 6, 13, 15, 32 Woollard Way, Blackmore; 7, 9, 15, 25, 37, 44, 50 Meadow Rise, Blackmore; 208, 215, "Dahl" 219, 236, "Willowdene" 244, 247, 255, "Sommerton House" 256, "The Vines" 257, "Walnut Tree Cottage" 263, "Blackmore View" 265, "Cornfields" 268, "Hawkridge" 280, "Meadowside" 284, 288, "Harding" 294, "Ivy Lodge" 298, "Ashcroft" 300, "Five Farthings", "Longacre", "One Sparks Farm", "Tormist", "Blackmore Primary School" Nine Ashes Road, Nine Ashes; 46, 64, 72 Orchard Piece, Blackmore  
"Ashlee", Poplar Close, Blackmore; "Bridge House" The Green, Blackmore, "Crosse House", "Hareton House", Church Street, Blackmore; "Copyhold Farmhouse", "Uvongo House", "Walnut Tree House" Blackmore Road, Blackmore; "Westbury House", Blackmore Road, Hook End, Brentwood; "Cranborne", "Wellington", "Jacquin" Chelmsford Road, Blackmore; "Elmfield", King Street, High Ongar; "Elnor", "Gainsborough", "Catons", "Much Pond Orchards", "Rookery Cottage", "The Manor House", "The Old Rookery", "The Rookery" Rookery Road, Nine Ashes; 440-446 Larkshall Road, Chingford (work address, resident of King Street); and Mr Eric Pickles MP (on behalf of local resident).

HIGH ONGAR PARISH COUNCIL. Objection. With reference to the above planning application, the Parish Council wish strongly to object to this new application on the following grounds:

1. The site is within the designated Green Belt
2. There are major concern regarding road safety - see comments below.

3. Noise – such a development will cause excessive noise, and even if restrictions are placed on working times, the continuing breaches of restrictions at Paslow Common Farm, Nine Ashes means that this council has little confidence over the effectiveness of such restrictions. The continual disturbance to local residents, as experienced at Paslow Common, is to be avoided whenever possible.
4. Two previous applications, EPF/15/03 and EPF/207/01, whilst recommended by planning staff were refused by the Committee. The key reasons for final refusal were:
  - i. The impact on local; surrounding in terms of noise
  - ii. Highway related issues such as pedestrian danger and traffic generation contrary to Policy GB.

5. Safety.

i. The parish council consider that both these aspects still apply. In addition, the entrance to Nine Ashes Farm is near to a busy and potentially dangerous road junction, and there is limited turning space within the site. Limited space for turning or parking of delivery/collection vehicles is available, and vehicles would have to queue and either reverse in or out of the site, therefore creating a danger to other road users and pedestrians. It is also unclear how much space would be allocated on site for the parking of vehicles.

ii. The effects of additional large vehicles in that area is the main concern both for the parish council, and for local residents in Nine Ashes and Rookery Road area.

iii. A significant amount of traffic from Rookery Road travels in excess of a safe speed and enters a 40mph limit immediately on a very poor junction with traffic from King Street emerging at 45 degrees. The site lines are limited, especially for vans and goods vehicles, and there have been numerous accidents and near misses at that junction.

iv. There no pavements for people walking to and from the bus stop, and in particular, children walking to and from the school bus pick-up point (at the bus stop) in the dark during the winter months.

v. Rookery Road cannot take the existing heavy goods traffic and passing vehicles continually damage the existing carriageway and grass verges. Any development of industrial storage and distribution will further exacerbate this existing problem.

The parish council requests that careful consideration be given to this new application, and that previous objections and refusals are taken into account, together with the overwhelming concern of local residents who have submitted their own objections separately.

## SUMMARY OF NEIGHBOUR COMMENTS

### Amenity

Worried that problems occurring at Paslow Common Farm will happen here; many reported instances of machinery noise, smells and rubbish burning. Noise of passing vehicles is exacerbated by the open setting. Buildings could be used to store dangerous/inflammable materials – putting residents at risk. Potential for land contamination.

### Highways

The use of the site for general industrial and storage or distribution inevitably means an increase in lorry traffic, increasing the problem of heavy traffic and destroyed roads. Residents have also raised the issue of danger to pedestrians as there is no footpath and danger to children walking to/from and waiting for school buses. The bus stop is directly opposite the farm. Surely a child's

journey to and from school should not involve the worry of 'playing dodge the artic. lorry'. The road is narrow (intended for domestic and agricultural use), when large vehicles use the road it is often necessary for passing vehicles to either slow down or stop. The roads are little more than country lanes and are not capable of supporting an increase in any kind of traffic. The entrance to be used to the Nine Ashes Farm is located in very close proximity to houses and, more importantly to the very dangerous and 'blind' junction with King Street. The use of this entrance can only increase the likelihood of a very serious accident at this junction. We do experience large agricultural vehicles on our roads but this traffic is generally slow moving and travels only short distances from the farm buildings to the land being worked. Highway improvements would mean the removal of established trees/hedgerows and the filling in of ponds and ditches which would be harmful to the environment. A planning condition requiring no HGV's would not be enforceable. Drivers attempting to manoeuvre off the site may block the road and endanger other drivers. The Traffic Assessment states that the roads are suitable for cyclists, but they won't be due to the movements of heavy vehicles. Details of previous vehicle movements from the site are disputed.

### Paslow Hall Farm as a precedent

Paslow Hall Farm is not a good argument for the development – it has caused nothing but problems for the Council and local residents. Fire Brigade have been called to unattended fires.

### Other Matters

*Harm to the Green Belt* - Some residents have expressed an interest in purchasing the buildings and retaining their existing use. There are several vacant industrial units and offices locally.

*Harm to flora and fauna* - Consideration as to possible preserved status of buildings. (Officer's note – the farm buildings are not listed).

*Alternative Residential Development* - Local residents would prefer to see a residential development of the site, but this has previously been refused by EFDC and dismissed on appeal.

I understand that the developer responsible for this application would also consider building houses on the site? Given the above points and assuming, considering the amount of empty Industrial units generally available in the current economic climate, there is no need for additional Industrial Space to be created within the Green Belt local area's and the area would be much better served by a sympathetic and sensible development of new built family homes that would fit in with the general street scene and have a far less detrimental affect on the community, traffic congestion and general road safety in this area.

Given that the Government continually tells us that we as a Country are desperately short of housing it does seem inconceivable that an Industrial Estate is considered acceptable for this site when a sensible and proportional family housing development is not?

### **Issues and Considerations:**

The main issues in this case are the acceptability of the re-use of the buildings in accordance with policy GB8A of the Local Plan; the impact of the proposed use on neighbouring amenity and the impacts on the surrounding highway infrastructure. This appraisal will have regard to all material considerations, including the planning history of the site and the precedent referred to by the applicant, at Paslow Hall Farm.

