

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 27th April, 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
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 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee, held on 6 April 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 15 - 46)

(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. 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'

Area Planning Subcommittee East
Members of the Committee:



Cllr Boyce	Cllr Green	Cllr Breare-Hall	Cllr Collins	Cllr Edwards
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Cllr Gode	Cllr Grigg	Cllr Hedges	Cllr Jacobs	Cllr Jones
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Cllr Judd	Cllr McEwen	Cllr Morgan	Cllr Philip	Cllr Rolfe
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Cllr Stallan	Cllr Whitbread	Cllr Janet Whitehouse	Cllr Jon Whitehouse
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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 6 April 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.35 pm

Members Present: A Boyce (Chairman), A Green (Vice-Chairman), W Breare-Hall, Mrs D Collins, Ms J Hedges, D Jacobs, Mrs S Jones, B Judd, Mrs M McEwen, R Morgan, B Rolfe, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

Other

Councillors: None.

Apologies: Ms C Edwards, P Gode, Mrs A Grigg and J Philip

Officers Present: J Shingler (Principal Planning Officer), G J Woodhall (Democratic Services Officer) and P Sewell (Democratic Services Assistant)

118. 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.

119. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures 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.

120. MINUTES

RESOLVED:

(1) That the minutes of the meeting held on 16 March 2011 be taken as read and signed by the Chairman as a correct record.

121. DECLARATIONS OF INTEREST

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

- EPF/0448/11 24 Kendal Avenue, Epping; and
- EPF/0167/11 Wintry Park Service Station, 37 Thornwood Road, Epping.

(b) 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 acquainted with one of the objectors. 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/0115/11 Gunn Lodge, The Street, Sheering.

(c) Pursuant to the Council's Code of Member Conduct, Councillors Mrs J H Whitehouse and J M Whitehouse declared a personal interest in the following item of the agenda, by virtue of being a member of the Epping Society. 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/0167/11 Wintry Park Service Station, 37 Thornwood Road, Epping.

(d) 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 friendly friend of the neighbouring property. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/0167/11 Wintry Park Service Station, 37 Thornwood Road, Epping.

122. ANY OTHER BUSINESS

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

123. DEVELOPMENT CONTROL

RESOLVED:

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

124. DELEGATED DECISIONS

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

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0442/11
SITE ADDRESS:	Coopers Coopers Hill Ongar Essex CM5 9EG
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	TPO/EPF/15/89 T14 - Sycamore - Fell T6 - Horse Chestnut - Fell
DECISION:	Grant Permission (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=526080

CONDITIONS

1. The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

Report Item No: 2

APPLICATION No:	EPF/0448/11
SITE ADDRESS:	24 Kendal Avenue Epping Essex CM16 4PR
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	TPO/EPF/45/91 G4 - Cedar - Fell
DECISION:	Grant Permission (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=526089

CONDITIONS

1. The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

Report Item No: 3

APPLICATION No:	EPF/0115/11
SITE ADDRESS:	Gunn Lodge The Street Sheering Bishop's Stortford Hertfordshire CM22 7LY
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Detached four bedroom dwelling (Material amendment to planning permission EPF/1437/09 for proposed alterations to Gunn Lodge bungalow to create a two storey dwelling and partial demolition to provide a site for a new chalet bungalow - revised application)
DECISION:	Refuse Permission

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=524716

Members also indicated that enforcement action should be taken to ensure that the building is returned to that originally approved.

REASON FOR REFUSAL

1. The development, due to its height, design and overall bulk appears overly dominant and cramped within this plot to the detriment of the character and appearance of the street scene. As such, the development is contrary to policies CP2 and DBE1 of the Adopted Local Plan and Alterations.

Report Item No: 4

APPLICATION No:	EPF/0167/11
SITE ADDRESS:	Wintry Park Service Station 37 Thornwood Road Epping Essex CM16 6SY
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Construction of 10 no 2 bed and 2 no 3 bed flats with associated car parking..
DECISION:	Refuse Permission

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=524917

REASONS FOR REFUSAL

1. The proposed development, due to its height, bulk and massing as a single block, is excessive in scale in relation to adjacent development and overly prominent in the street scene, in this sensitive location at the edge of the built up area. It adopts a significance in the street scene that is inappropriate to its function and presents an inappropriate and out of character entrance to the historic market town of Epping and fails to demonstrate a sensitive appreciation of its effect on the adjacent forest landscape. The proposal is therefore contrary to policies CP2, DBE1, and LL3 of the adopted Local Plan and Local Plan Alterations.
2. The proposed development fails to make adequate provision for off street parking for both residents and visitors to the flats in a location where there is limited scope for on street parking. The proposal is therefore likely to result in indiscriminate parking on adjacent land and highways to the detriment of the character and amenity of the area. Additionally the gated entrance and lack of adequate parking space for visitors is likely to result in delays in entering the site and/ or dangerous reversing movements onto the busy B1393, to the detriment of the safe and free flow of traffic. The proposal is therefore contrary to policies CP2, ST4 and ST6 of the adopted Local Plan and Alterations.

AREA PLANS SUB-COMMITTEE 'EAST'

27 APRIL 2011

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/2252/10	Badgers, Fyfield Road, Moreton	GRANT	17
2.	EPF/0225/11	Nether Street Depot, Dunmow Road, Abbess Beauchamp & Berners Roding	GRANT	24
3.	EPF/0297/11	North Weald Airfield, Merlin Way, North Weald	GRANT	34
4.	EPF/0454/11	The Globe, 18 Lindsay Street, Epping	GRANT	40

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Report Item No: 1

APPLICATION No:	EPF/2252/10
SITE ADDRESS:	Badgers Fyfield Road Moreton Ongar Essex CM5 0HN
PARISH:	Ongar
WARD:	Shelley
APPLICANT:	Mr Glen Turner
DESCRIPTION OF PROPOSAL:	Change of use of existing steel framed barn to offices B1(a) with associated external alterations and revocation of associated S52 Legal Agreement restricting use.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

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=522643

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 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.
- 4 Prior to first occupation of the units hereby approved, all temporary portacabin structures shall be removed from site.
- 5 Subsequent to first occupation, there shall be no external storage on site at any time whatsoever.

- 6 The development shall be carried out in accordance with the approved plans and particulars, in particular retaining the steel frame as indicated, unless otherwise agreed in writing by the Local Planning Authority.
- 7 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 41, Classes A or B shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The premises shall be used solely for B1(a) Office use. and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 9 The development shall be carried out in strict accordance with the recommendations set out in the Phase 1 Habitat Survey carried out by Southern Ecological Solutions and issued on 23rd December 2010 unless otherwise agreed in writing by the Local Planning Authority.
- 10 Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to first occupation and retained in accordance with the approved details.

And subject to the applicant first entering into a legal agreement under section 106 (within 9 months of this decision) to restrict occupation of the dwelling known as Badgers, to either the owner of the adjacent office units or a person employed in one of the office units.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to Section CL56, Schedule A (i) of the Council's Delegated Functions).

Description of proposal

The applicant seeks consent to change the use of an existing steel framed barn to offices with associated alterations. The unit is tied by a S52 agreement restricting use to livestock rearing and agricultural storage only, therefore the applicant seeks the removal of this agreement also.

The proposal is that the building be altered into 4 office units with the retention of the existing hard surface to serve as parking and turning.

Description of site

Badgers is a detached residential property formerly known as Fairview, fronting Fyfield Road isolated from neighbouring properties in a rural location with the barn within the plot to the rear. The site is accessed alongside the residence to the front (also owned by the applicant), the site is within the Green Belt.

The site presently has two temporary office cabins located to the rear.

