

committee agenda



Epping Forest District Council

District Development Control Committee Wednesday, 29th June, 2011

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

Time: 7.30 pm

Democratic Services Officer: Graham Lunnun, The Office of the Chief Executive
Tel: 01992 564249 Email:
democraticservices@eppingforestdc.gov.uk

Members:

Councillors B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, C Finn, J Hart, Mrs S Jones, J Markham, J Philip, Mrs C Pond, H Ulkun, Ms S Watson, J M Whitehouse and J Wyatt

A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE-COMMITTEE, AT 6.30 P.M. IN COMMITTEE ROOM 1 PRIOR TO THE MEETING

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chief Executive will read the following announcement:

“This meeting will be webcast live to the Internet and will be archived for later viewing. Copies of recordings may be made available on request.

By entering the chamber’s lower seating area you consenting to becoming part of the webcast.

If you wish to avoid being filmed you should move to the public gallery or speak to the webcasting officer”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 7 - 24)

To confirm the minutes of the last meeting of the Committee. (attached)

4. APOLOGIES FOR ABSENCE

5. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

6. DECLARATIONS OF INTEREST

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

7. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 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.

8. PLANNING APPLICATION EPF/0116/11 – HOLYFIELD FARM, HOLYFIELD, WALTHAM ABBEY, ESSEX, EN9 2ED. - DEMOLITION AND REMOVAL OF EXISTING MASONRY AND CORRUGATED STRUCTURES AND REFURBISHMENT AND EXTENSION OF EXISTING TIMBER BARNS AND CONVERSION TO A TOTAL OF TWO, 2 BEDROOMED DWELLINGS (REVISED APPLICATION) (Pages 25 - 34)

(Director of Planning and Economic Development) To consider the attached report referred from Area Planning Subcommittee West.

9. PLANNING APPLICATION EPF/0046/11 – TOWN MEAD SPORTS AND SOCIAL CLUB, BROOKER ROAD, WALTHAM ABBEY, EN9 1HJ – PROPOSED GOLF DRIVING RANGE (REVISED APPLICATION). (Pages 35 - 44)

(Director of Planning and Economic Development) To consider the attached report.

10. CURRENT PROVISION OF PITCHES FOR GYPSIES AND TRAVELLERS (Pages 45 - 50)

(Director of Planning and Economic Development) To consider the attached report.

11. ESSEX COUNTY COUNCIL DEVELOPMENT MANAGEMENT POLICIES - ADOPTION AS SUPPLEMENTARY GUIDANCE (Pages 51 - 80)

(Director of Planning and Economic Development) To consider the attached report.

12. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the

advice of any political advisor.

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

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

Further Information?

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

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 5 April 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.00 pm

Members Present: B Sandler (Chairman), G Mohindra (Vice-Chairman), A Boyce, Mrs P Brooks, K Chana, D Dodeja, C Finn, Mrs A Grigg, Mrs S Jones, J Markham, Mrs M McEwen, R Morgan, H Ulkun and J Wyatt

Other Councillors: R Bassett, J Knapman and D Stallan

Apologies: Mrs R Gadsby, A Green and J Hart

Officers Present: J Preston (Director of Planning and Economic Development), N Richardson (Assistant Director (Development Control)), C Neilan (Landscape Officer & Arboriculturist), K Smith (Senior Planning Officer) and S G Hill (Senior Democratic Services Officer)

32. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

33. MINUTES

Resolved:

That the minutes of the meeting held on 7 December 2010 be taken as read and signed by the Chairman as a correct record.

34. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor A Grigg was substituting for Councillor A Green and Councillor S Jones was substituting for Councillor J Hart at this meeting.

35. DECLARATIONS OF INTEREST

The following interests were declared in accordance with the members Code of Conduct:

(a) Councillor R Morgan – Personal and Prejudicial Interest in item 12 (R/O 103 High Street, Ongar – Application EPF/1153/09) member indicated that he proposed to leave the meeting for that item.

(b) Councillor R Grigg – Personal Interest in Item 8 (Threshers, Hastingwood Road – Application EPF/0739/10) by virtue of being a local Parish Council member

and attending public meetings and with officers on the matter, member indicated that she proposed to stay in the meeting for that discussion and voted on the item.

(c) Councillor P Brooks – Prejudicial Interest in Item 15 (TPO at Town Mead Playing Fields – EPF/119/10) by virtue of being a member of the Waltham Abbey Town Council Planning Committee. Member indicated that she proposed to leave the meeting for that item.

(d) Councillor S Jones – Personal interest in Item 14 (Blunts Farm, Theydon Bois – Enforcement Notices) by virtue of being a member of Theydon Bois Parish Council. The member indicated that she proposed to stay in the meeting for that discussion and voted on the item.

(e) Councillors K Chana, B Sandler, G Mohindra and J Knapman – Personal interest in Items 9, 10 and 11 (212 Manor Road, Chigwell – EPF/2361/09 and 1399/09 and Cooperfield Lodge, Hainault Road – EPF/0247/09) by virtue of being a members of Chigwell Parish Council. The members indicated that they proposed to stay in the meeting for that discussion and voted on the item.

(f) Councillor D Stallan (non-member of the Committee) – Prejudicial interest in Item 7 (1 Griffins Wood Cottages, High Road, Epping) by virtue of knowing applicant, Member indicated that he proposed to leave the meeting for that item. Personal interest in item 8 (Threshers, Hastingwood Road – Application EPF/0739/10) by virtue of being a local Parish Council member and Items 8, 10 and 11 (212 Manor Road, Chigwell – EPF/2361/09 and 1399/09) by virtue of being the Housing Portfolio Holder, Member indicated that he proposed to stay in the meeting for those items as he had not had involvement in them previously.

(g) Councillor J Knapman – Personal interest in Item 13 (Land R/O Oakley Hall, Hoe Lane, Nazeing – EPF/1907/10) by virtue of being a member of the ECC Health Overview and Scrutiny Committee, the Member indicated that he proposed to stay in the meeting for that item.

(h) Councillor R Bassett– Personal interest in Item 13 (Land R/O Oakley Hall, Hoe Lane, Nazeing – EPF/1907/10) by virtue of living in proximity to the site, Member indicated that he proposed to stay in the meeting for that item.

36. PLANNING APPLICATION EPF/2385/10 - 1 GRIFFINS WOOD COTTAGES, HIGH ROAD, EPPING - PROPOSED TWO STOREY SIDE EXTENSION

The Committee considered an application at 1 Griffins Wood Cottages, High Road, Epping seeking a two storey side extension. The application had been subject to consideration at Area Plans Subcommittee East and to a site visit. The Subcommittee had referred the application to the Committee with a recommendation for approval.

The Committee accepted the arguments made by the Area Planning Subcommittee that the application should be granted, that the site was set back from the main road, on a large plot and the proposed extension would not adversely impact on the character of the conservation area. The committee agreed to grant permission with conditions and removal of permitted development rights.

Resolved:

That planning application EPF/2385/10 be granted subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended);

(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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) No development shall take place until details of the landscaping of the site, including retention of trees and other natural features 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

(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, Classes A & E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development

37. PLANNING APPLICATION EPF/0739/10 - THRESHERS, HASTINGWOOD ROAD, NORTH WEALD ESSEX, CM17 - EXISTING COMMERCIAL SKIP SITE TO BE REDEVELOPED INTO 14 RESIDENTIAL UNITS

The Committee considered an application referred to it by Area Subcommittee East seeking the redevelopment of a commercial skip site to residential dwellings. The Subcommittees recommendation was to grant permission subject to condition and a Section 106 agreement to provide off-site affordable housing and highways repairs outside the site.

Since the date of the original Area Subcommittee meeting, officers had met further with the applicant who had indicated the level of contribution that they were willing to offer. The County Highways department had indicated that their view that there was insufficient justification for asking for sums for highways improvements.

On balance, officers supported a recommendation for approval subject to conditions (including a new condition regarding construction methods) and a section 106 agreement to be completed within a six month period.

The Committee heard from the applicants agent and noted further representation from local residents received since the agendas' publication.

The Committee supported the view of the Planning Subcommittee that permission should be granted. This non-conforming commercial site was close to residential properties using large commercial vehicles which created noise and disturbance. The proposals were supported by the Local Parish Council and residents. The committee considered and approved a proposal for granting of permission.