### Re-use of buildings



Policy GB8A of the Local Plan requires the conversion of buildings within the Green Belt to be considered against five criteria. This proposal has been considered in relation to this policy and the conclusions are as follows:

- I. The buildings appear to be of permanent and substantial construction and capable for re-use without major reconstruction.
- II. There are five purposes for including land in the Green Belt:-
  - to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns from merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Subject to planning conditions ensuring that there was no further encroachment (e.g. from open storage etc) it is not considered that the use would be contrary to purposes for including land in the Green Belt.

- III. Traffic movements will be considered further in the Highways section of this report. However, it is not considered that the level of movements would be such that there would be harm to the character and amenities of the countryside.
- IV. There is nothing to suggest that works have been carried out within the last 10 years to secure a planning approval (indeed there has been no material change since the consideration of the 2001 application).
- V. The proposed use would not harm the vitality of a town or other centre.

A small area of the buildings is to be demolished and there is to be no further encroachment of parking or land surfacing within the site, so impact on the Green Belt will be minimal.

#### Neighbouring Amenity

Following the removal of the B2 (general industrial) element which was proposed in earlier planning applications, it is not considered that the proposed use would cause material harm to the amenities of the occupiers of neighbouring properties. This current application proposes B1a (office use) and B8 (storage and distribution use). Concerns raised by neighbouring residents in relation to the impact on their enjoyment of their properties have included concerns of excessive noise, smells and burning of rubbish. Some comparison has been made between the proposed uses on this site and the uses which take place at Paslow Common Farm, which have generated considerable levels of complaints.

With regard to the uses proposed in this application, it is considered that the most likely disturbance would be caused by vehicle movements to and from the site. This may be restricted by the use of a planning condition restricting delivery times, which would ensure that they would not take place at anti-social times of the day. The scale of the units proposed mean that it is likely that the use will be low key in nature with predominantly small scale commercial vehicles and cars rather than HGVs.

Further to the refusal of the previous planning application, this application is supported by a Transport Assessment which predicts vehicle movements in association with the proposed uses. It is predicted that the proposed uses would generate approximately 82 daily vehicle movements, compared with a calculation of 81 associated with the previous use. However, contrary to the

information provided within the Transport Assessment, it is considered that the level of vehicle movements generated by the proposed use would exceed those relating to the previous agricultural use, which is thought to have been considerably less than the 81 vehicle movements suggested by the applicants. This view is supported by long standing local residents who state that the vehicle movements when the farm was in operation were considerably less than those reported in the Transport Assessment. Notwithstanding this, it is not considered that the level of vehicle movements associated with the proposed use would be excessive, bearing in mind the nature of the surrounding highway, or cause material disturbance to neighbouring amenity. Bearing in mind also, that residential use for, for instance, 10 dwellings would be likely to result in a similar number of daily traffic movements and that the unregulated agricultural use could result in significant traffic, including heavy vehicles at antisocial hours.

### Highways Matters

Local residents have expressed considerable concern regarding the potential impact of the proposed development on highway safety within the locality of the site. In particular they have raised concern that the number of vehicle movements (including of larger vehicles) would threaten other vehicle and pedestrian users of the highways, in particular local schoolchildren walking along neighbouring roads to access bus stops. Particular concern has been raised regarding whether or not the site layout would accommodate the turning of large vehicles within the site, or whether they would need to exit the site in reverse gear.

Based on the submitted Transport Assessment and their own findings, Essex County Council Highways Department have raised no objection to this planning application. They have however, proposed planning conditions. Two of the suggested planning conditions relate to the provision of a footpath linking the site to the bus stop on land outside the applicant's ownership and also the raising of the kerbs at two nearby bus stops, to provide level access. These matters would need to be secured by legal agreement and is recommended as such.

### Other Matters

*Conservation* - Some concern has been raised by the Council's Conservation Officer regarding the potential impact for harm to the nearby listed buildings due to the increased traffic movements of heavy vehicles in association with the proposed use. This is recognised as being a material consideration in the determination of this planning application. However, it is not considered that this would have sufficient weight to justify the refusal of planning permission - particularly as the existing use of the site would have associated heavy vehicle movements, albeit fewer. The surrounding agricultural land is not specifically mentioned in the listing for the nearby listed buildings and on this basis it is not considered that change of use of the land would be seriously harmful to their setting.

*Trees and Landscaping* - This application recognises the trees which exist on the site at present and proposes their retention. It is considered that their retention can be ensured by the use of planning conditions. Some additional landscaping will be required to soften the impact of the development, including the car parking and the associated small scale development (including the refuse and cycle stores). This may also be secured by the use of a planning condition.

*Residential Alternative* - Local residents have referred to an alternative proposal for a residential development of the site and have expressed a preference for a development of that nature as opposed to the development proposed through this application. However no application has been received for such a proposal and in the past applications for the residential development of the site have been refused by the Council and dismissed by Planning Inspectors. The possibility of an alternative residential scheme for this site is not, therefore, considered to be a material consideration in the determination of this planning application.

## **Conclusion:**

In light of the above appraisal, it is considered that the removal of the B2 use and the submission of additional information and improved site layout plans have addressed the concerns raised in relation to the previous application. It is considered that the uses now proposed would not cause excessive harm to the amenity of residents located in close proximity to the site. The concerns of local residents are noted and understood. However, the concerns regarding highway safety are not shared by the Highway Authority and some improvements suggested by the County Council can be secured by legal agreement, particularly in relation to the bus stop. It is further considered that concerns raised by residents in relation to issues concerning amenity may also be addressed by the use of planning conditions. Residential use as an alternative has been dismissed on appeal and is not appropriate in this remote location. As the buildings are existing and are simply to be reused, Green Belt policy GB8A is supportive, subject to other criteria (which has been considered acceptable in this case).