Relevant History

EPF/0350/72 – Outline app for Garage/workshop – Refused (allowed at Appeal)
EPF/0350A/72 – Details of Garage/Workshop – Approved
EPF/0326/82 – Retention of garage and workshop for further period – Approved
EPF/0922/83 – Retention of garage and workshop for a further period – Refused
EPF/1097/85 – Retention of building for agricultural storage and livestock rearing – Approved subject to section 52 agreement

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB8A – Change of use or adaption of buildings
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
ST1 – Location of development
ST2 – Accessibility of development
ST6 – Vehicle parking

Representations Received

1 neighbouring property was consulted and a site notice erected with a single response as follows:

BUNDISH HALL, FYFIELD ROAD: Object to the application, note no site notice in place and concerns regarding the present sewage system and outflow which contaminates a ditch and absence of reassurance that this is being addressed.

ONGAR TOWN COUNCIL:

3rd February 2010: Resolved not to object

28th March 2010: (following amended description to include revocation of associated S52 agreement) Resolved to make no comment

Issues and Considerations

The main issues for Members to consider are the principle of the proposed change of use in the Green Belt, impacts to employment generation, sustainability matters and issues in relation to the original S52 tie. The proposals should also be considered in terms of design and appearance, neighbouring amenity, highway safety and ecological matters.

Green Belt and Employment

Policy GB8A sets out that the change of use or adaptation of a building in the Green Belt is acceptable subject to the following surmised criteria:

- i) The building is capable of conversion without major or complete reconstruction and is in keeping with the surroundings
- ii) The use would not have a materially greater impact on the Green Belt than the present use
- iii) The use and associated traffic would not have a significant detrimental impact on the character or amenities of the Countryside
- iv) Works within the last 10 years have not been carried out with a view to enabling any alternate use
- v) The use will not have a significant adverse impact on the vitality or viability of an economic centre.

The policy goes on to suggest employment generating uses will be preferred (such as recreation, tourism, small workshops and storage) and that proposals involving a significant amount of parking and commuting will be refused.

With regard to the above criteria:

- i) The application is accompanied by a letter of confirmation from a Structural Engineer that the steel frame from which the building is constructed is in adequate and sound condition for the lightweight covering and cladding proposed and that the frame is adequate for the proposed changes without imposing any additional permanent or variable loading. On this basis the proposals satisfy criteria i) above and the appearance is not dissimilar to that which presently exists.
- ii) The proposed use for offices would have a greater impact on the locality than that which is presently permitted. The lawful use of the building is for agricultural storage and livestock rearing, however it would appear that this has not been the use of the building for some time. Agricultural storage and livestock uses are not uncommon in the Green Belt and are uses which permit necessary agricultural development. The proposed office use would result in a less functional more aesthetically pleasing appearance, albeit more contrasting with the Green Belt and would result in an intensification of use beyond that previously permitted. In the past the unit has been used as a garage/workshop, however this use was historically seen as inappropriate and the retention of the structure for these purposes was denied. Members should therefore consider that whilst the proposed Office units would visually improve the façade of the building, the use is at a greater intensity than previously permitted with each office unit able to accommodate at least 6 employees plus visitors with ease.
- iii) The use and associated traffic would impact on the character of the amenities in this locality to a greater extent than the former agricultural/livestock use. There will therefore likely be an increase in traffic but as the proposed use is specifically office B1(a) and not business or industrial, most such traffic will be cars. As such officers consider that this will not be significantly harmful.
- iv) The history relating to this site is older than 10 years and the applicant is a new owner of the property, therefore this criteria is satisfied.
- v) The application site is well separated from local and town centres and would have very little bearing on the economic viability of town centres. The applicant has indicated that they will occupy two of the four units, Members may wish to secure this by legal agreement.

Generally Officers consider that the proposals meet the broad objectives of policy GB8A and that whilst not a suggested suitable alternate use in policy GB8A, small office units would retain the building in an alternate function. The proposed use, intensity of activity and scale is relatively low key and could be regarded as appropriate. Conditions can be added to prevent external storage that would be harmful to the character of the area.

Sustainability

With regard to sustainability matters, policies seek to ensure that new development is provided in accessible locations and reduces reliance on private car transport whilst promoting the reuse of land and buildings. The site location is such that public transport and local amenities are restricted, but the reuse of an existing structure may be argued as sustainable, however it is noted that only the frame and slab would be reused.

Design and appearance

The scale of the proposal is determined by the existing structure, however the applicant proposes to break up the existing façade by including openings on all elevations, with detailing on the front and rear designed in a floor to ceiling manner to mimic barn style openings. No objections are

raised regarding the design of the building on an otherwise isolated plot, aside from the owner's accommodation on the front.

Neighbouring amenity

The application site is largely isolated in a rural location with no immediate neighbours aside from the applicant's own property adjacent the access to the site. The access and egress of vehicles relating to the proposed offices at the rear would undoubtedly result in some noise and disturbance to the dwelling known as Badgers, which whilst occupied in association with the office units raises minimal concern, however, should this arrangement cease, any potential future occupier would experience noise and disturbance from traffic to an unacceptable degree. The provision of high level openings overlooking the rear garden would also raise concern, albeit this can be mitigated to some extent by a landscaping condition. For this reason, Officers suggest Members may wish to impose a tie between the Office units and the dwelling to restrict occupation. Alternately Members may wish to impose an hours of use condition to reduce noise and disturbance outside of normal office hours.

Highway matters

The proposal would use the existing access alongside the dwelling known as Badgers (formerly Fairview) to reach the building to the rear where 16 parking spaces would be provided (4 spaces per unit).

Highways have responded to our consultation and would not wish to raise an objection subject to a condition requiring details of a provision for cycle parking facilities. They have noted that traffic generation would be comparable to movements possible in connection with the lawful use of the site and would reduce movements associated with large slow moving agricultural machinery. They note the parking bays appear below the size required by current standards and that the applicant intends to occupy two of the four units, further reducing journeys. Finally Highways note that users of the site would be largely reliant on access by private vehicle.

Parking standards require 1 space per 20sqm for staff, with visitor parking not required under 200sqm. The proposed units provide between 86-89sqm each therefore 4 spaces per unit accords with this standard. Visitor parking would be desirable as the development as a whole provides 350sqm of office space, but none is provided.

Officers note the existing temporary office units would need to be removed in full to provide the parking as indicated and this can be required by condition.

Ecology

The application has been accompanied by a Phase 1 Habitat Survey as required by legislation to provide details of whether the proposed reuse of the existing buildings or surfacing would disturb any protected flora or fauna. The report identifies that the buildings and hard surfacing on site do not provide habitats for any protected species and that any adverse impacts from the proposed works would be indirect only. Accordingly suggestion is made that any scrub clearance should be carried out after nesting season (March-August) or after an ecologist has confirmed no active nests are present, and that bat sensitive lighting should be used pre- and post- construction as a precaution. The report also recommends that sensitive construction be employed to ensure trenches are covered overnight, including materials such as freshly laid concrete and that all materials stored should be off the ground to prevent becoming hibernacula or within 'amphibian proof' structures.

Conclusion

The applicants have submitted information to demonstrate how the existing building may be converted whilst retaining the main underpinning structure. The works would visually enhance the external appearance albeit in a commercial manner and the proposals would provide additional

office accommodation which may be viewed as employment generating, with two units already identified for use by the applicants. Highways have raised no objections to the location of the development, access or turning and conditions or legal agreement can be imposed to overcome any concerns regarding amenity of future occupants, potential ecological impacts and other matters.

Mindful of the above, on balance approval is recommended subject to the removal of the S52 agreement (restricting use of the building to livestock rearing and storage of agricultural machinery only) and provision of a S106 (restricting occupancy of the property known as Badgers to persons owning or employed in the onsite office uses and potentially restricting occupation of two of the units to the owners of Badgers as set out in the application) and conditions as set out above..