Resolved:

That, subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months of the date of this resolution to secure a contribution of £100,000 towards off-site affordable housing provision, Planning application EPF/0739/10 at Threshers, Hastingwood Road, North Weald be granted with the following conditions:

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

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(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.

Reason:- The site lies a short distance from previous archaeological findings where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Local Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed.

(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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(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.

Reason:- The site is within the Metropolitan Green Belt and permission is only granted due to very special circumstances. Additions and outbuildings may have an adverse impact on the openness of the this part of the Green Belt and/or the character of the area and therefore the specific circumstances of this site warrant the Local Planning Authority having control over any further development.

(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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to ensure adequate screening is retained/provided on the site.

(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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(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.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

(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.

Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport strategy 2006/11.

(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.

Reason:- In the interest of highway safety, efficiency and accessibility.

(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.

Reason:- To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

(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.

Reason:- In the interests of highway safety.

(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.

Reason:- The development is of a size where it is necessary to avoid generating any additional flood risk downstream of the storm drainage outfall.

(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.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

(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.

Reason: To enable appropriate consideration to be given to the impact of the intended development upon adjacent properties.

(16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors;
2. Loading and unloading of plant and materials;
3. Storage of plant and materials used in constructing the development;
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. Measures to control the emission of dust and dirt during construction; and
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site.

38. PLANNING APPLICATION EPF/0247/09 – LAND ADJACENT TO COPPERFIELD LODGE, HAINAULT ROAD, CHIGWELL – ERECTION OF NEW FIVE BEDROOM HOUSE WITH BASEMENT AND INTEGRAL GARAGE

The Committee received a report from Officers which outlined the current position with a site adjacent to Copperfield Lodge, Hainault Road, Chigwell which was subject to a previous planning approval linked to a the prior completion of a Section 106 Agreement. The agreement was required to secure the provision of additional car parking for the adjacent Victory Hall and the transfer of the appropriate portion of the land to the District Council's ownership prior to the commencement of the development.

Despite planning permission being granted for the creation of the additional car parking spaces for Victory Hall by this Committee in December 2009, no legal agreement had been completed to secure the planning obligations. Further representation had been received from a neighbour reiterating their objection.

The Committee were of the view that there still was a need for the additional parking on the adjacent site and considered the absence of a legal agreement to secure the provision of the car parking , the case for very special circumstances to override Green Belt harm would be weakened, to the extent that the development would no longer be justified. The Committee decided that should the agreement not be completed and signed by the date of the June 2011 meeting of the Committee the item be reported back for further consideration.

Resolved:

That should the Section 106 agreement for this site not be completed and signed by the date of the June 2011 meeting of the Committee the item be reported back for further consideration.

39. PLANNING APPLICATION EPF/1399/09- GARDEN CENTRE, 212 MANOR ROAD, CHIGWELL - OUTLINE PLANNING APPLICATION FOR 69 RESIDENTIAL UNITS (54 AFFORDABLE), PUBLIC OPEN SPACE AND A COMMUNITY FACILITY (D1 USE) WITH ALL MATTERS RESERVED EXCEPT ACCESS.

The Committee received an updating report on progress with resolving and completing agreements under Section 106 of the Town and Country Planning Act 1990 for two adjacent sites at 212 Manor Road, Chigwell. The proposed agreements had been a material consideration in addressing the impacts of the development on the Metropolitan Green Belt, supply of affordable housing, highway safety and local Post Office Services.

In the continued absence of matters to be secured by the agreement the Committee considered whether the application should now be formally refused or the applicants be given a further period to resolve the outstanding matters. The applicant had indicated that economic conditions had changed since the original approval, in acknowledging this the Committee agreed that a further six months period should be given to complete the outstanding agreement and officers be given flexibility in the type and percentage of affordable housing to be provided on the site.

Resolved:

That the time limit for the completion of a agreement under Section 106 of the Town and Country Planning Act 1990 for Planning Application EPF/1399/09

be extended for a period of six months from the date of this resolution to enable further negotiations to take place with officers in recognising a need for flexibility in the type of affordable housing being proposed.

40. PLANNING APPLICATION EPF/2361/09 – REDEVELOPMENT OF LAND FORMERLY IN USE AS A GARDEN CENTRE AT 212 MANOR ROAD, CHIGWELL TO PROVIDE 21 FLATS 80% OF WHICH WILL BE AFFORDABLE HOUSING. (REVISED APPLICATION)

The Committee received an updating report on progress with resolving and completing agreements under Section 106 of the Town and Country Planning Act 1990 for two adjacent sites at 212 Manor Road, Chigwell. The proposed agreements had been a material consideration in addressing the impacts of the development on the Metropolitan Green Belt, supply of affordable housing, highway safety and local Post Office Services.

In the continued absence of matters to be secured by the agreement the Committee considered whether the application should now be formally refused or the applicants be given a further period to resolve the outstanding matters.

The Committee had previously agreed to extend a time limit on the adjacent site for a further six months period to seek to complete the outstanding agreement and officers had been given flexibility in the type and percentage of affordable housing to be provided on the site. It was agreed that this site be similarly treated.

Resolved:

That the time limit for the completion of a agreement under Section 106 of the Town and Country Planning Act 1990 for Planning Application EPF/2361/09 be extended for a period of six months from the date of this resolution to enable further negotiations to take place with officers in recognising a need for flexibility in the type of affordable housing being proposed.

41. PLANNING APPLICATION EPF/1153/09 – REAR OF 103 HIGH STREET, ONGAR– PARTIAL DEMOLITION OF EXISTING BUILDINGS, CONVERSION AND ADAPTATION OF EXISTING BUSINESS UNITS TO FORM 3 X 1 BEDROOM COTTAGES, CONSTRUCTION OF 2 X 2 BEDROOM COTTAGES, BIN STORES, BIKE STORES AND PROVISION OF PARKING SPACES.

The Committee received an application referred to it by Area Planning Subcommittee East at its meeting on 16 December 2009. The proposal had been previously been the subject of a recommendation to grant approval in October 2009 subject to the completion of a Section 106 Agreement to secure affordable housing as part of the development.

The applicants had now provided a financial appraisal of the scheme which concluded that the development would not be viable with the inclusion of an affordable unit. The Area Subcommittee had received this information to their meeting in March 2011 together with an offer from the applicant to make a contribution of £10,000 at which time they had referred the application to the District Development Committee.

The Committee's view was that on balance the application should be granted, despite some concerns at the narrowness of the access to the site.

Resolved:

That, subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months of the date of this resolution, to secure £10,000 to meet community need in the Ongar area, Planning application EPF/1153/09 at R/O 103 High Street, Ongar be granted with the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- (2) Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- (3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1 Classes (A-H) and Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- (4) The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

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

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

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

- (5) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- (6) All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00

hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

(7) Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

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

(8) No demolition/ conversion or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

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

(10) Notwithstanding the requirements of condition 9, the windows to the newbuild cottages shall be recessed into the wall and shall be timber sashes including "horns" in Victorian style.

42. PLANNING APPLICATION EPF/1907/10 - LAND REAR OF OAKLEY HALL HOE LANE NAZEING - DEMOLITION OF DERELICT GLASSHOUSE AND SUNDRY STRUCTURES, ERECTION OF 50 BED CARE HOME WITH ASSOCIATED ANCILLARY PARKING AND LANDSCAPING

The Committee considered an application referred to it by Area Planning Subcommittee East on 19 January 2011 seeking the demolition of glasshouses and structures and the building of a 50 bed care home. The Subcommittee had recommended that planning permission be granted subject to a number of issues relating to car parking provision, access and provision of a percentage of occupancy for local people.

It was reported that since the Planning Subcommittee meeting car parking provision and access arrangements had been improved and further late representation from local people were reported. The local MP and Parish Council had also made representations supporting the proposals.

The Committee supported the view of the Planning Subcommittee that such care facilities were needed in the local area such that they amounted to very special circumstances sufficient to overcome the presumption against development in the green belt. The Committee also noted the current levels of known need reported by the local Councillor.

It was the view of the Committee that District residents should taken priority for places at the new home and should be given a discount on residential fees for a period of five years from the date of the opening of the home.