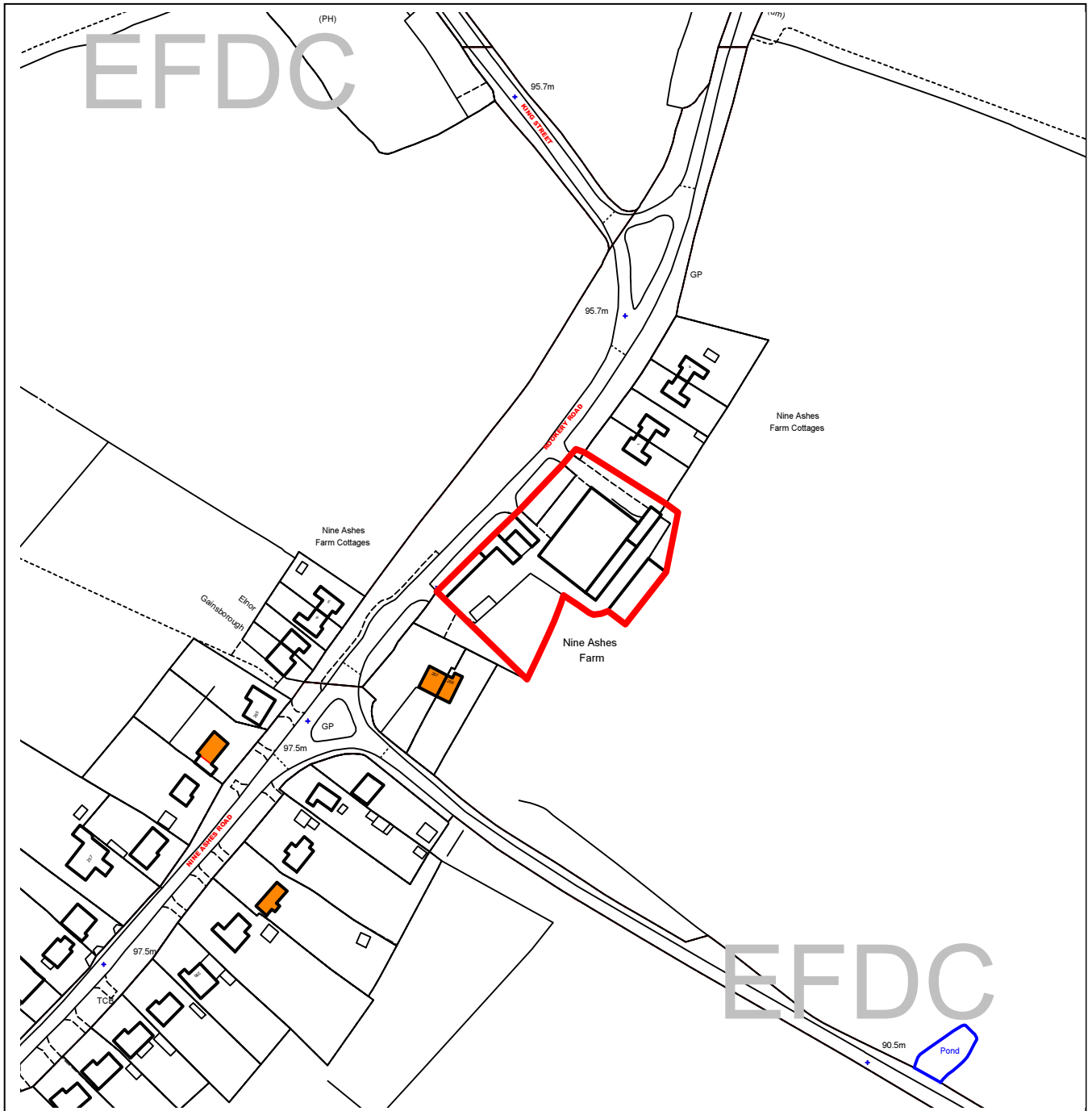
Accordingly, it is recommended that the Committee resolves to grant planning permission subject to the completion of a Section 106 legal agreement within 9 months to secure the following:

- The provision of raised kerbs to current Essex County Council specification for the north-east bound and south-west bound bus stops on Rookery Road.
- A footway, with a minimum width of 1.8 metres and tactile paving where appropriate, to be constructed from the existing bus stop on the eastern side of Rookery Road to the southern access into the site.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/2156/09
Site Name:	Nine Ashes Farm, Rookery Road Ongar, CM4
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2647/10
<b>SITE ADDRESS:</b>	Woodgrange 52 Ongar Road Lambourne Romford Essex RM4 1UH
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr T Ruddigan
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of existing building at rear of site to residential house ancillary to Woodgrange, including erection of new first floor within mansard roof.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=524100](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524100)

**REASON FOR REFUSAL**

- 1 The site is within the Metropolitan Green Belt. The proposed works represent an inappropriate development in Green Belt terms and are therefore at odds with Government advice in PPG2, policies GB2A, GB7A, GB8A, and GB9A of the Adopted Local Plan and Alterations. In the view of the Local Planning Authority the conversion of the building into a dwelling house requires major and substantial alterations and results in an enlarged building domestic in character that would be harmful to the character and openness of the Metropolitan Green Belt. No very special circumstances have been demonstrated by the applicant to outweigh the harm of the proposal to the Metropolitan Green Belt.

*This application is before this Committee since it has been 'called in' by Councillor Brian Rolfe (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).*

**Description of Proposal:**

The applicant seeks planning permission for the conversion of an existing outbuilding into a three bedroom detached dwelling house that the applicant states is to be used ancillary to the existing dwelling house on the site.

The existing outbuilding is located within the curtilage close to the south western corner of the site behind the existing dwelling house. It measures 6.8m in width by 12.6m in depth and has a height of 4.7m. It is finished from brick and has a flat roof. The outbuilding is currently used as a garage and storage area ancillary to the dwelling house.

The overall building footprint would not be increased apart from a new lobby/porch that would be constructed on the north eastern elevation which would provide the main entrance to the building.

It is proposed to remove the existing flat roof of the outbuilding and replace it with a dual pitch roof with gable ends. As a result, the overall height of the building would be increased from 4.7 metres to 6.5 metres. Subsequently, the building would become two storeys with living rooms and a kitchen on the ground floor and bedrooms above.

The new dwelling house would be finished from black stained weatherboard and plain concrete tiles. Access to the new dwelling house would be via the existing driveway and a fenced off area around the dwelling would define its private open space area as indicated on plan number 1416/4.

### **Description of Site:**

The subject site is located on the south eastern side of Ongar Road on the outskirts of Abridge. The curtilage of the site itself is relatively level with mature vegetation along the front, side and rear boundaries.

Currently located on the site is a two storey detached dwelling house known as Woodgrange finished in render. The outbuilding subject to this application is located approximately 20 metres behind the rear façade of the dwelling house.

The subject site and the surrounding area are located within the Metropolitan Green Belt. Open fields are located to the rear and both sides of the curtilage of the site.

### **Relevant History:**

EPF/2026/05 - Conversion of and roof extension to store to provide 2 no. holiday accommodation units. (refused and dismissed at an appeal)

EPF/1099/06 - Front entrance porch. (approved)

EPF/1399/10 - Conversion of existing building at rear of site to residential house ancillary to Woodgrange, including erection of new first floor within mansard roof. (refused)

### **Policies Applied:**

#### Local Plan Policies

DBE1 – Design of New Buildings

DBE2 – Impact of New Buildings

DBE4 – Development within the Green Belt

DBE9 – Loss of Amenity

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development within the Green Belt

GB7A – Conspicuous Development

GB8A – Change of Use of Adaption of Buildings

GB9A – Residential Conversions

LL10 – Landscape Provisions

#### Planning Policy Guidance Notes:

PPG2 – Green Belt

## **Summary of Representations**

ABRIDGE PARISH COUNCIL: Objects for the following reason.

We understand that Green Belt policies, only allow new dwellings in exceptional circumstances. We believe that this has not been satisfactorily demonstrated, unless it can be proved that this is a brownfield site.

NIGHBOURS:

The application was advertised to adjoining property owners by mail and a site notice placed on site. No 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 design and appearance of the development is acceptable in relation to the street scene and the character of the surrounding area, whether it is appropriate development in the Green Belt and whether it would be harmful to the amenities of adjoining occupiers.