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:

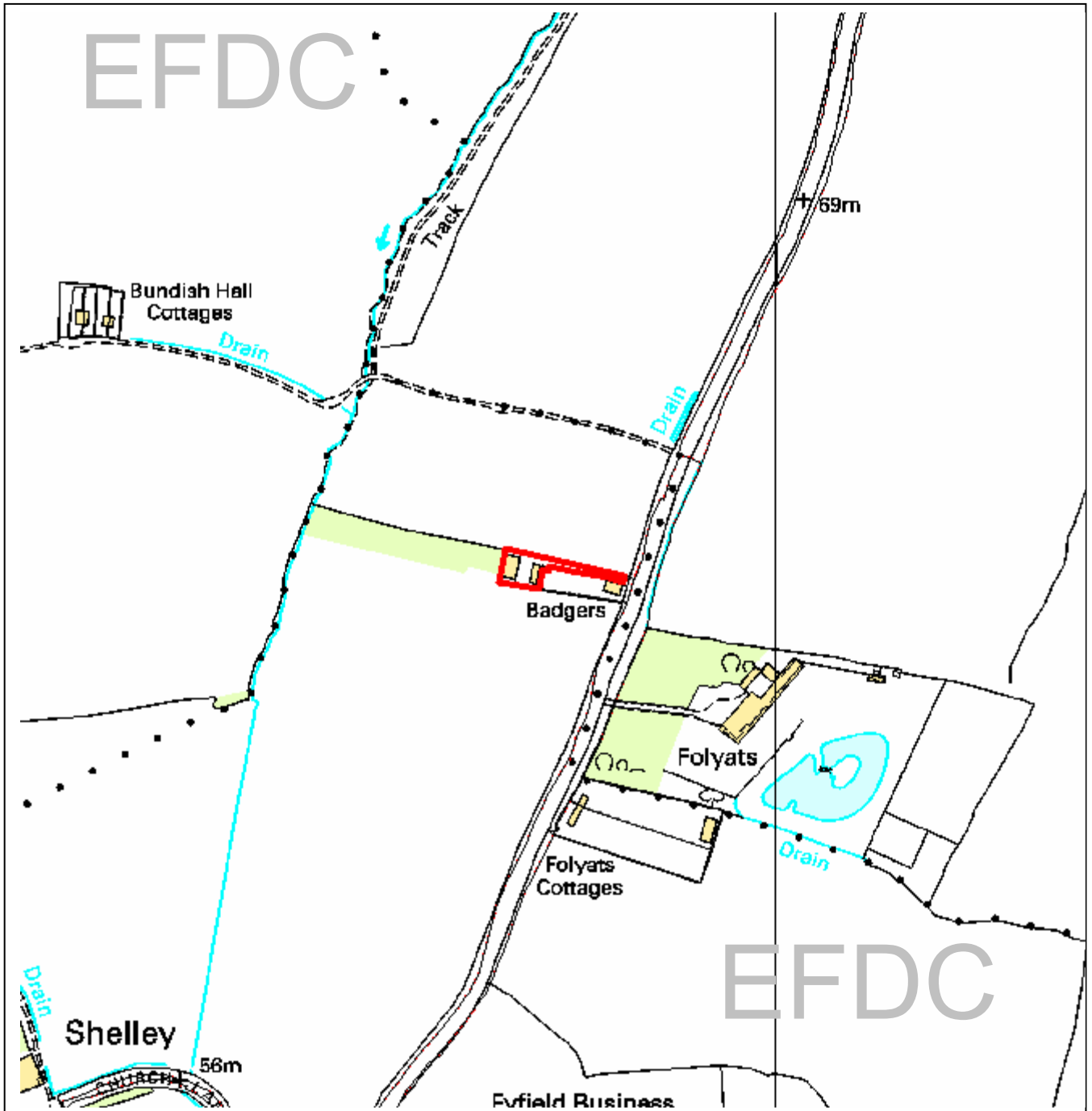
**Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 574294**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/2252/10
Site Name:	Badgers, Fyfield Road, Moreton CM5 0HN
Scale of Plot:	1/5000

Report Item No: 2

APPLICATION No:	EPF/0225/11
SITE ADDRESS:	Nether Street Depot Dunmow Road Abbess Beauchamp and Berners Roding Ongar Essex CM5 0JT
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Tony White
DESCRIPTION OF PROPOSAL:	Redevelopment of heavy plant depot to provide one, five bedroom dwelling and ancillary outbuilding.
RECOMMENDED DECISION:	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=525238

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 3 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.
- 4 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.
- 5 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 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, 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 occupation of the site the access arrangements as shown on drawing Ref: 946/5 shall be implemented and maintained thereafter.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10 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]
- 11 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. 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 remediation scheme condition that follows]

- 12 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 13 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (referred to in PPS23 as a Validation Report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 15 Prior to commencement of development, the buildings shown to be demolished on plan 946/1 shall be demolished and all materials removed from the site.

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

Description of Proposal:

Consent is being sought for the redevelopment of the existing heavy plant depot to provide one five bedroom dwelling and ancillary outbuilding. The proposed dwelling would have a footprint of 198 sq. m. and would reach a maximum height of 8.9m. It would be set back some 22m from the edge of the highway with a parking area and open landscaping to the front and includes a detached triple garage/outbuilding 5.3m in height and with a floor area of 92 sq. m. The remainder of the site to the rear and side of the proposed dwelling would form private amenity space and would benefit from new tree planting. Access to the property would be via the existing access to the site, which would be narrowed in width but would have better sight lines provided through the removal of the large front conifers.

Description of Site:

The application site comprises a 0.42 hectare site located on the western side of Dunmow Road which contains a (now vacant) commercial depot. To the north and west of the site are single detached dwellings, one of which is the old Farm House (Grade II listed). Surrounding this small built cluster are agricultural fields. The entire site is located within the Metropolitan Green Belt.

Relevant History:

EPO/0723/71 – Details of erection of new vehicle maintenance workshop and offices – approved/conditions 08/02/72
EPO/0453/72 – Installation of 600 gallon under ground diesel tank and 1250 gallon petrol tank and pumps – approved/conditions 13/06/72
EPF/0964/76 – Proposed erection of lean-to building for use as store ancillary to vehicle maintenance building – approved/conditions 06/09/76
EPF/1847/80 – First floor office extension – refused 09/02/81
EPF/0372/81 – First floor office extension – approved/conditions 23/04/81
EPF/0317/90 – New building comprising offices and ancillary accommodation – approved/conditions 16/05/90
EPF/0337/95 – Application to renew planning permission EPF/0317/90 (new building comprising offices and ancillary accommodation) – approved/conditions 17/05/95
EPF/0584/00 – Renewal of consent ref EPF/0337/95 dated 17/5/95 (for erection of new building comprising offices and ancillary accommodation) – approved/conditions 05/05/00
EPF/1363/00 – Alterations to elevations of office/workshop building – approved/conditions 29/09/00
EPF/1297/09 – Redevelopment of heavy plant depot to provide 4 no. detached houses – refused 24/09/09

Policies Applied:

CP1 - Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
GB2A - Development in the Green Belt
H2A - Previously Developed Land
E4A - Protection of Employment Sites
E4B - Alternative Uses for Employment Sites
DBE1 - Design of New Buildings
DBE2 - Effect on Neighbouring Properties

- DBE4 - Design in the Green Belt
- DBE8 - Private Amenity Space
- DBE9 - Loss of Amenity
- LL1 - Rural Landscape
- LL2 - Inappropriate Rural Development
- LL11 - Landscape Schemes
- ST1 - Location of Development
- ST4 - Road Safety
- ST6 - Vehicle Parking

Summary of Representations:

5 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object as this house is urban in design and therefore totally unacceptable in the rural setting at Abbess Roding. The scale and massing of the proposed house completely overwhelms the adjacent listed farmhouse, and the bungalow opposite.

THE GABLES – No objection to a single property however consider any more than this would be detrimental to the area.