The Committee agreed unanimously to grant permission subject to an appropriate legal agreement, no call-in being made by the Secretary of State, and no further substantive representations being made.

Resolved:

That the planning application EPF/1907/10 on land Rear of Oakley Hall, Hoe Lane, Nazeing be granted subject to:

(a) The completion of a legal agreement under S106 of the Town and Country Planning Act 1990 within six months of the date of the resolution to secure:

(1) £25,000.00 to Nazeing Parish Council for community improvements payable in five annual £5,000.00 instalments;

(2) An initial payment of £40,000.00 to the West Essex Primary Care Trust, followed by five annual payments of £5,000.00 resulting in an additional provision of a further £25,000.00;

(3) £3,000.00 to Essex County Council to monitor a submitted Travel Plan;

(4) £140.00 to Essex County Council to provide 4x 'Slow' Markings on Hoe Lane;

(5) Implementation of an onsite ecological enhancement scheme to accord with approved submitted particulars or by way of contribution of funds towards enhancements; and

(6) A clause stating "The home will give priority to residents within Epping Forest District prior to admission. Local residents of Nazeing will be offered at 10% discount for private fees and top up fees during the first five years of operation of the home";

(b) No further representation raising new issues being received after 5th April 2011;

(c) No Call-in being made by the Secretary of State;

(d) The following conditions:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(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. Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(3) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority, the development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent pollution to surface/groundwater.

(5) The development hereby permitted shall not be commenced until such time as a scheme to abstract and discharge groundwater for Ground Source Heat Pumps (GSHP) has been submitted to and approved in writing by, the Local Planning Authority. The Development shall then be carried out and maintained in accordance with the approved details. Reason: To prevent the pollution of ground water

(5) The development hereby permitted shall be carried out and maintained thereafter in accordance with the approved Flood Risk Assessment (FRA) by HCD Group Revision A dated October 2010 and the following mitigation measures detailed within the FRA:

(i) Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so that it will not exceed 5 Litres per second and not increase the risk of flooding off site (section 3.1)

(ii) Use green roofs, ponds and wetlands to provide the storage needed to manage the surface water from the site (section 3.3).
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to provide biodiversity and amenity benefits whilst managing surface water flood risk.

(6) The development shall be carried out in strict accordance with the recommendations made within the Applied Ecology surveys document dated May 2010 comprising either a SUDs and Landscape enhancement or an appropriate contribution in lieu as set out in the accompanying S106.

Reason: To preserve and enhance the habitats onsite.

(7) Prior to the commencement of works, all existing structures on site shall be demolished and removed in their entirety. Reason: In order that the development accords with the approved plans, to preserve the character and appearance of the Green Belt and in the interests of the amenities of future occupiers.

(8) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise

sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of the amenities of neighbouring properties.

(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, ground waters 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(10) 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The Application does not secure the

provision of affordable housing. The District is subject to a significant and increasing demand for affordable housing and accordingly the failure of this development to provide affordable housing would be contrary to Policies H5A and H6A of the adopted Local Plan and Alterations.

(11) 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]

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(12) 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.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(13) 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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety.

(14) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used solely as care accommodation for persons defined medically as in need of care and for no other purpose within Class C2.

Reason: The very special circumstances set out to justify the development in the Green Belt and the loss of glass house land relate to the need for care in the District, therefore any other use would be unacceptable in the Green Belt and on a former glass house site and in order that the development accords with the approved particulars.

(15) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(16) 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development with particular attention to the boundary treatments adjacent the neighbouring glasshouse sites.

43. COMPLIANCE WITH REQUIREMENTS OF ENFORCEMENT NOTICES - BLUNTS FARM, COOPERSALE LANE/ABRIDGE ROAD, THEYDON BOIS

The Committee noted that since the date of the agenda preparation, a further officer visit had been undertaken to the Blunts Farm site to view areas of concern to local residents. Having visited the site, the officers concurred with local views that there were areas on the site where further work was required to comply with the Enforcement Notices and as such recommended that the item be deferred and once work was completed a site visit be undertaken by the Committee.

Resolved:

That this item be deferred for site visit once officers were satisfied that the Enforcement Notice was fully complied with.

44. CONFIRMATION OF TREE PRESERVATION ORDER EPF/119/10 - TOWN MEAD PLAYING FIELDS, WALTHAM ABBEY

The Committee received objections made to the confirmation of a tree preservation order at Town Meads Playing Fields in Waltham Abbey. It was noted that the site was also subject to an application for a golf driving range which would come to a subsequent meeting, the development of which would effect a small woodland on this site.

The Committee concurred with the view of officers that pending consideration of the golf driving range the existing trees should be protected as they provided effective screening from the adjacent motorway.

Resolved:

That Tree Preservation Order EPF/119/10 be confirmed without modification.

45. ANY OTHER BUSINESS

It was noted that there was no further urgent business for consideration at the meeting.

CHAIRMAN

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Report to District Development Control Committee

Date of meeting: 29 June 2011



**Epping Forest
District Council**

Subject: Planning application EPF/0116/11 – Holyfield Farm, Holyfield, Waltham Abbey, Essex, EN9 2ED. - Demolition and removal of existing masonry and corrugated structures and refurbishment and extension of existing timber barns and conversion to a total of Two, 2 bedroomed dwellings (revised application)

Officer contact for further information: J Shingler Ext 4106
Committee Secretary: S Hill Ext 4249

Recommendation:

That the committee considers the recommendation of the Area Plans Subcommittee West to grant planning permission subject to 13 suggested planning conditions.

Report

1. This application was referred by the Area Plans Sub Committee West its meeting on 13 April 2011 with a recommendation for approval. The report to the sub-committee carried a recommendation from officers to refuse planning permission and the officer's report is reproduced in full below.

Planning Issues

2. The debate at the sub committee meeting centred on the recommended reasons for refusal and the harm that the proposal may have on the Green Belt, residential amenity of adjacent occupants, the setting of the adjacent listed building and sustainability issues. In addition, as Members were minded to approve the scheme, the highway implications of the proposed hedge planting along the front boundary of the site was also considered.

3. The sub Committee considered that the circumstances of the site, particularly the poor state of the existing building on the site that is to be removed, the quality of the existing barn conversion on the adjacent site and the need to find a use for redundant farm buildings were sufficient to outweigh the harm to the Green Belt that would result from the development. They considered that the design of the development was appropriate to its location and that it would in fact enhance the setting of the listed building. Members did not consider that the sustainability issue was so strong as to warrant refusal of the application. Discussion regarding the sight lines from the access and the impact that the hedgerow would have was inconclusive, and Members asked that further clarification on this issue should be presented to District Development Control Committee. The majority of the committee considered that the development was acceptable, subject to conditions. It was however concluded that as the proposal was in contravention of a number of adopted

policies the application should be referred to District Development Committee with a recommendation for approval subject to conditions.

4. With regard to the highways issue, the existing access is poor, with very limited sight lines to the north and it would be harmful to highway safety to approve a development that would lead to increased use of such an access.

5. Planning officers however accepted that there would not be a significant increase in the use of the existing access as a result of this development, as the existing buildings have an agricultural use that could potentially attract significant traffic movements and Officers did not suggest a highway reason for refusal despite a clear objection to the proposal from Essex County Council Highways Officer.

6. Planning officers are concerned however that the proposals as currently before you include the provision of a new hedge along the highway boundary to help screen the rear garden areas of the proposed houses. If the hedge were to be provided in this position, it would significantly worsen an already dangerous access by further reducing sight lines to the north to in the region of just 20 metres. Any reduction in views to the north when exiting the site will cause a significant increase in highway danger for all users of the access. Should members be minded to approve the application, it is the clear and strong advice of the County Highways Officer and from the Planning Officer that no hedge should not be planted in the position shown. This can be covered by conditions requiring details of landscaping to be agreed, and the existing sight lines to be maintained.

7. Simple removal of the hedge from the plans however does cause an additional complication as it potentially results in the development being much more open and more obviously a residential use, as the rear garden areas will be exposed to view. In addition, this adds to the harm that the proposal will have with regard to retaining the character and setting of the listed barn and maintaining the character and visual amenity of the rural area. The Lee Valley Regional Park Authority had raised no concern with the proposal, but only subject to a condition that the proposed boundary hedge be planted and maintained to a height of 1.5metres so that the amenity of the park is not reduced. The increased visual impact from not providing the hedgerow therefore needs to be taken into account.