### **Green Belt:**

Policy GB8A states that Council may grant planning permission for the change of use of a building in the Green Belt provided the building is permanent and of substantial construction, capable of conversion without major changes and that the use would not have a greater impact than the present use. In addition the "conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys." Furthermore under paragraph 5.44a in the pre-text to the policy it is argued that, "Residential conversions can have an adverse effect upon the countryside and by changes to the appearance of buildings and the associated paraphernalia of modern living accommodation.

It is considered that the existing building would require major works or even a complete reconstruction to achieve the desired outcome. In particular, it is considered that by raising the height of the existing building to accommodate a second floor within the building, adding dormer windows and a porch would substantially increase the overall size, scale and bulk from that of the existing building. On this occasion the proposed works are simply not a conversion of a building but a complete overhaul resulting in the creation of a new dwelling in the Green Belt and therefore is an inappropriate development which is by definition harmful to its function and purpose.

Also it is considered that the introduction of a new dwelling in this location would result in an increase in other 'domestic paraphernalia' normally accompanying a residential use such as garages, play equipment, washing lines, garden furniture, etc. would add a further a urban element out of character with and detrimental to the attractive open rural surroundings and would be contrary to policies GB8A and GB9A of the Adopted Local Plan Alterations and Para. 3.8 of PPG2 in that it would not preserve openness and would be inappropriate development in the Green Belt.

Policy GB9A states that residential conversions of rural buildings worthy of retention will not be permitted unless the criteria in policy GB8A is met and that it has been clearly proven by the applicant that a business use is unsuitable or that it is for the purpose of agriculture, horticulture or forestry. The only information in relation to this policy provided by the applicant was one line within the design and access statement suggesting that a business use would not mix well with the current residential use. This is considered not to be a reasonable attempt to demonstrate that creation of a dwelling is the only possible use, particularly since it appears to have been used

ancillary to the dwelling and adjacent agricultural use and it should continue to be used for these purposes.

It should be noted that although the application that was refused and later dismissed at an appeal in 2005 (EPF/2026/05) was for the conversion of the same building as the proposed into two holiday units, it is considered that the applications are similar in terms of their material factors and issues. This is because both applications incorporate similar additions such as raising the roof to incorporate a second floor, adding dormer windows and patios etc. An Inspector considered this was clearly harmful to the Green Belt.

The planning inspector stated:

*Boundary trees and shrubs would largely screen the proposed development from Ongar Road, but it would be seen through the access and there would be some transient filtered views from the road to the south. While the footprint of the building would be unchanged the new roof with gable end walls and resultant increase in height would increase its bulk. The additional first floor windows and other design features would be more evident than the plain brick walls at present. The application drawings show new patio areas outside each unit. Although in holiday use, in my view it would be more likely that some features appropriate to domestic curtilage would encroach on the land around the building. In this context, I consider that the proposed development would have a materially greater impact on the openness of the Green Belt, and the purposes of including land in it than the present use.*

It should also be noted that planning permission was recently refused (ref: EPF/1399/10) which was for a similar application to the one proposed. The main difference between the two schemes is that the application that was refused incorporated a different roof form. Previously, it was proposed to have a mansard roof whereas under the proposed scheme, it is proposed to have a dual pitch roof with gable ends.

Although the revised scheme is smaller in size and scale from the previous application that was refused, it is still considered that it would be harmful to the openness, character and appearance of the Green Belt for the reasons discussed above.

#### Design and appearance:

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

The proposal entails alterations to the existing building which includes a ground floor extension, raising the overall height of the building and incorporating additional features such as new openings, a chimney stack, side dormer windows and external alterations.

Building materials are a key factor in determining the local character. It is important that the detailing of the building is of a high standard to replicate the surrounding area in terms of detailing.

In terms of the design and appearance, the proposed dwelling is of suitable design and materials for the rural area. However this does not overcome or outweigh the harm the development would have upon the openness and appearance of the Metropolitan Green Belt.

#### Sustainability

The proposal introduces additional residential accommodation in a relatively unsustainable location contrary to current policy.



Other issues:

Although the applicant has not stated that there are any very special circumstances that would outweigh the harm the development would have on the Green Belt, the applicant has provided further information as part of the application to justify granting planning permission.

This included a number of examples of nearby properties that have had planning permission granted for works in the Green Belt dating back to 2000. Apart from one example which was for the conversion of an outbuilding to an annex to be used ancillary to a dwelling at 1 & 2 Grove Cottages, the rest were extensions to existing buildings and subsequently are assessed under entirely different green belt policies from that of the proposed. In relation to the development at Grove Cottages, this was deemed appropriate as the conversion was considered not to result in major works. It was only for a one bedroom annex and not a three bedroom dwelling that incorporates facilities like an enclosed garden and patio area etc. like the proposed. Additionally further outbuildings were to be removed from the Grove Cottages site to offset the additional works.

Therefore the examples provided by the applicant are not a precedent for further development as each application should be dealt with on its own merits.

The applicant mentions a number of times within the design and access statement that the new dwelling is to be used by the applicant's daughter and family who would provide care to her parents (applicant) as they are senior citizens, however, the scale of the development and the relationship with the main dwelling is such that we would consider it a separate dwelling, not ancillary to the existing house. This is not considered to be a very special circumstance to allow planning permission.

Neighbouring amenities:

Given the distance the proposed development is set away from adjoining dwellings, it is considered that the development would not cause any harmful impact upon adjoining amenities in relation to visual blight, overlooking or overshadowing.

**Conclusion:**

In conclusion, although the development is acceptable in terms of its design and that it would not have a harmful impact to the amenities of adjoining property occupiers, it is inappropriate development introducing additional residential use into the Green Belt and would have a harmful impact upon the open character of this part of the Green Belt contrary to policies CP2, GB2A, GB8A and GB9A of the Adopted Local Plan and Alterations. As a result it is recommended that the application be refused.

**Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:**

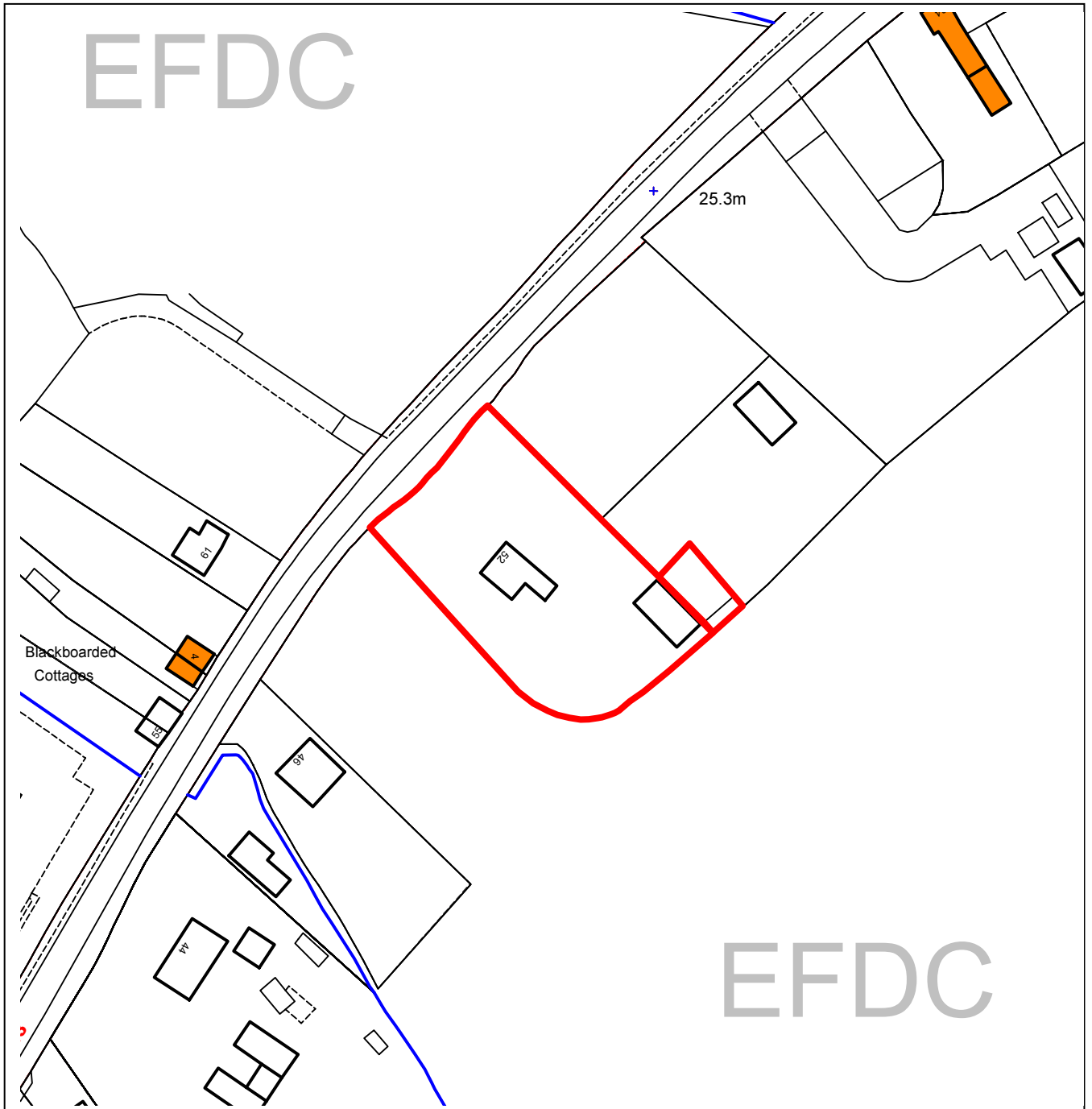
**Planning Application Case Officer: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/2647/10
Site Name:	Woodgrange, 52 Ongar Road Lambourne, RM4 1UH
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2676/10
<b>SITE ADDRESS:</b>	The Briars Epping Road North Weald Epping Essex CM16 6LA
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	M Bowkett & Ms Rita Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the change of use of existing garage to mixed use consisting of ancillary residential use and use as a hypnotherapy studio.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=524215](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524215)

**CONDITIONS**

- 1 This consent shall inure solely for the benefit of the occupiers of the application site known as 'The Briars' and for no other person or persons.
- 2 Notwithstanding the provisions of Regulation 6 of the Town and Country Planning (Control of Advertisements) Regulations 1992 (or any equivalent provision in any Statutory Instrument revoking or re-enacting those Regulations), no signs or advertisements shall be displayed at the premises without the prior consent in writing of the Local Planning Authority.
- 3 The use of the building as a hypnotherapy practice hereby permitted shall not be open to customers/patients outside the hours of 9.00am to 6.00pm Monday to Friday and at no time at the weekends or Bank/Public Holidays.
- 4 The change of use hereby approved shall be limited to the area marked 'EXTG GARAGE' as shown on drawing No. 3530:2 received by the Local Planning Authority on 22/12/10, and shall not be implemented elsewhere within the application site.

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

### **Description of Proposal:**

Retrospective application for the change of the use of existing domestic garage to mixed use consisting of ancillary residential use and use as hypnotherapy studio. The garage building itself exists and is lawful, this application is only for the retrospective change of use of the building.

### **Description of Site:**

The application site is a detached bungalow, situated within large grounds with the garage the subject of this application located to the west of the house and slightly to the rear. The Briars is on the edge of a small built up area along Epping Road and is surrounded on two sides by forest which is also a SSSI. Works have been completed on the garage with windows and a pedestrian door in place of the previous garage door. The property is within the Metropolitan Green Belt.

### **Relevant History:**

EPF/1478/10 – Certificate of lawful development for use of garage as hypnotherapy practice room – Not Lawful

*EPF/1478/10 was found not lawful as with all questions of possible ancillary use, there is no rule of thumb to be applied. In practice the level of patient generation can be a major factor in decisions as to whether a material change of use of a house has occurred, and it is possible for small practices with a relatively low level of callers to escape the need for planning permission.*

*Although the applicant had suggested that the use is very limited and at present, numbers of visitors may be small, the applicant is advertising a 7 day a week 9.30 am -8.30pm appointment system and the use has been the subject of complaint it was considered that a change of use had occurred that required planning permission.*

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

CP2 - Rural and Built Environment  
GB2A – Development within the Green Belt  
DBE2 – Effect on Neighbouring Properties  
ST6 - Vehicle Parking  
ST4 – Highway Safety  
NC1 – SPAs, SACs and SSSIs

### **SUMMARY OF REPRESENTATIONS:**

**NORTH WEALD PARISH COUNCIL:** The Parish Council OBJECTS to this application on the grounds of the visual impact that this has on the area, in particular the impact on the adjacent forest. We also object to the change of use of the garage to business use and the precedent that this sets. There is also concern at the increase in traffic movements to and from the site.

#### **NEIGHBOURS**

2 properties were consulted and a site notice erected – no responses received

### **Issues and Considerations:**

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

- Acceptability of the Change of Use
- Amenity of Neighbouring Properties
- Highway Issues
- Impact on the SSSI

### Acceptability of the Change of Use

The proposal is for a change from ancillary domestic use to mixed use of the garage for purposes ancillary to the use of the house and for the use as a hypnotherapy practice. The application has been accompanied by details regarding the hypnotherapy practice and it is the applicant's intention (who is also the practitioner) to only have two to three clients per day between the hours of 9.00am and 6.00pm. Although the practice website advertises appointments between 9.30am – 8.30pm, 7 days a week, the design and access statement clearly states that the hours of 9.00am – 6.00pm on weekdays will be accepted and this can be conditioned as such.