Issues and Considerations:

This application follows a previous application in 2009 for the redevelopment of the site for four dwellings. The previous application was refused on the following grounds:

- 1. The proposal represents inappropriate development within the Metropolitan Green Belt, which by definition is harmful to the objectives of including land within it, and would be detrimental to the openness and character of the Green Belt. Furthermore very special circumstances sufficient to outweigh this harm do not exist. As such the development is contrary to Government guidance in PPG2 and policy GB2A of the adopted Local Plan and Alterations.*
- 2. The proposed development is in an unsustainable location not well served by public transport or local services. As such the development would result in an increase in vehicle commuting contrary to policies CP1, CP3, CP6 and ST1 of the adopted Local Plan and Alterations.*
- 3. The proposed development makes inadequate provision for affordable housing and does not contain an acceptable housing mix, contrary to policies H4A, H5A, H6A and H7A of the adopted Local Plan and Alterations.*
- 4. The proposed development would result in the loss of an established employment site. The site has not been marketed for a sufficient period to prove that there is no further need for employment uses on this site and no consideration has been given for reuse for community purposes. Due to this the proposed development is contrary to policies E4A and E4B of the adopted Local Plan and Alterations.*

Due to the above the key considerations in this instance are whether the current application overcomes the previous reasons for refusal and whether it raises any further material planning issues.

Green Belt

The application site is situated within the Metropolitan Green Belt. PPG2 and Local Plan policy GB2A states that the erection of dwellings constitutes 'inappropriate development' unless they are for agricultural and forestry workers or are limited affordable housing for local community needs. The proposed development would be a large open market house unrestricted in any of the above ways, and therefore constitutes inappropriate development which, by definition, is harmful to the Green Belt. Furthermore, development should not be allowed that contravenes the five purposes of including land within the Green Belt, which are:

- 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.

Whilst the development constitutes inappropriate development, very special circumstances can be argued to justify such development, however these have to be sufficient to clearly outweigh the harm from inappropriate development, as well as any other harm caused.

The arguments put forward by the applicant are the following:

- The existing site has a lawful use as a commercial depot site that has no operational restrictions, is an incongruous eyesore, is still floodlit 24 hours a day (for security purposes), and when operational results in heavy traffic movements and a detrimental impact on neighbours.
- There is no market demand for the site as a commercial site.
- The site constitutes Previously Developed Land.
- The use of the site for a single dwelling would be the most appropriate for the site and would reduce the visual harm, impact on neighbours, and traffic movements (including large HGV's).

The application site currently benefits from commercial (B1) use and has two buildings on site, temporary storage containers and parking, and mainly consists of hardstanding. The footprint of the existing two storey building on site is 266 sq. m., and there is also a sizeable (although half demolished) building in the north eastern corner of the site.

It is accepted that the site could be reopened as a commercial use, and that there are few restrictions on the site in terms of opening hours, lighting, etc., and it is agreed that the existing use and appearance of the site does not complement or enhance the appearance of this Green Belt location (although the quality of Green Belt land is very rarely a justification for allowing replacement with an 'in principle' inappropriate development). It is therefore considered that the introduction of a single dwelling on this site, with appropriate landscaping, would have less impact on neighbouring residents, highway movements, and visual amenities than the existing use. The footprint of the proposed dwelling would be less than that of the main building on site (and the proposed triple garage would be off-set by the partially demolished building in the north eastern corner), and the gross internal floorspace of the proposed dwelling and outbuilding would be 438.09 sq. m., which is just less than the gross internal floor space of the existing permanent buildings, which totals 438.7 sq. m. As such it is not considered that the redevelopment of the site would contravene the five purposes of including land within the Green Belt (as laid out above).

Location of Development

The application site constitutes previously developed land, which is the preferred type of land for the siting of new housing. However the site's classification as Previously Developed Land does not over-ride all other concerns. Paragraph 9.15a of the Local Plan Alterations states that "a *previously developed site may not be suitable for development due to constraints*" which would

include its location within the Green Belt. Furthermore, paragraph 39 of PPS3 states that “*when identifying Previously Developed Land for housing development, Local Planning Authorities will, in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing*”. The site’s location, lack of footway and limited access to public transport and local facilities was the basis for one of the previous reasons for refusal for four houses. Whilst the site is still considered an unsustainable location the provision of one house rather than four reduces the detrimental impact from this. Furthermore, the vast reduction in transport movements that would result from the redevelopment of a large commercial site (when fully operational) to a single dwelling would further outweigh this harm.

Loss of Employment

The previous application failed to provide satisfactory information with regards to marketing of the site to show that there is no longer a demand for employment use in this location. Since the date of the last refusal (September 2009), the owner has aggressively marketed the site and actively contacted potential companies to assess their interest in the site (copies of all correspondence submitted). Furthermore the site has been advertised since January 2009 by Whirledge & Nott on their website, Rightmove, Prime Location and E G Property Link. Also one advert went in the Essex Chronicle in February 2009 and a letting board was displayed on the site.

Whilst there were some enquiries received for the site (and Planning Officers took queries from potential occupiers) no interested parties followed up their queries or made any offers. The reasons given for this were primarily that the site was too large, was not offered at a competitive enough rent (as opposed to converted farm buildings, that can offer lower rental prices), or due to concerns about the location and security issues. The owner explored with Planning Officers and Whirledge & Nott the possibility/viability of redeveloping the site with smaller industrial units, however it was considered that this would not greatly improve the appeal of the site and the level of development and increase in built form required for this (and the traffic movements generated) would have a greater impact on the Green Belt and may prove problematic.

Further to the requirement to demonstrate that there is no further need of employment use for a site, policy E4B requires that suitable alternative uses which fulfil other community uses (which includes social housing) should be considered prior to accepting any change of use to open market residential purposes. To address this the applicant has approached the parish council to determine whether they have any community need for the site, to which the parish council replied “*this council discussed the issue at the last parish council meeting and can find no identified community use for the above site*”. Furthermore, there is no current requirement for local affordable housing, as a ‘rural exception site’ is currently being constructed in School Lane, which was approved to meet the affordable housing needs of the local community. As such it is considered that this application has overcome the previous reason for refusal with regards to loss of employment and complies with the requirements of Local Plan policies E4A and E4B.

Highways/Parking

The application proposes to remove the existing leylandii trees and provide a set back boundary to the dwelling with a grass verge ranging from 6m to 9m in depth. This would improve the sight lines and general safety of the existing vehicle access. Furthermore, the use of the access for a single dwelling would be considerably less than if fully operational as a commercial depot site, and therefore the introduction of this single dwelling would be an improvement to highway safety.

Given the unsustainable location of the development maximum parking standards would be required. The proposed dwelling would have a detached three bay garage building with plenty of space within the front garden for additional/visitor parking. As such the proposed parking provision is considered acceptable.

Overall Design

The parish council have objected to the development due to the scale and appearance of the dwelling, which they consider is urban in design and totally unacceptable in the rural setting at Abbess Roding and would overwhelm the adjacent listed farmhouse and the bungalow opposite. Whilst the proposed dwelling is fairly substantial in size, with a higher ridge height than the existing commercial building, the scale takes reference from the surrounding dwellings, which themselves are relatively large (although not as large as the proposed dwelling). However another factor that has bearing on the scale is that the development has to be economically viable for the owner. As the existing site is a very large commercial premises it will require decontamination, as well as the usual costs involved with such a redevelopment. Furthermore, given the size of the site it is not considered that the dwelling is disproportionate within the plot or with surrounding dwellings.

Although relatively large the dwelling is of a fairly traditional design that is not unacceptable to the area. The eaves and ridge height reflect those of the adjacent listed building and it is not considered that the dwelling is particularly 'urban' in appearance. The removal of the half demolished building and leylandii trees would open up views to the adjacent listed farmhouse and provide a more suitable setting for this. Additional landscaping is proposed as part of the scheme, and there would be an open verge and aspect towards the front of the site to give a more open feel to the area.

Landscaping

The existing site primarily consists of areas of hardstanding with the only vegetation being along the boundary of the site. The proposed development would remove the existing leylandii hedgerow to the front and replace this with an open grassed area to create sight lines, with a far more appropriate native hedgerow set behind this verge area. Furthermore, additional planting would be provided throughout the site. Due to this, and subject to a landscape condition, the proposal should result in a significant improvement in landscape terms.

Amenity Considerations

The only neighbouring properties to the application site are Oregon and Nether Street Farmhouse. Oregon is located opposite the site on the eastern side of Dunmow Road, and Nether Street Farmhouse is located to the north of the site. Both are a considerable distance from the proposed dwelling and would not suffer a loss of amenity. Furthermore, the introduction of a single dwelling on this site rather than an unrestricted commercial depot would improve neighbouring amenities due to the reduction of noise and light nuisance and large scale traffic movements.