8. The report to the Planning Sub Committee is attached.

Conclusion.

9. Although the sub committee have recommended approval of the scheme, officers maintain that there are sound reasons for refusal as set out in the original report attached.

10. Should Members be minded to Grant Consent it is recommended that the following conditions be attached:

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

(2) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, C, D, E or F shall be undertaken at either of the approved dwellings without the prior written permission of the Local Planning Authority.

(3) Notwithstanding the details shown on the approved plan, the hedge shown to be planted along the Highway frontage shall not be planted.

(4) No planting, fencing or other development shall at any time be erected within the site that will obstruct visibility when exiting from the site from a position 2.4 metres back from the highway edge.

(5) Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

(6) 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.

(7) 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 in writing 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]

(8) 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]

(9) 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]

(10) 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.

(11) 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.

(12) 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.

(13) 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.

Report Item No: 1

APPLICATION No:	EPF/0116/11
SITE ADDRESS:	Holyfield Farm Holyfield Waltham Abbey Essex EN9 2ED
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Mr D Chapman
DESCRIPTION OF PROPOSAL:	Demolition and removal of existing masonry and corrugated structures. Refurbishment and extension of existing timber barns and convert to provide a total of 2no. 2 bedroomed dwellings. (Revised application)
RECOMMENDED DECISION:	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=524726

REASON FOR REFUSAL

- 1 The proposed development includes new built development for residential purposes and is therefore inappropriate development in the Green Belt, by definition harmful to the Green Belt. No very special circumstances exist that are sufficient to outweigh this harm and the development is therefore contrary to National Guidance and to Policy GB2 of the adopted Local Plan and Local Plan Alterations.
- 2 The proposed development by reason of the size of the addition and the design of the conversion, and the introduction of domestic paraphernalia to the rear of the building, would unacceptably alter the appearance of the cart shed building as an agricultural curtilage building and have an adverse impact on the setting of the adjacent listed building contrary to Policies CP2, DBE1, and HC12 of the adopted Local Plan and Local Plan Alterations.
- 3 The proposed parking and turning area, located to the front of the dwelling and adjacent to the front of the adjacent existing dwelling will result in an unacceptable loss of privacy and harm to the residential amenity of the occupants of that property contrary to policy DBE9 of the Adopted Local Plan and Local Plan Alterations.
- 4 The proposal will result in additional dwellings in a location that is poorly related to existing shops, jobs and services such that any occupants are likely to be heavily dependent on the private car to access these. As such the development is considered contrary to sustainability policies CP6 and ST1 and St2 of the adopted Local Plan and Local Plan Alterations.

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

Description of Proposal:

Demolition of existing masonry and corrugated metal single storey agricultural structures, and refurbishment and extension to existing timber framed, cartlodge style building and conversion to create 2 two-bedroom dwellings with parking for 4 cars. This is a revised application following refusal of EPF/1508/10. The proposal entails the removal of existing dilapidated farm storage buildings, predominantly corrugated metal dating from the 1970's and 80's with a floor area of approximately 193 sq m and their replacement with a two storey two-bed dwelling with a footprint of about 91 sqm, and the alteration and conversion of an existing early 20th century timber framed open fronted cartlodge building into a two storey 2 bed dwelling. The proposed units will form a semi detached pair and the first floor accommodation is entirely within the proposed roofspace. The ridgeline of the building is kept to that of the existing cartlodge, which is just 6m high. The existing access serving the existing barn conversions and agricultural barns is to be utilised and the proposal includes parking for 4 cars within the small yard area.

Description of Site:

20th century open sided cart shed located within the curtilage of the Grade II listed barns at Holyfield Farm. The Listed barns to the rear have already been converted to dwellings. The application building is located quite prominently at the front of the farmyard adjacent to Holyfield Road and on raised land.

Relevant History:

EPF/143/95 Change of use of barn to farm dwelling. Approved. This is the listed barn to the rear of the site. It is subject to an agricultural tie and a legal agreement.

EPF/0146/04 Conversion of barn to two dwellings and removal of existing farm sheds. Approved. This is the remainder of the barn to the rear of the current site and the scheme also included removal of part of the current application buildings and erection of an extension for farm purposes, however there was no condition requiring the removal of the buildings and the new farm building was not erected.

EPF/1508/10 Demolition of existing masonry and corrugated metal single storey agricultural structures and refurbishment and extension or existing cartlodge to provide 2 , two bedroomed units.. This application was refused for the following reasons:

The proposed development includes new built development for residential purposes and is therefore inappropriate development in the Green Belt, by definition harmful to the Green Belt. No very special circumstances exist that are sufficient to outweigh this harm and the development is therefore contrary to National Guidance and to Policy GB2 of the adopted Local Plan and Local Plan Alterations.

The proposed development by reason of the size of the addition and the design of the conversion, in particular its domestic detailing including excessive window openings, particularly on the prominent rear elevation facing the road, would unacceptably alter the appearance of the cart shed building and have an adverse impact on the setting of the adjacent listed building contrary to Policies CP2, DBE1, DBE4 and HC12 of the adopted Local Plan and Local Plan Alterations.

The proposed parking and turning area, located to the front of the dwelling and adjacent to the front of the adjacent existing dwelling will result in an unacceptable loss of privacy

and harm to the residential amenity of the occupants of that property contrary to policy DBE9 of the Adopted Local Plan and Local Plan Alterations.

The proposal will result in additional dwellings in a location that is poorly related to existing shops, jobs and services such that any occupants are likely to be heavily dependent on the private car to access these. As such the development is considered contrary to sustainability policies CP6 and ST1 and St2 of the adopted Local Plan and Local Plan Alterations.

Policies Applied:

CP1 Sustainable development
CP6 Sustainable urban development
GB2A Green Belt
GB8A Change of use of buildings
GB9A residential conversions
HC12 Development affecting the setting of a listed building
DBE1 Design of new buildings
DBE4 Design in the Green Belt
DBE6 car parking in new development
DBE9 Loss of amenity
LL10, LL11, landscaping
ST1 Location of development
ST2 Accessibility of development
ST6 Car parking

SUMMARY OF REPRESENTATIONS:

A site notice was erected and 4 neighbours were consulted no responses were received.

TOWN COUNCIL- No Objection

LEA VALLEY REGIONAL PARK AUTHORITY - The Authority raises no material consideration. If approved it is requested that appropriate conditions be added so as to ensure the planting strip in front of the proposed patios is maintained to at least the height of the top of the patio and conditions to ensure that the maintenance of the boundary hedge to at least 1.5m in height and the retention of the 2 trees in the south of the site as proposed then the impacts on the Regional Park would not be unacceptably severe.

Issues and Considerations:

This is a revised application following the recent refusal of similar proposals for the reasons set out above. The main issues therefore are whether the changes that have been made are sufficient to overcome these reasons for refusal.

The main issues are impact on the Green Belt, Sustainability, Design and impact on the setting of the listed building, access, parking, and impact on adjacent properties.

Green Belt

The site is within the Metropolitan Green Belt within which new residential development is inappropriate. In this instance although part of the development is a conversion, only one dwelling could be provided within the existing fabric and the more modern agricultural extension is to be removed and a new extension provided to accommodate the second dwelling.

This is inappropriate development by definition and there are no very special circumstances apparent that would outweigh the harm from such inappropriate development. Although it is accepted that there is already consent to extend this building with open cartlodge style addition for agricultural use, such development, being required for agricultural use would be appropriate in Green Belt terms and cannot now be used to justify an alternative inappropriate development. Whilst it is acknowledged that the existing buildings to be demolished are of poor quality and of greater volume than the replacement dwelling, this is not accepted as very special circumstance, this is something that could be replicated anywhere in the District.

The green belt reason for refusal previously used is therefore still applicable.