Any patients will have pre-booked appointments, with no 'walk-in' appointments. The intention is to use the garage conversion for those clients who cannot get to the main hypnotherapy practice which is located in Bishops Stortford, therefore the garage will not be the practitioner's full time base. The practitioner is also the occupant of the property and a condition could be added to any permission to ensure that the permission only applies to the occupiers of 'The Briars', so that no new planning unit is created and traffic generated is restricted to patients.

The use at present is relatively low key and only marginally more than what could be considered permitted development. As planning permission is required however, more control can be exercised over the use of the site, as any permission can be conditioned to ensure that the use of the site does not increase to an unsatisfactory level, which could have an impact on the character of the green belt, or the SSSI from increased traffic activity and parking. As there is only one practitioner this will limit the number of people using the site and it is considered that the principle of the change of use is acceptable.

The location of The Briars although not ideal in terms of sustainability is not in an isolated position and is located on a bus route, close to a bus stop and therefore is considered acceptable given the intended low use of the site.

### Amenity of Neighbouring Properties

The garage is located to the west of the site adjacent to the forest and is some 19m to the shared boundary with The Conifers. It is not considered that the change of use to a mixed use will have any significant impact on this property given the distance between the properties and the nature of the business use.

Although there may be additional traffic it is not considered to be such an increase to result in any significant nuisance to the neighbouring properties. Operating only within the hours of 9.00am to 6.00pm Monday – Friday will also ensure that the business use does not impact on neighbouring properties at potentially anti-social hours. A condition can also be added to ensure that no signage is displayed which will help to retain both the residential and green belt character.

### Highway Issues

The Essex County Council Highways Officer has no objection to the proposal. There is ample car parking within the site to serve both the residential use and hypnotherapy practice and the existing access affords good visibility onto Epping Road.

### Impact on the SSSI

The surrounding forest land is a Site of Special Scientific Interest (SSSI) but it is not considered that this minor change of use will impact on the site. The Corporation of London were consulted on this application and have no observations to make.

### **Conclusion:**

Subject to strict conditioning the retrospective change of use is considered to be acceptable in this location and is therefore recommended for approval.

**Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:**

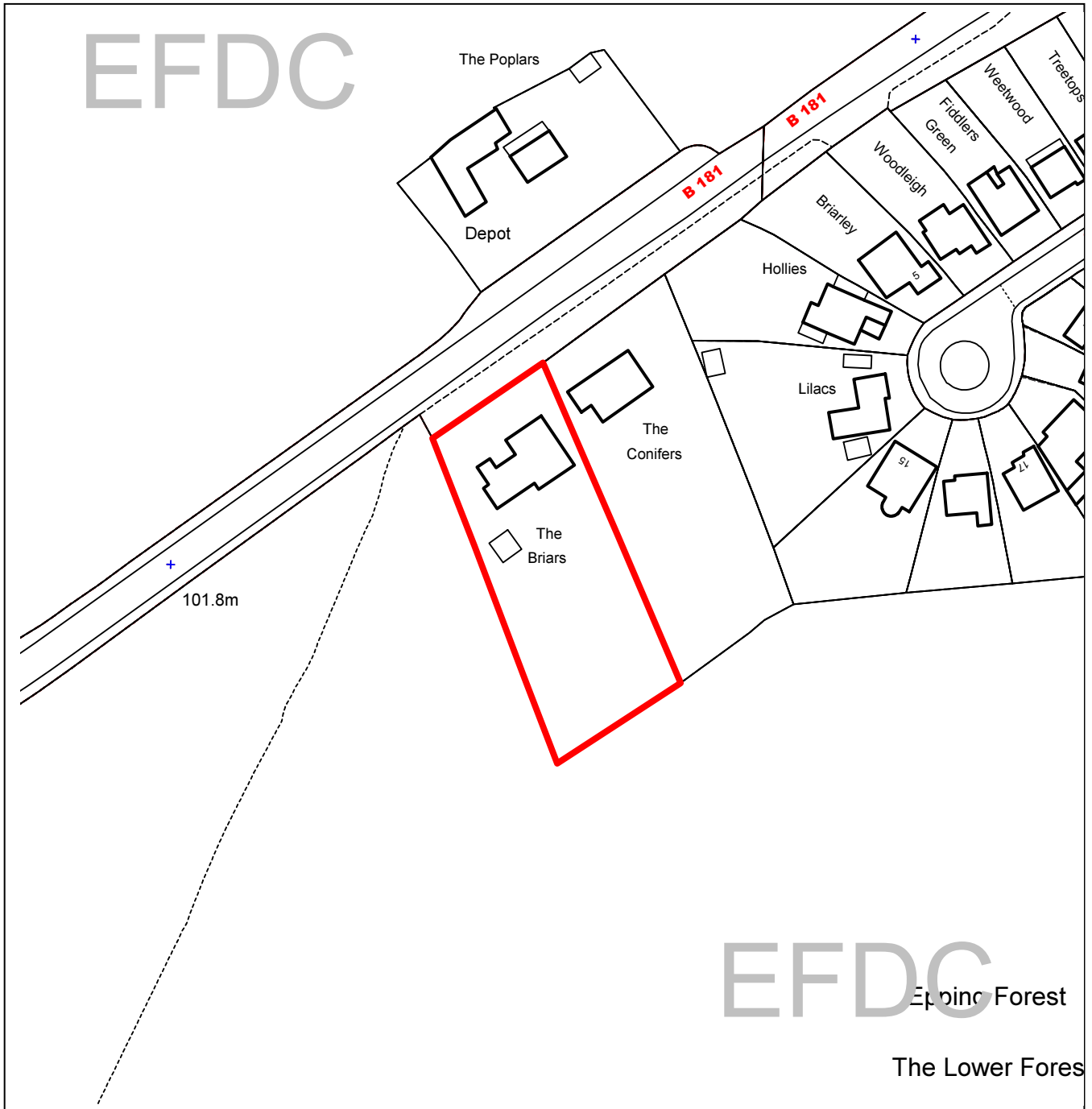
**Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2676/10
Site Name:	The Briars, Epping Road North Weald, CM16 6LA
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0001/11
<b>SITE ADDRESS:</b>	Ambulance Station The Plain Epping Essex CM16 6TL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	East of England Ambulance NHS Trust
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing ambulance station and garage. Erection of new two storey station with ambulance shelter.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=524297](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=524297)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall have taken place until details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the eastern flank elevation) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

*This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).*

**Description of Proposal:**

The proposal seeks consent to demolish the existing 2 storey ambulance station and garage and replace it with a new two storey station and ambulance shelter.

The proposals would provide improved kitchen, office, and toilet facilities with a designated area for lockers and improved storage. The proposals would also allow the provision of a shower room and a designated quiet room.



The proposals would retain a double garage bay for ambulance parking.

The proposals would increase the provision of first floor accommodation and reach 7.5m in height at the maximum pitch, 5.5m at eaves height.