Other Considerations

The site does not lie within a flood risk assessment zone, however it is of a size where it is necessary to avoid generating additional runoff. Given that the development would result in a significant reduction of impervious areas, a Flood Risk Assessment would not be required for the development. Details of the proposed foul and surface water drainage would be needed though, which could be secured via condition.

Due to its current use for commercial purposes, and its previous use as a farm, along with the presence of made and filled ground, the site is potentially contaminated. Therefore a full contaminated land investigation would be required.

Conclusion:

As outlined above, the proposed development is considered to constitute 'inappropriate development', and is therefore, by definition, harmful to the Green Belt. Whilst there is a general need to retain employment sites within the District there has been sufficient evidence provided to show that there is no further demand for employment use on this site, and intensification of use/redevelopment of the site to provide small commercial units would result in further harm to the openness and character of the Green Belt. There is no requirement for community use or social

housing in this location, and therefore it appears that a single dwelling on the site would be the most appropriate and viable option. Furthermore, the redevelopment of the site would reduce the detrimental impact from noise, traffic movements, light pollution and unsightliness; would not result in any increase in built form on the site; and would improve the overall landscaping and open nature of the area. Whilst the site is within an unsustainable location, the redevelopment to a single property would not be unduly detrimental in terms of sustainability. As such it is considered that there are limited options for what can be achieved with this site and sufficient very special circumstances in this instance to outweigh the 'in principle' harm from this development. Therefore the proposed development is 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:

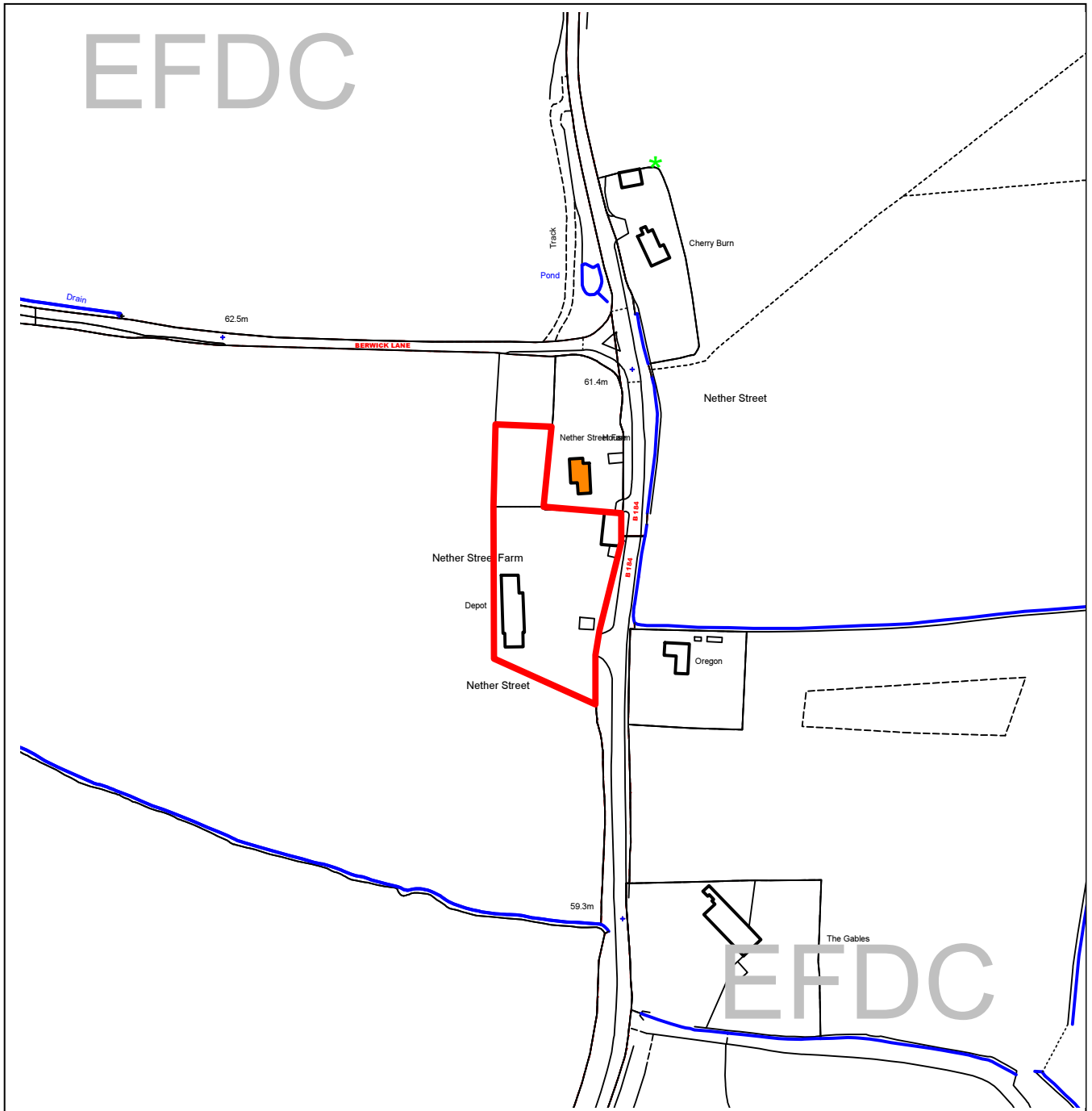
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0225/11
Site Name:	Nether Street Depot, Dunmow Road, Abbess Beauchamp and Berners Roding, CM5 0JT
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/0297/11
SITE ADDRESS:	North Weald Airfield Merlin Way North Weald Essex CM16 6HR
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Philip Fellows
DESCRIPTION OF PROPOSAL:	Use of the Northern Event Site, for Drive in Movies including inflatable screen and hospitality bar on Friday, Saturday and Sunday 6pm to midnight between April and November.
RECOMMENDED DECISION:	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=525502

CONDITIONS

- 1 This permission shall endure for a temporary period from 6th May 2011 to the 16th October 2011.
- 2 The proposed inflatable screen shall be fully deflated after each screening.
- 3 Visitor vehicular exit from the site shall be restricted to that in close proximity to the Golf Club (Gate E) in Rayleigh Lane as indicated on the application drawing OS sitemap only with no other exit being used by visitors at any time whatsoever.
- 4 The use hereby permitted shall be restricted to permit a single showing per evening only.
- 5 No loud speaker equipment shall be used onsite at any time for entertainment or cinematic purposes. Any such equipment shall be used for Emergency Public Announcements only.
- 6 Directional lighting only shall be used onsite for the illumination of public areas only and this shall be switched off after the exit of the last visitor.
- 7 There shall be no external storage on the site in connection with this use unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions) and 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 application seeks consent for the use of the Northern Event Site on North Weald Airfield for Drive in Movies on Friday, Saturday and Sunday evenings from 6pm to midnight April – November inclusive. The accompanying premises licence details submitted in support of the application indicates that films will be shown approximately between 9pm and 11.30pm with the caveat that start/finish times are dependant on dusk times.

The use proposed involves the provision of a temporary inflatable screen, hospitality bar facilities and toilet cabins in association with the movie use. The applicant has indicated that the screen will be 13.3m long by 6.6m high.

The applicant has provided indicative details that suggest the screen would be erected to the northern most part of the northern showground with a seated picnic area immediately to the south and vehicle parking at the southern most point.

Description of Site:

North Weald Airfield is an unlicensed Local Authority owned airfield. The airfield still operates as an airfield for small scale private aircraft, hosting occasional aerial and motorsport events and a regular weekend market.

The airfield hosts a number of temporary events which do not require consent and has recently permitted an annual Christmas function marquee. These functions and events all take place alongside the functioning airfield.

Relevant History:

The site has a history dating back to 1974 for uses and activities in association with the airfield and recreation. There are no applications directly relating to this application.