Design and Impact on Setting

Whilst the existing 21st century masonry and metal additions on the site are not well designed, they are typical of modern farm structures and are relatively unobtrusive in the landscape and street scene as they are screened by existing vegetation. The works now proposed, take away the character of the building as a farm building. The works include: entirely enclosing the currently open cart shed style building and the installation of significant numbers of window and door openings, the provision of patio's, fencing, and parking, all of which are domestic in nature and which will detract from the setting of the adjacent barns. Although the design has been altered to reduce the domestic elements of the rear elevation (facing the road) by taking out windows and doors the patio areas to the rear together with fencing and garden paraphernalia will be visible and will impact on the character of the site such that the buildings will no longer appear as ancillary outbuildings that one would expect within a farmyard. The building will have the appearance of a pair of houses, and the private amenity areas will front onto the main road. Although it is accepted that hedging may help the appearance, it is considered that the scheme is poorly designed and inappropriate and harmful to the street scene and to the setting of the listed building.

The advice received from the conservation officer in consultation with the listed building advisor is that: "The cart-shed is important for the contribution that it makes to the setting of the listed barns; it is an agricultural building that replicates the form and orientation of a much older building and is constructed in a traditional form and materials. It provides important evidence of how the farmstead functioned and changed over time. Although the revised proposal omits some of the glazing from the rear elevation, I still believe that the design is not appropriate for its agricultural location, it will considerably change the character and appearance of the cart shed itself and is therefore detrimental to the setting of the listed barns."

On this basis the applicant has failed to overcome the second reason for refusal of the previous application.

Impact on neighbours.

As with the previous application the proposed parking for the two dwellings is to be located in the small area between this building and the existing first barn conversion. This barn has a large front mid-storey window facing out onto this area, which was in the same ownership when the barn conversion was allowed. It is considered that the use of this area for parking and access to the two proposed dwellings would have an adverse impact on the privacy and amenity of the occupants of that dwelling. Whilst it may be argued that this could be mitigated by fencing, such further subdivision of the original farmyard area would be further harmful to the setting of the listed building. The third reason for refusal is therefore still applicable.

Parking and Access

The proposal is to utilise an existing access off Holyfield Road, given that this is currently used to access the existing farm buildings the case officer considers that it would be difficult to argue that the use by two dwellings would necessarily generate greater highway danger than existing and this was not used as a reason for refusal on the previous application. However it should be noted that the Highways Officer from County has raised concern with this, as the access is on a bend in

the road and has inadequate sightlines for safe access and egress. The hedging proposed along the road frontage would exacerbate this problem and if the proposals were to be considered acceptable by Members then conditions preventing obstruction of the sight lines (which would mean that the screening hedging proposed could not be completed, would be required. It should be noted however that the LVRPA have raised no objection to the proposal but only if the hedging is provided.

4 car parking spaces are indicated and whilst it is considered that these are poorly located with regard to the amenity of adjacent resident they are sufficient to meet current standards. It is however likely that there will be pressure in the future to provide garaging/storage in connection with the new dwellings.

Sustainability

The site is not considered a sustainable location for new residential development. Whilst conversion of the listed barn was considered acceptable as it reused the building and ensured its retention, in this instance, one of the dwellings will be a new build. The site is remote from services and although on a bus route the road outside the site has no pavement and it is most likely that any residents of the properties will be heavily dependant on the car for everyday needs. As such the proposal is contrary to the sustainability policies of the Local Plan and the fourth reason for refusal of the previous application is still applicable.

Bats and Owls

A bat and owl survey has been carried out at the site and no evidence of their presence was found. Nor is it considered likely that there would be other protected species present at the site.

Conclusion

In conclusion it is considered that the development is inappropriate in the Green Belt, unsustainably located, harmful to residential amenity of neighbouring residents, and harmful to the setting of the listed building and as such the application has failed to overcome the previous reasons for refusal.

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:

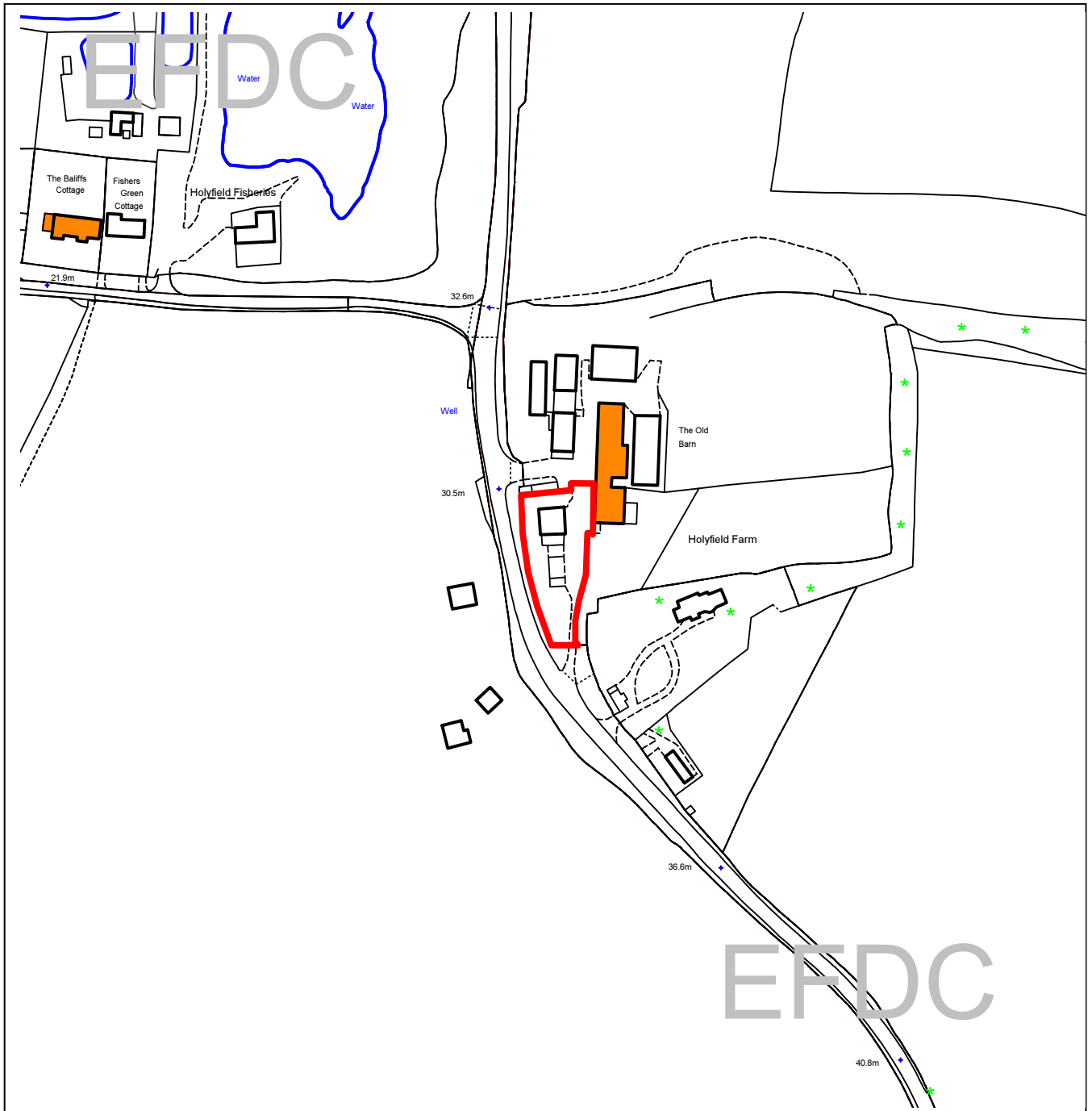
***Planning Application Case Officer: Jill Shingler
Direct Line Telephone Number: 01992 564106***

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



Epping Forest District Council

Area Planning Sub-Committee West



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Agenda Item Number:	1
Application Number:	EPF/0116/11
Site Name:	Holyfield Farm, Holyfield Waltham Abbey, EN9 2ED
Scale of Plot:	1/2500

Report to District Development Control Committee

Date of meeting: 29 June 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/0046/11 – Town Mead Sports and Social Club, Brooker Road, Waltham Abbey, EN9 1HJ – Proposed Golf Driving Range (revised application).

Officer contact for further information: Graham Courtney 01992 564228
Committee Secretary: S Hill Ext 4249

Recommendation:

To consider an application referred to this committee by the Area Plans Sub-committee West at its meeting on 2 March 2011 with no recommendation.