**Description of Site:**

The application site is a 'T' shaped plot accessed off The Plain, the main route connecting Epping to Coopersale and North Weald. The site is part of the former St Margaret's Hospital site, at the rear of 59A the Plain and the new properties formed in the Kingswood Park development. The existing Ambulance station runs along the boundary on the eastern side and partially along the southern sides of the site. The site is a functioning Ambulance facility.

The site will be bordered by the new 132 unit residential development (EPF/1350/08) on the eastern, southern and western boundaries and the northern boundary at the head of the access will front Epping Forest adjacent to properties bounding the site at 56 and 56a The Plain. The site is outside of the Green Belt.

**Relevant History:**

None

**Policies Applied:**

Epping Forest District Local Plan and Alterations

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the Quality of the Rural and Built Environment
- CP7 – Urban form and quality
- CF2 – Health Care Facilities
- E4A – Protection of employment sites
- DBE2 – Effect on neighbouring properties
- DBE9 – Loss of amenity
- ST1 – Location of development

**SUMMARY OF REPRESENTATIONS:**

25 neighbouring properties were consulted, not of all which are presently occupied; more responses are anticipated due to late notification in light of difficulties with the new addresses. A site notice was also erected at the entrance to the Ambulance Station. The following responses have been received to date:

21 Kingswood Park: Object to any increase in overlooking of garden and property windows as site backs directly onto property. Loss of light to garden and disruption during construction.

13 Kingswood Park: Object due to existing problems with noise and lighting potentially increasing, loss of view, loss of light to garden, potential overlooking and loss of privacy and potential impact to future saleability of the property.

EPPING TOWN COUNCIL: No objection

**Issues and Considerations:**

The main issues to be considered relate to impact to the street scene and impacts to neighbouring amenity.

The proposals relate to the retention of an existing health care facility and employment site, which provides garaging and staffing for two ambulances at present - this would be unchanged, however the facilities provided to staff would be improved to a higher standard. Therefore in policy terms the proposals accord with policies E4A and CF2 by retaining existing employment facilities and improving the provision of healthcare facilities. There is clearly an established need for ambulance facilities in this locality to allow a central base for rapid response serving residents in the District irrespective of the location of the relevant Accident and Emergency facilities. Were ambulances to be based elsewhere or at the nearest hospital in Harlow, then response times would clearly extend, therefore in principle the retention and improvement of the facilities is both acceptable in planning terms and desirable for the needs of the residents in the wider District.

The proposals are set well back from the highway and therefore result in minimal impacts to the street scene when viewed from The Plain, however due to the proximity to the recent new development at Kings Wood Park, the proposals would also, like the existing facility, be visible from the new streets albeit in the context of the new development.

The existing building is a somewhat dated single and two-storey structure. The proposals would increase the first floor accommodation to meet more modern needs, resulting in a greater first floor than presently exists. The new building would have a more modern appearance with partial flat and partial pitched roof and a curved roof over the ambulance garaging. Visually, whilst a greater bulk, this is considered an improvement and would be viewed in the context of the new residential development currently being completed, therefore the increase in accommodation is not considered visually disproportionate or indeed to detract from any views as it improves those which presently exist with improved building design. It should be considered that the existing first floor projection has a floor space of some 20sqm and the proposed scheme would be some 100sqm in floor space at first floor however this is not an addition dissimilar to that permitted on many dwelling houses outside of the Green Belt.

In terms of neighbouring amenity, objections are raised on the grounds of existing nuisance and disturbance from the operating ambulance facility. As this facility has been in situ and functioning for some time and prior to the new dwellings being built and indeed occupied, it would be unreasonable to consider the proposals unacceptable due to noise and disturbance during operation as there would be no intensification of activities beyond those which presently exist. Rather impacts should be considered in relation to the extent of building, particularly the first floor additions and whether these have a significant adverse impact on neighbouring amenity by way of loss of privacy, light or overlooking. The existing Ambulance station reaches a maximum height of 5.3m and that proposed would reach 7.3m at the maximum point; however this is pitching away from the eastern boundary.

The applicant has proposed to obscure-glaze openings in the east elevation and to fix these closed which would overcome overlooking and privacy issues to plots 13, 14 and 15 and prevent a façade unbroken by openings which would appear more domineering. The north and south elevations maintain no openings and the western elevation would look out onto the yard in a manner akin to the existing structure and onto the side of plot 20. Furthermore at first floor these openings serve a female toilet area, a locker space and office area. The office area is well offset from the amenity area of plot 20 therefore any overlooking would not be dissimilar to that experienced from existing windows or properties recently constructed.

With regard to prominence of the block, loss of light and overshadowing, the additional floor space should be considered in the context of the existing built form, and the surrounding garaging structures which will both obscure views of the new building and separate the amenity areas of the neighbouring properties from the proposals. Due to parking and access arrangements on the Kings Wood Park estate the application site is separated from all amenity areas on the new estate by either access, parking or garaging areas. This mitigates any impact of the increase in floor

space and height of the building as it does not directly back onto any new garden area and most overshadowing would occur over these access, parking and garaging areas.

Mindful of the orientation of the block, the internal layout proposed and layout of the surrounding areas, Officers are of the view that the proposals would not result in significant adverse impacts by way of loss of privacy, overlooking, overshadowing or due to prominence of the building. Whilst Officers recognise that the new building would be visible from neighbouring plots, this alone is not sufficient to justify refusal.

With regard to highways and parking issues, the proposals would use the existing access and have no staffing or ambulance provision beyond that presently required, therefore no additional impacts would arise beyond those already existing.

**Conclusion:**

After consideration of the matters above, Officers support the proposed provision of improved facilities at the Ambulance Station and acknowledge the importance of providing appropriate emergency services facilities, close to the urban areas of the district and approval is recommended subject to a condition regarding submission of details of materials and a condition to secure the obscure glazing.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Jenny Cordell  
Direct Line Telephone Number: 01992 564294***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