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A – Development in the Green Belt

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

RST27 – North Weald Airfield Leisure Centre

RST28 – Character and historic interest of north weald airfield

Summary of Representations

NORTH WEALD PARISH COUNCIL: The Parish Council OBJECTS to this application on the grounds of: - Excessive noise. – Detrimental to the amenities of adjacent residents.

THE VICARAGE: Strongly object to the proposals due to noise and impacts to St Andrews Parish Church and the adjoining Burial Ground, increased traffic with associated pollution, light pollution, impacts to wildlife and disturbance to public amenity.

CHASE HOUSE CAMPAIGN TO PROTECT RURAL ENGLAND: Object to the loss of tranquillity, light pollution, noise and noise from traffic departing the site at late hours.

WHITE FRIARS: Raise a number of queries regarding; number of showings per evening, seating of the audience, type of films shown, sound system provided, whether car windows would be open, size of the inflatable screen, time of opening of hospitality bar, whether a feasibility study has been conducted. Objections are then raised regarding loss of tranquillity, potential for further inappropriate entertainments at a later date, traffic generation, behaviour of motorists and query how the proposals will differ from the recently refused marquee applications. A second letter was then received querying the premature advertisement from the applicant and raising objections regarding litter.

Issues and Considerations:

The main issues that arise with this application relate to the use of the land for movie events as no physical structure requires consent. The principle of the proposed use in the Green Belt and on the Airfield should be considered, impact to highways, noise, neighbouring amenity, sustainability and ecological matters should be considered.

Green Belt

The use of the land on the airfield for drive in movies would require no provision of hard surfacing or fencing beyond that already existing and would require no permanent structure that would be detrimental to the purposes of including land in the Green Belt and the development seeks essentially small scale facilities for outdoor recreation in accordance with policy GB2A. The applicant has confirmed that the screen structure will be deflated when not in use primarily for the protection of the equipment and this can be conditioned. Whilst the parking and the screen will have a temporary impact on openness, there will be no lasting impact.

Airfield Functions

The proposed use of the northern showground would not prejudice the daily operation of the airstrips. During summer months the airfield remains open for air traffic until approximately sunset which will be beyond 6pm, however as the owner and leaseholder the Council maintains control over any conflicts between uses and is able to address any issues in the lease.

Policy RST27 seeks to promote the use and development on the Airfield as a multi-functional leisure centre and showground. The proposals may be viewed as supporting this Council aim by further diversifying the use of the airfield for recreational purposes.

Highway Impacts

The proposals make provision for differing entry and exit from the Airfield in a manner akin to many events hosted to prevent conflicting traffic flows. The applicant has indicated that they would be able to accommodate in the region of 300 vehicles, 50 disabled spaces, 20 motorcycles and around 30 light goods or public carrier vehicles. This would result in a maximum of 400 vehicles at any one showing. The applicant has confirmed they intend only a single showing per evening.

The Highway Authority was consulted and has no objections. Access, parking and turning facilities on site are more than adequate albeit spaces are not designated, but the accompanying licence information indicates that a stewarding team will be onsite at all times to direct/assist visitors.

The proposals would potentially result in large numbers of vehicles existing the site at a late hour which has raised concerns regarding associated noise and disruption, however as the exit proposed is in close proximity to the Golf Club in Rayleigh Lane, vehicles would not pass any residence before the A414, which already carries a significant volume of traffic. Officers suggest a

condition restricting public exit to that at the northern most point of the site (Gate E) as per the application particulars, to ensure prevention of harm to neighbouring amenity.

Noise

The applicant has supplied information which suggests all audio accompaniments to the films will be supplied via car radio through either an FM or DAB transmission. For those viewing from the picnic area headphones will be supplied. The applicant has indicated that they would like a Public Address system for emergency announcements. Whilst not strictly compulsory, after discussion with the Council's Health and Safety Officer, a PA system is considered reasonable if restricted for emergency use only. The applicant has confirmed that all general safety briefings will be carried out visually on screen and by stewards on arrival, implying that the PA will not be used on a regular basis.

Officers have consulted Environmental Health who have responded with no comments about this application as noise is being conditioned by the premises licence dealt with by licensing. Upon inspection, the licence issued requires the provision of the Stewarding team to prevent Crime and Disorder. In order to prevent Public Nuisance, the licence sets out that noise shall be monitored and should be inaudible at the boundary of properties sensitive to noise. Noise is therefore controlled by the Council as part of the Licence. Officers suggest a temporary consent from 6th May 2011 to 16th October 2011 to allow the applicant to demonstrate that the events can be run without adverse impact to neighbouring amenity particularly by way of noise, including noise and disturbance from traffic leaving the event which may not be controlled by the premises licence.

Neighbouring Amenity

The neighbouring properties are well separated from the site, however as an open air event a number of concerns have been raised, particularly regarding noise from either the performance showing or traffic movements – these concerns are understandable and have been addressed above.

With regard to pollution from vehicles and light pollution, pollution from vehicles would not be dissimilar to that already existing from the nearby A414 and generated from the air traffic. Light pollution however may be a concern. Cinematic films are projected onto the screen over which the applicant has control both of the size of screen and of the size of projection. Lighting to ensure visitors can safely make the way to facilities onsite is also envisaged, but this may be conditioned to be directional lighting only which is turned off after events. There is a bund running along the eastern boundary of the northern show ground which would mitigate any overspill lighting which may be possible even with directional lighting. Officers consider the bund and a condition requiring directional lighting sufficient to mitigate from overspill lighting.

More generic issues have been raised as follows:

- Loss of tranquillity - Officers have dealt with above under noise.
- The potential for further inappropriate developments – Further development would require further consent
- Behaviour of motorists – This is beyond planning control, however Officers note that the proposed site exit encourages a more direct and lawful exit onto the A414.
- Difference to Marquee applications recently refused – Audio feed, soundtrack and instructions are supplied via the car radio or headsets as opposed to loudspeakers with the exception of emergency announcements. As the Council has no experience of drive in movie events or how audible a collective group of vehicles tuned to the same frequency may be at a distance, a temporary 3 month consent is suggested to assess the impact as Environmental Health have raised no objection. However this main issue has additionally already been addressed by the Premises Licence.
- Query regarding applicants premature advertising – This is at cost to the applicant and at their own risk.

- Litter – As landowner the Council requires that the site be left clear after events to prevent littering and ensure the safe and effective operation of the Airfield. This will either be ensured by the applicant or an appointed sub-contractor.

In terms of queries raised by the public relating to this application, whether viewers bring chairs, what genre of films are shown and how feasible the proposals are is beyond planning control, However from submissions made to the Health and Safety Officer it is possible to confirm that a mix of genre's including animation, family and adventure is proposed. The hours the bar is open and noise emanating from the activities is controlled as part of the Premises licence issued. The number of showings per evening may be restricted to one per evening by condition as reasonably there is only time for one film after dusk.

Ecology Issues

Neighbouring properties have raised ecological concerns regarding the development proposed and potential impacts to wildlife. As an active Airfield the site does not have a high ecological value and it is not considered that the proposal will impact on any protected species.

Sustainability

The proposed use which encourages use of the car in order to view a movie is intrinsically not a sustainable form of development. However, if such a use is to be allowed in the District, this site, which is relatively close to populations in Epping, North Weald and Harlow, and can be easily accessed off the main road network is perhaps less inappropriate than other locations.

Conclusion:

The proposed development is broadly in line with policy, it allows recreational activity to take place on the Airfield without conflict with existing uses and there are no permanent structures that will significantly harm openness of the Green Belt. Officers understand the concerns raised and have identified a number of conditions to mitigate these concerns. Noise issues have already been considered acceptable by Environmental Health and Licensing, and are controlled to some extent by the Premises Licence, however as we have no previous experience of such development and its possible impacts, and the operator has been unable to provide details from any other similar operations elsewhere in the Country Officers recommend a temporary consent to assess the effectiveness of these measures in mitigating potential harm.