Report

1. The planning application was reported to Area Plans Sub-Committee West with a recommendation for refusal by Planning Officers at the previous sub-committee (report appended). The reason being that the proposed development would have resulted in the loss of a woodland tree area of amenity value. The Committee debated the merits of the proposal but felt that further information was required in respect of the trees and the possibility of stray golf balls on the M25. It was concluded that the application be referred up to District Development Control Committee (DDCC), that the arboricultural officer attend, the Highway Agency be consulted over lighting and measures to prevent golf balls going onto the M25 motorway and information whether any replacement trees on adjacent sites had been considered.
2. Since that meeting, however, there has been the submission of amended plans that have now overcome Officer previous concerns and the revised planning application would in fact have now carried a recommendation to grant planning permission. The application though cannot be reported back to Area Plans Sub-Committee West with a new officer recommendation because the application was referred up to District Development Control Committee.

Additional Summary of Reps

2. Below are the additional comments received as a result of the re-consultation process on the amended plans:

DUNCAN PHILLIPS LTD., 121 BROOKER ROAD – No objection to the driving range but concerned that there is little being done regarding lorries parking in Brooker Road.

Planning Issues

3. The Sub-committee did not make any recommendation on the application. Whilst it was originally intended for the application to be considered at the 6th April DDCC Meeting, discussions were entered into between the applicants, the Planning Officer, and the Arboricultural Officer regarding a more agreeable scheme. As a result, amended plans have been discussed and submitted for consideration, and full re-consultation has been undertaken with regards to the amended plans.
4. Whilst the original committee report is attached, which recommended refusal of the planning application due to the loss of the preserved woodland, the amended scheme has overcome these previous concerns. It is now proposed to site the driving range at an angle of approximately 8 degrees to the Town Mead boundary with the M25. This would allow for a 12m landscape strip between the driving range and M25 boundary at its closest point (to the west) and a 40m gap at its furthest point (to the east). This would allow for part of the preserved woodland to be retained along with additional landscaping to be installed to better screen the entire Town Mead site from the M25.
5. It is considered that the benefits resulting from the additional screening and partial retention of the preserved woodland would be sufficient to outweigh that part of the woodland lost. As such it is now considered that the amended development complies with the relevant Local Plan policies. The Arboricultural Officer raises no objection to the proposal.
6. The amended plans have resulted in the relocation of the driving bays and reception further north than the original plans, however it is not considered that this would detrimentally impact on the Green Belt, remaining recreation ground, or surrounding area. The issue raised by the third party in respect of lorries is not part of the assessment of this planning application.
7. The Highways Agency was consulted on the original submitted plans, which did not include any details regarding fencing or lighting. Despite now two rounds of consultation, they have not raised an objection. However, to safeguard against the possibility of stray golf balls going on the motorway, it is deemed appropriate for further consideration be given through the suggested conditions 10 and 11, below. Should a response be received from the Highways Agency prior to the meeting, which may require an alteration to the above suggested conditions, then this will be reported verbally to Members at the meeting.

Conclusion

8. Due to discussions undertaken and amended plans received since the previous Plans Sub-Committee West, the officer's recommendation for the proposed application would have now been to grant permission. Whilst this report comes with a no recommendation, should Members conclude that planning permission should be granted, then it should be with the addition of the following planning conditions:-
 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. No construction works above ground level shall have taken place until documentary and photographic 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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

3. 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.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

4. No development, including site clearance, shall take place until a statement of the methods (including a timetable, for its Implementation linked to the development schedule) for the implementation of the landscaping scheme approved on Plan Ref: 232, and a schedule of landscape maintenance for a minimum period of five years, have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable, and the schedule shall include details of the arrangements 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 in writing.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

5. No development shall take place until details of all levels, contours and bunding have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of 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.

Reason: To ensure the impact of the intended development is acceptable.

6. 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.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

7. The parking area shown on the approved plan shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff, customers and visitors vehicles.

Reason:- In the interests of highway safety.

8. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that surrounding properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

9. Prior to commencement of development, including 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.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

10. Prior to the commencement of the development, details of any fencing and lighting shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highways Agency, and shall be installed, if necessary, prior to use of the site as a Golf Driving Range.

Reason:- To ensure there is no detrimental impact on the M25 Motorway or users of the surrounding sites.

11. The agreed floodlighting shall not be used until a risk assessment of their impact on the safe and free flow of traffic on the M25 Motorway has been submitted to and approved in writing by the Local Planning Authority and the recommendations of the risk assessment implemented in full. The floodlights shall only be operated in accordance with the recommendations of the risk assessment and shall not be used between the hours of 22:30 and 09:30 the following day.

Reason: To ensure the use of the floodlights has no adverse impact on the safe and freeflow of traffic on the M25 Motorway of the natural environment.

ORIGINAL PLANS SUBCOMMITTEE WEST REPORT FROM 6 APRIL 2011

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section CL56, Schedule A (k) of the Council's Delegated Functions).

Description of Proposal:

Consent is being sought for the erection of a golf driving range on the southern section of Town Mead sport and recreation ground. This would involve the removal of a large area of woodland and the erection of a 128 sq. m. office/lounge/shop structure, a 172m long structure containing 26 driving range bays, a 97 sq. m. plant store, a 27 bay car park, and a 187m long driving range. The proposed driving range would be enclosed by a fence (height/details undisclosed) and proposes some (predominantly boundary) landscaping. The highest part of the structures (the office/lounge/shop) would reach a ridge height of 5.8m, with the bays and plant store reaching maximum heights of 3.4m and 3.35m respectively. Access to the proposed development would be via the existing access road to the Sports and Social Club, which itself is accessed from Brooker Road.

Description of Site:

The application site is located on the southern part of Town Mead sport and recreation ground bounded by a tree planted embankment supporting the M25 Motorway to the south. To the north is a grassed area, to the west is a baseball pitch and beyond this the River Lea. To the east is the waste recycling centre and Brooker Road Industrial Estate. The site currently consists of grassed areas and a large preserved woodland. The entire site is within the Metropolitan Green Belt and the Lea Valley Regional Park.

Relevant History:

EPF/1178/04 - Use of land as golf driving range, erection of single storey building to provide driving range bays, erection of security container, perimeter netting, floodlights and formation of car park – withdrawn 27/10/04

EPF/2197/04 - Golf driving range (Revised application) – approved/conditions 23/02/05

EPF/2105/10 - Proposed Golf Driving Range – withdrawn 16/12/10

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

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE4 – Design in the Green Belt

LL5 – Protection of urban open space

LL10 – Adequacy of provision for landscape retention

LL11 – Landscaping schemes
RST1 – Recreational, sporting and tourist facilities
RST16 – Golf course location
RST19 – Design, layout and landscaping of golf courses
RST20 – New buildings for golf courses
RST23 – Outdoor leisure uses in the LVRP
RST24 – Design and location of development in the LVRP
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking

Summary of Representations:

34 neighbours were consulted and a Site Notice displayed on 24/01/11.

PARISH COUNCIL – No comment as Town Council is owner of the land.

Issues and Considerations:

Planning permission was granted for a golf driving range in 2005 on the southern side of Town Mead. Whilst this differed in that it proposed 20 bays, a smaller amount of built form and a smaller car park, the key difference is that the previously approved scheme was located further west than this proposal and proposed to retain the existing woodland area. This previous scheme has now lapsed, and due to supposed constraints resulting from subsequent improvement to the Baseball field this latest application has relocated the development further east and proposes the removal of the established wooded area.

Despite the increase in the number of bays, level of built form and area of car parking, the principal of the development is not considered inappropriate as the proposal is for outdoor sport and recreation, with associated small scale essential facilities (although the latest scheme pushes this somewhat), and therefore does not constitute inappropriate development within the Green Belt. The community sport related use of the site is in line with the objectives of the Lee Valley Regional Park and Town Mead sport and recreation ground. Given the location of the development adjacent to the M25 and the waste recycling centre there would be no detrimental impact to surrounding properties, and whilst this development would undoubtedly attract more vehicle movements to the site, given the existing use of the area and current access from Brooker Road Industrial Estate this is not considered inappropriate. Furthermore, subject to conditions, there is no objection with regards to potential flood risk and contaminated land.