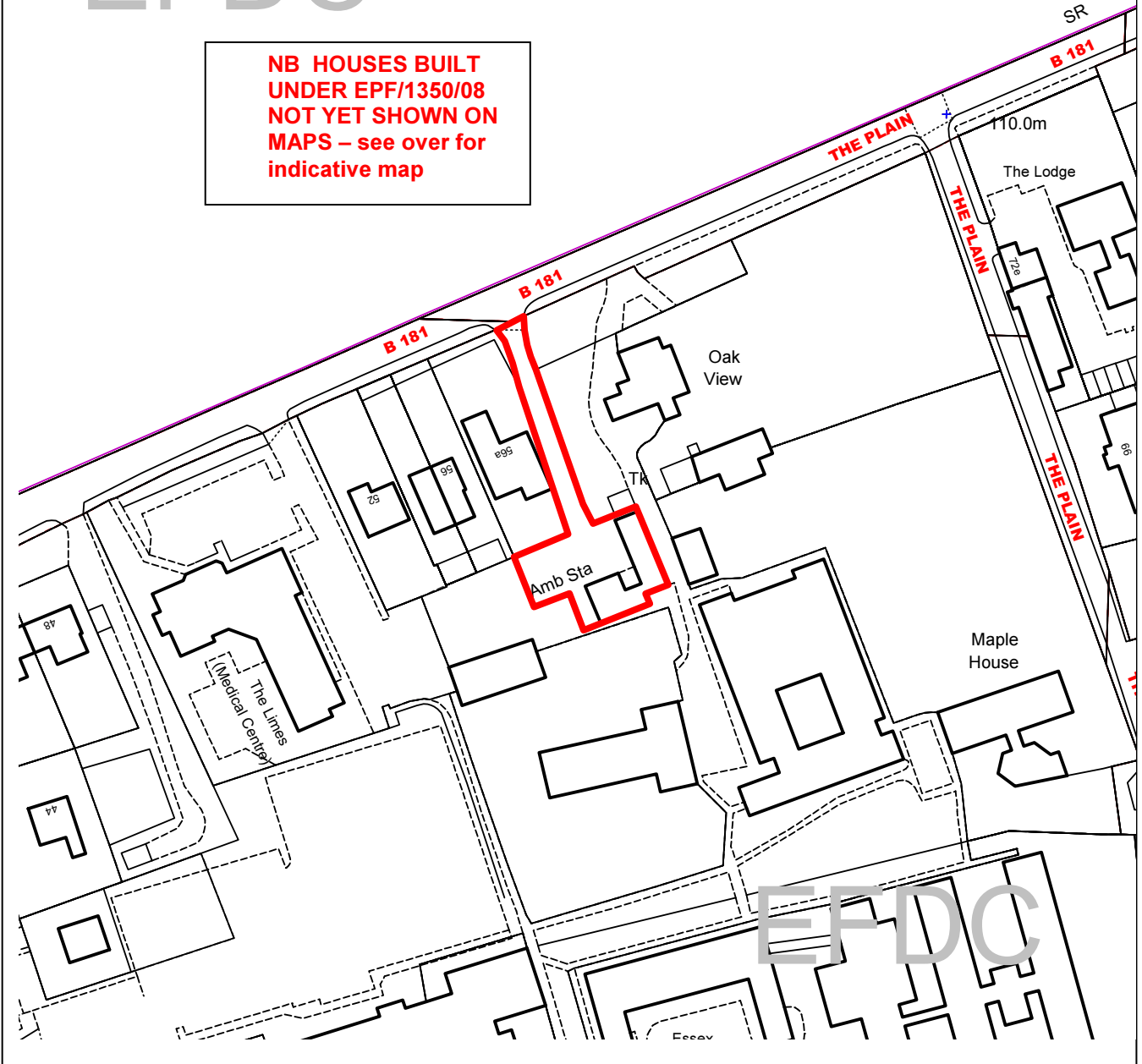


# Epping Forest District Council

## Area Planning Sub-Committee East

# EFDC

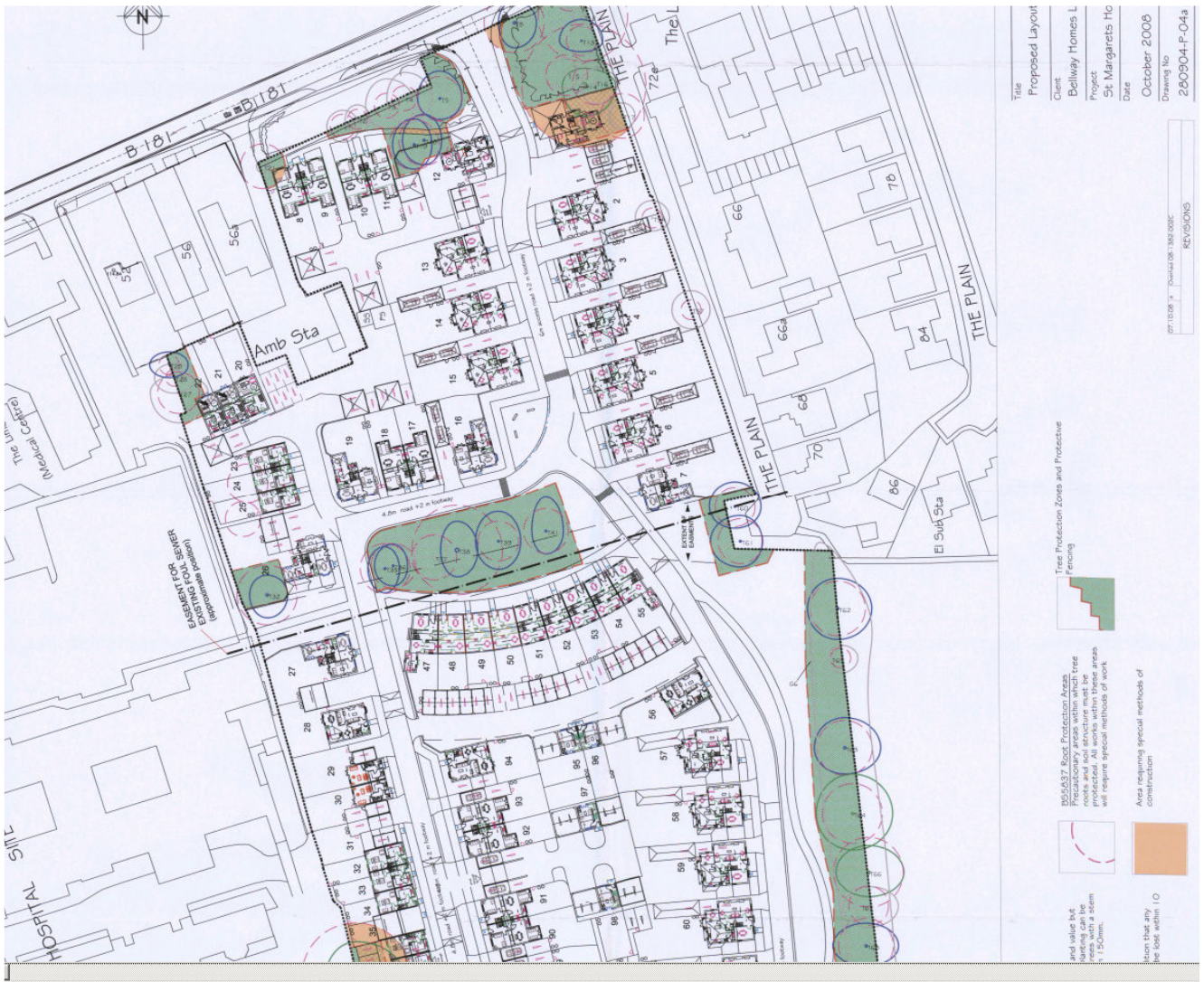
**NB HOUSES BUILT  
UNDER EPF/1350/08  
NOT YET SHOWN ON  
MAPS – see over for  
indicative map**



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0001/11
Site Name:	Ambulance Station, The Plain Epping, CM16 6TL
Scale of Plot:	1/1250



Indicative map of housing development approved under EPF/1350/08 (now known as Kings Wood Park)

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