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

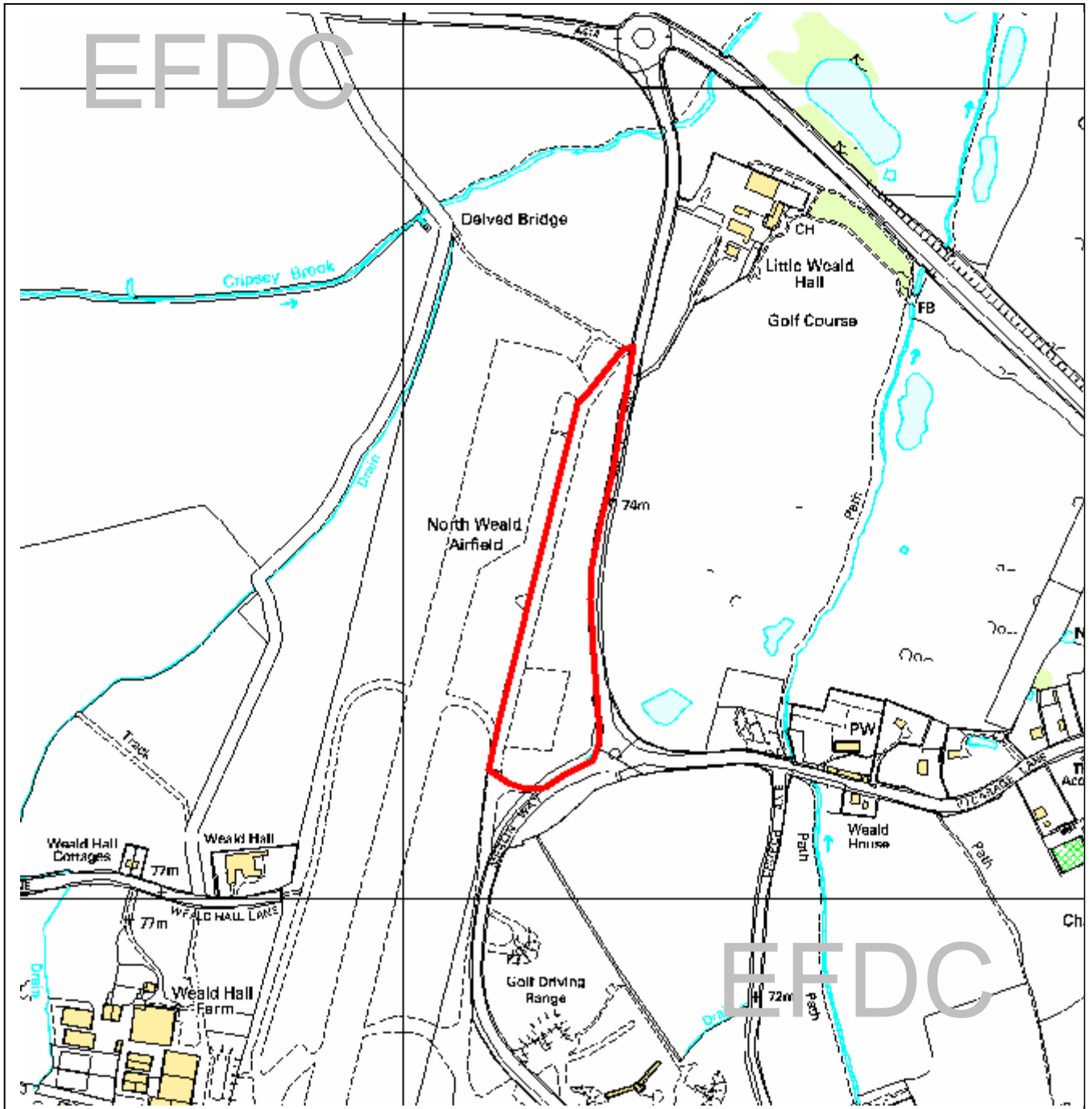
Direct Line Telephone Number: 01992 574294

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0297/11
Site Name:	North Weald Airfield, Merlin Way North Weald, CM16 6HR
Scale of Plot:	1/7500

Report Item No: 4

APPLICATION No:	EPF/0454/11
SITE ADDRESS:	The Globe 18 Lindsey Street Epping Essex CM16 6RE
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr David Miller
DESCRIPTION OF PROPOSAL:	Change of use from Public House to a single family home adding front porch and window/door alterations to rear and side adjacent number 16.
RECOMMENDED DECISION:	Refuse Permission

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=526094

REASON FOR REFUSAL

- 1 The applicant has failed to conclusively demonstrate that the community facility is no longer needed or viable or if the need is met elsewhere in accordance with policy CF12 of the Adopted Local Plan and Alterations.
- 2 The applicant has failed to provide an independent appraisal to demonstrate that the site is no longer suitable for employment use or any other community purpose before considering market housing in accordance with policies E4A and E4B of the Adopted Local Plan and Alterations.

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

Description of Proposal:

The applicant seeks consent to change the use of the existing Public House known as the Globe to a single dwelling house with associated alterations including provision of a front porch and window/door alterations to the rear and side adjacent number 16.

The proposed new dwelling would provide 4 bedrooms, 2 en-suites and a bathroom at first floor, with living, dining, study, kitchen, utility areas at ground floor and a TV room in the basement.

Description of Site:

The application site is a two storey detached public house, currently trading on the northern side of Lindsey Street, close to the small parade of shops and within easy walking distance of the Town Centre. The site provides limited parking to the front and side of the property.

The site is not within the designated retail core area of the Town Centre, nor within the Conservation Area, however the site bounds number 20, a Listed Building, and number 16, a locally listed building. The site is not in the Green Belt.

Relevant History:

None

Summary of Representations

10 neighbouring properties were consulted and a site notice was erected. The following responses were received:

CAMRA (CAMPAIGN FOR REAL ALE): Sent a letter of holding objection outlining issues followed by a more detailed objection. Object to the loss of Public Houses as an institution and a social asset. Loss of pubs results in loss of consumer choice, loss of a meeting place, loss of employment, loss of draw to local area and inter-business trade. More specifically, loss of a Public House trading more than 200 years, loss of community facility and social amenity outside of the commercialised High Street for the gain of a single dwelling. Attention is also drawn to the ownership of the Public House by Punch Taverns a chain suggested to have financial difficulties resulting in the sale of a large number of Public Houses, this financial background influences the maintenance and investment made in recent years into the facility. Were a more committed owner found then a more vibrant facility may result.

EPPING TOWN COUNCIL: Committee Support this application.

Policies Applied:

Relevant policies from the Epping Forest District Local Plan and Alterations are as follows;

CP2 – Protecting the quality of the Rural and Built Environment

CF12 – Retention of Community facilities

E4A – Protection of Employment Sites

E4B – Alternative uses for Employment sites

DBE8 – Private Amenity Space

DBE9 – Loss of amenity

LL11 – Landscaping Schemes

ST1 – Location of Development

ST6 – Vehicle Parking

I1A – Planning Obligations

Issues and Considerations:

The main issues that arise with this application are:

- Principle of development
- Loss of the employment use
- Loss of the community use
- Design, layout and impact to street scene
- Impact to neighbouring amenity

- Parking and highway matters
- Landscaping issues
- Other issues including planning obligations

Principle of development loss of employment and community use

The principle of the provision of a dwelling house in an established urban area with minimal external alterations is in keeping with sustainability and housing objectives.

Loss of the Employment use

In respect of employment policies, Policy E4A permits changes of non-designated employment sites to housing, subject to an independent appraisal demonstrating the following criteria being met;

- i) That the site is poorly located in relation to housing or access by sustainable means
- ii) There are material conflicts with adjoining land uses
- iii) Existing premises are unsuitable in relation to the operation requirements of a modern business
- iv) There is a demonstrable lack of market demand for the employment use over a long period that is likely to continue.

The applicant should also demonstrate any significant development or infrastructure constraints that make the site unsuitable or uneconomic.