The main objection to this development is the removal of the established woodland on the site. Whilst it is contended by the applicant that this woodland has any amenity value or merit, aside from acting as a screen to the recycling centre, it is considered by Planning Services that the presence of the woodland is a key amenity feature to Town Mead as it provides an important visual backdrop to the sport/recreation ground, is used by dog walkers and other members of the public, and provides both visual and noise screening to this public open land. Furthermore, the impact on existing landscape features is an important consideration in golf related development, as reflected in Local Plan policy RST16 which states that:

- Proposed golf courses and driving ranges should be located such that they:*
- (i) would not have an adverse effect upon the character or appearance of highly visible landscape.*

and policy RST19 which states:

The design, layout and landscaping of golf courses and golf driving ranges should be such that:

- (i) they are demonstrably based on a thorough appraisal of all existing site features and the sites context in the surrounding landscape; and*
- (iv) as many as possible of the existing landscape features (e.g. hedgerows, woodlands and watercourses) are retained and incorporated into the design of the course.*

In more general terms, policy LL10 states that:

The Council will refuse to grant planning permission for any development which it considers makes inadequate provision for the retention of:

- (i) trees; or*
- (ii) natural features, particularly wildlife habitats such as woodlands, hedgerows, ponds and watercourses.*

It is considered that the proposed development fails to comply with the above policies, as well as various policies relating to safeguarding the character and appearance of urban land, and retaining existing landscaping. Whilst it is appreciated that the development proposes additional boundary landscaping to the golf driving range, this is considered to simply act as mitigation screening for this development and is an inadequate replacement for the loss of the woodland. Furthermore, this fails to comply with policy LL11, which states that *"the Council will: (i) refuse planning permission for any development which makes inadequate provision for landscaping" and "(ii) not approve landscaping scheme which: (b) are ineffective because they would be unlikely to retain trees and other existing landscape features or to establish new long-term planting"*. Any new landscaping as would take a long period of time to become as established and as visually beneficial as the existing woodland.

The woodland is subject to a Tree Preservation Order, the confirmation of which is elsewhere in this Agenda, which was made due to the threat from this development. Whilst it is accepted that there is no golf driving range within Waltham Abbey, there are other golf facilities within a 5 mile radius, and the previous consent proposed to retain this woodland (presumably as it was then seen as an important landscape/amenity feature). Due to this, it is not considered that there is sufficient benefit from this scheme to justify the removal of this established woodland, and inadequate replacement landscaping proposed.

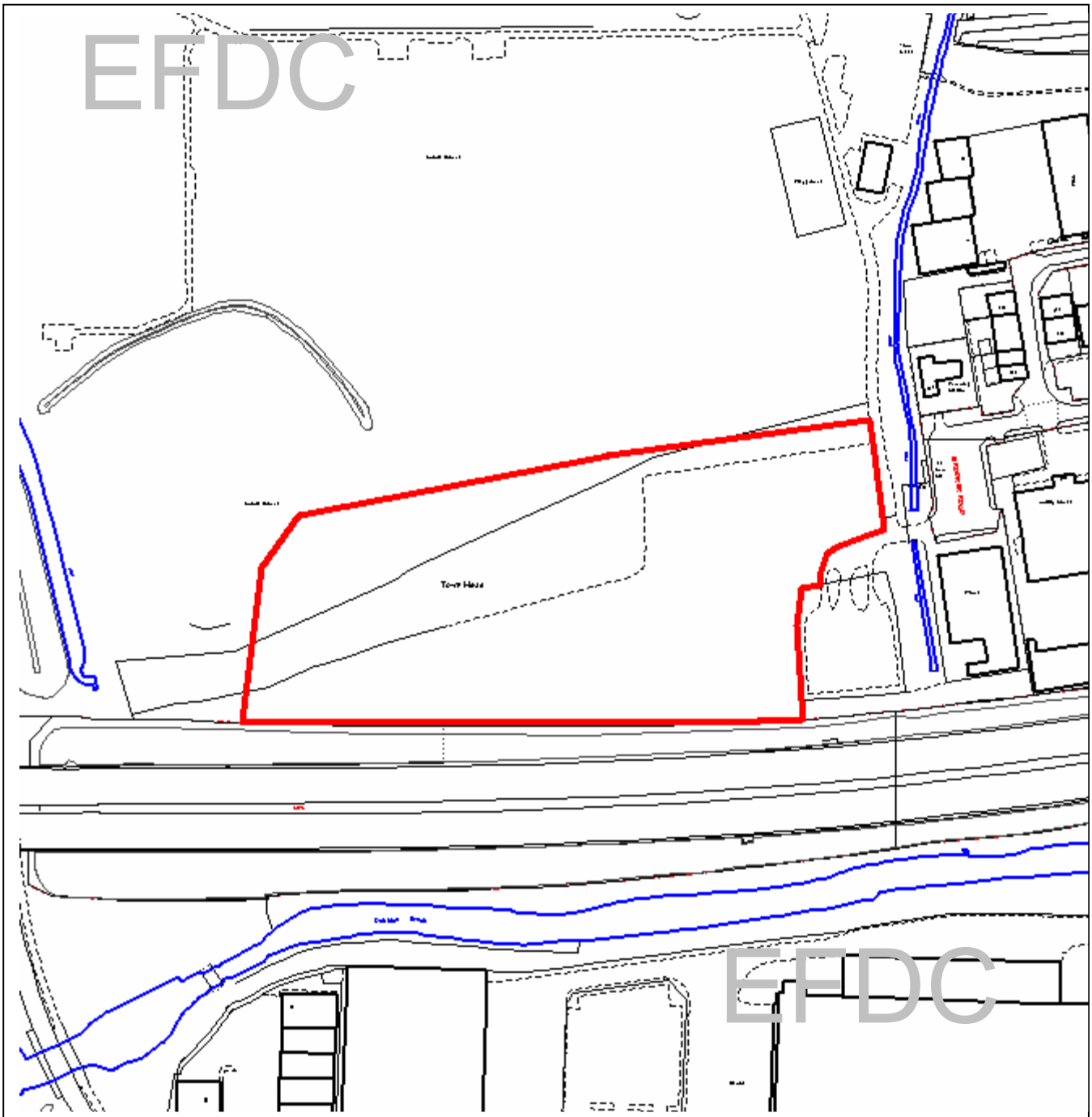
Conclusion:

The principal of the erection of a golf driving range within Town Mead is considered acceptable, however the previously approved scheme (now lapsed) recognised the importance of the established woodland and would have retained this. The current application proposes the complete removal of this woodland and it is considered that there is insufficient justification and replacement landscaping to overcome the harm from removing this key amenity feature. As such the proposed development would fail to comply with policies CP1, CP2, RST1, RST16, RST19, LL5, LL10 and LL11.



Epping Forest District Council

District Development Control Committee



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Agenda Item Number:	
Application Number:	EPF/0046/11
Site Name:	Town Mead Sports And Social Club Brooker Road, Waltham Abbey, EN9 1HJ
Scale of Plot:	1/2500

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Report to District Development Control Committee

Date of meeting: 29 June 2011

Subject: Current provision of pitches for Gypsies and Travellers



**Epping Forest
District Council**

**Officer contact for further information: Ian White/Jerry Godden (4066/4498)
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

- (1) To note the current position regarding the numbers of authorised and unauthorised (including tolerated) pitches within the district;**
- (2) To recommend what action to pursue, including the use of enforcement powers, concerning the following unauthorised and tolerated pitches:**
 - **Devoncott, Carthagen Estate;**
 - **Richards Farm, Sedge Green;**
 - **Opposite Oakwood, Tylers Cross;**
 - **Rosewood, Tylers Cross;**
 - **Horsemanside Farm, Stapleford Abbots.**

Report Detail

1. The CLG consultation on 'Planning for traveller sites' was considered at Planning Scrutiny Panel on 14th June. The significant changes being proposed include:
 - replacing two Circulars (ODPM 1/2006: Planning for Gypsy and Traveller Caravan Sites and CLG 04/2007: Planning for Travelling Showpeople) with one Planning Policy Statement which will have the over-riding aim of ensuring fair treatment for those in traveller and settled communities "who play by the rules";
 - aligning Gypsy Roma Traveller (GRT) pitch provision more closely with guidance in PPS3 which deals with permanent housing provision – this includes (a) removing 'normally' from the description of GRT pitch provision in the Green Belt so that, in future, it will be classed as 'inappropriate development', and (b) asking local authorities to plan for a five-year supply of GRT pitches;
 - enabling local planning authorities to make their own assessment of need for the purposes of planning (in line with the proposed abolition of regional spatial strategies and all associated housing and GRT pitch targets);
 - limiting the opportunities for retrospective planning applications, in relation to any form of development; and