With regard to the above policy no independent appraisal has been submitted. However, the application was accompanied by a statement prepared by Everard Cole, the marketing agent. This statement advises that the marketing agent was instructed in October 2010. They have identified the Public House is suffering financial difficulty due to heavy competition and distance from the main town centre. The Public House was observed not to maintain a commercial kitchen and not to justify investment in one due to site constraints and lack of parking. The statement includes reference to existing fiscal incentives offered to the present Landlords and that there have been attempts to sell the leasehold interest but with no specified dates of when this occurred or details of how the leasehold was marketed or at what price. The Statement advises that they have been marketing the property since November 2010 and that during this time no parties have expressed an interest in continuing the Licensed Use of the Premises.

The Statement provided does not demonstrate that criteria i) above is met and this is unlikely to be possible as the site has a peripheral Town Centre location. It is not demonstrated that there is conflict with adjoining land uses and Officers note no letters have been received that would indicate the functioning Public House has caused unacceptable disturbance to neighbouring properties. The Statement suggests that criteria iii) is met however Officers are unclear that an absence of parking close to the Town Centre and a densely populated area is a concern to the extent indicated. Finally, with regard to point iv) the applicant has clearly stated that marketing has taken place for only a short period of time. This does not demonstrate an absence of suitable purchasers, particularly in the present economic climate. Officers would suggest that the submission of this application some 4 months after commencement of marketing (noted over the Christmas period), demonstrates an insufficient marketing exercise has taken place to enable the applicant to demonstrate a lack of market demand and therefore policy E4A is not satisfied.

No evidence has been provided to suggest that an alternate employment or community use would not be viable or possible on this site before the Council may consider housing in accordance with policies E4A and E4B.

Loss of the community facility

Public Houses are known as a social meeting place and considered in policy terms to be a community facility. Policy CF12 seeks to ensure community facilities will only be lost where it is conclusively shown that:

- i) The use is no longer needed or viable
- ii) The service if needed is already met elsewhere

The applicant has provided the Statement discussed above, however Officers consider this does not conclusively demonstrate, as required by policy, that the Public House is not needed or not viable. The period of time marketed is not sufficient and no details are provided regarding how disposal of the site as a Public House has been advertised. There are, of course, a number of Public Houses in the Town Centre, but no evidence has been put forward to indicate that these meet the needs of the clientele of this local facility, nor has any evidence been provided that the building is not needed for any other community use. Officers therefore suggest that the applicant has not fully met the tests of policy CF12.

Design, layout and impact to street scene

The proposals result in minimal external alterations and would result in the loss of advertisements presently on site, therefore there would be a negligible improvement to street scene and no design concerns are raised.

Impact to neighbouring amenity

There have been no neighbouring letters of objection or support received, with the only responses from CAMRA. There is no indication that a functioning public house results in adverse impacts to amenity and no concerns raised from neighbours regarding the site becoming a dwelling.

Parking and Highway matters

The proposals would provide 4 off street parking spaces, this is beyond that required by policy. Access would remain unchanged from that which presently exists.

Landscaping Issues

The proposals include limited details regarding landscaping, therefore should Members wish to approve the proposals, a condition requiring a landscaping scheme may be appropriate to improve street scene.

Other matters

The applicant has a sufficient frontage to store domestic refuse off street, the proposals are not accompanied by any S106 commitments, largely due to the scale of the application, however policy CF12 does provide scope to seek a contribution towards the maintenance or upgrading of an alternate community facility.

Conclusion:

Officers consider the proposals are unacceptable for the following reasons:

The applicant has failed to conclusively demonstrate that the community facility is no longer needed or viable or if the need is met elsewhere accessible in accordance with policy CF12 of the Adopted Local Plan and Alterations.

The applicant has failed to provide an independent appraisal to demonstrate that the site is no longer suitable for employment use or any other community purpose before considering market housing in accordance with policies E4A and E4B of the Adopted Local Plan and Alterations.

Whilst officers accept that this is not an isolated facility and that there are other public houses within a km of the site, the requirements of the policy that seeks to retain such facilities has not been met. To allow loss of a public house without the policy requirements being met would undermine the Council's ability to resist loss in other locations. As the proposal is clearly contrary to policy, should members be minded to grant consent, the matter would need to be referred to District Development Control Committee for decision.

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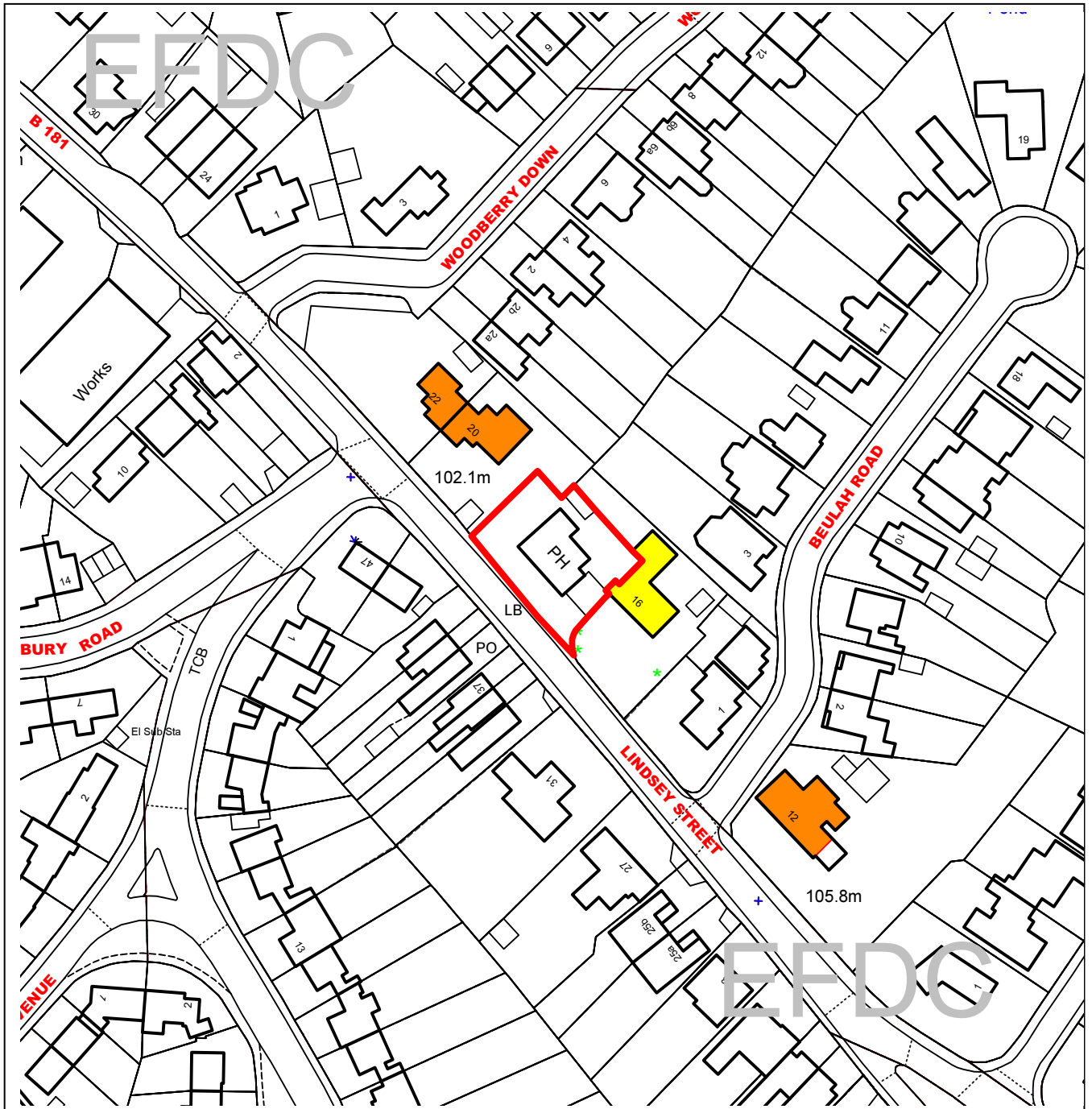
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Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0454/11
Site Name:	The Globe, 18 Lindsey Street Epping, CM16 6RE
Scale of Plot:	1/1250

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