- asking local planning authorities to “treat favourably” GRT pitch applications for temporary permission in the absence of an identified five year supply of such sites.
2. In the rest of this report ‘pitch’ means an area on a site for a GRT household to live, and it can therefore consist of one or more caravans. Planning permission can be granted for pitches or caravans, so that they are described as ‘authorised’, but the terms were used more loosely in earlier years and, on some of the more long-established sites, there can still be some confusion about whether one caravan equates to one pitch.
3. Government has used the percentage of unauthorised pitches (ie without permission) of the total number of pitches (ie authorised and unauthorised) in a local authority area as a key measure to assess the level of unmet need. These percentages are derived from the biannual (January and July) caravan counts which are reported to CLG, but it is recognised that there are difficulties in calculating pitch numbers from what is essentially a count of caravans. The persistence of a figure above 25% in this district led to the service of the Direction by the last Government requiring the preparation of a separate Development Plan Document (DPD) on GRT pitch provision.
4. The separate records kept by the Environment and Street Scene Directorate (caravan counts and site licenses) and the Planning and Economic Development Directorate (planning application and appeal decisions) have recently been amalgamated. Analysis of the combined records shows the following:
- between January 2006 and January 2011, the number of authorised pitches increased from 72 to 108 (the increase actually started between January and July 2008). The distribution by parish of the 36 new authorised pitches is Nazeing – 23 (on 5 sites); Roydon – 12 (on 4 sites); and 1 in North Weald;
 - the distribution of the 108 pitches is Roydon – 42 (on 15 sites); Nazeing – 41 (on 6 sites); Ongar – 16 (on 1 site, the only public one in the district); Stapleford Abbots – 5 (on 2 sites); North Weald 2 (on 2 sites); and Moreton, Bobbingworth and the Lavers and Waltham Abbey have 1 pitch each;
 - the number of authorised caravans is more variable, ranging from 92 in January 2010 to 132 in January 2011, reflecting the continuation of the traditional way of life of the travelling community. The average January figure (6 counts) is 103, while the July average (5 counts) is 80, suggesting that more travelling is done in the summer;
 - between January 2006 and January 2008, the number of unauthorised caravans was fairly constant (50 – 60), but since July 2008 (44) has fallen (post January 2011) to 25. The distribution of these is Roydon – 10 (on 5 sites); Nazeing - 14 (on 5 sites) and Stapleford Abbots – 1;
 - the current unauthorised caravan figure includes (a) 6 caravans on two sites which have temporary permission (both being recent appeal decisions) and (b) 3 caravans on a site in Carthagena Estate in Nazeing (Devoncot) which have been treated as ‘tolerated’, although no formal decision has been taken on this site.

- it is not possible, without detailed information on all individual cases, to establish whether each unauthorised caravan equates to a pitch. The percentage of unauthorised caravans can, however, be calculated in the same way as for pitches (see para 3) with caravans with temporary permission being classified as unauthorised. The results are as follows:

<u>Caravan Count Date</u>	<u>Unauthorised % of total caravans</u>
January 2006	33
July 2006	37
January 2007	36
July 2007	36
January 2008	39
July 2008	39
January 2009	43
July 2009	39
January 2010	32
July 2010	31
(post) January 2011	16

The significant drop between July 2010 and now is primarily due to the permanent permission (on appeal) being granted for the Holmsfield Nursery site in Meadgate Road Nazeing. The site had temporary permission for 8 pitches comprising 26 caravans, and these moved from being officially unauthorised to authorised as a result of the appeal decision.

5. The increase in the number of authorised pitches, with the consequent reduction in the number (and eventually percentage) of unauthorised caravans, is linked to an increase in planning applications from the GRT community, and this in turn is linked to the public consultation exercise (November 2008 to February 2009) run for the DPD required by the previous Government's Direction. During that period, officers also encouraged the submission of applications on unauthorised and tolerated sites in meetings with site owners and in discussions with some planning agents.

6. The results to date have been beneficial in a number of ways. For the GRT community, there has been a significant increase in the number of authorised pitches and, hopefully, a recognition that a well-presented planning case can lead to permission being granted. From the settled community's point of view, most of these permissions relate to existing sites, including those with temporary permissions, or as extensions to those sites. The Council achieved and has since exceeded the target set by the Single Issue Review of the East of England Plan (34 additional authorised pitches by the end of March 2011). While the EEP and all its targets will shortly be abolished by the Government, the Council has clearly shown that its policy (H10A) of the Local Plan and Alterations has been very effective in finding the balance between meeting the needs of the GRT population, and protecting the Green Belt and the amenities of the settled community.

7. Officers had hoped that the remaining unauthorised or tolerated sites would be the subject of future applications to enable the Council to reach decisions on all the outstanding cases, but it now seems unlikely that there will be any new applications in the foreseeable future. A negative reaction has recently been received from occupants, via an agent, for one of the major outstanding sites of unauthorised caravans (Tylers Cross, Roydon).

8. Details of the outstanding unauthorised caravans are given below. These again include those with temporary permissions and the remaining tolerated ones. It may be that some of the figures from the January count identify caravans which were only on site for a short period. This will become apparent when the results of the July count this year are analysed (eg Horsemanside Farm) :

<u>Nazeing</u>	<u>Current situation</u>
Devoncot, Carthagen Estate (3 caravans)	Have been tolerated for some years
Auburnville, Carthagen Estate (1)	Enforcement appeal on-going
Sunnyside, Carthagen Estate (2)	Enforcement appeal on-going
Hallmead Nursery (4 pitches, up to 2 caravans each)	Temporary permission until December 2014
Richard's Farm, Sedge Green (1)	Subject of a still current 2009 application
<u>Roydon</u>	
32 Roydon Lodge Chalet estate (1)	Enforcement Notice served April 2011
38 Roydon Lodge Chalet Estate (2)	Enforcement Notice served May 2011
Opposite Oakwood, Tylers Cross (4)	
Rosewood, Tylers Cross (1)	
Rose Farm, Hamlet Hill (2)	Temporary permission until April 2016
<u>Stapleford Abbots</u>	
Horsemanside Farm (1)	

9. The paragraphs which follow discuss named unauthorised or tolerated sites and the possibility of taking enforcement action depending on individual circumstances. It should be noted that each case would be investigated in accordance with Enforcement Policy as shown on the Council's website. For any such action to be taken, (a) there would need to be sufficient evidence of a breach of planning policy and that if there is such a breach, (b) it would be expedient to take proportionate enforcement action.

10. Officers considered the Devoncott site in October 2009 and concluded that this was a low-key use of a relatively small and confined plot on an established holiday chalet estate (with some dwellings) adjacent to a holiday caravan site. The small size of the site with limited opportunity to expand, and broadly comparable impact to neighbouring land uses, mean there would be a reasonable prospect of planning permission being granted. The occupants have, on a number of occasions, been invited to make a planning application to continue the use, but they have, to date, not taken up this suggestion. Consideration has also been given to taking enforcement action, but officers feel that this would be disproportionate to any limited harm that is being caused. The site has therefore been treated as a "tolerated" one for the purposes of the biannual caravan count. Members may wish to consider whether, in the light of the potential changes being introduced by the draft PPS (including the end of retrospective permissions), a final attempt should be made to encourage the occupants to seek permission and thus authorise the site. The views

of Members are also sought if this final approach is again unsuccessful, ie do they wish to recommend that enforcement action should be undertaken.

11. Richards Farm is the subject of a 2009 application for 4 caravans which would bring the total on the site to 5. The application has not been supported by clear evidence, as the family has only two sons. Officers have had great difficulty contacting the applicant and have informed him that the application would be dealt with in its current form, unless additional information was made available by the start of this month. It is likely to be recommended for refusal on the grounds that no very special circumstances have been put forward to outweigh the harm to the openness of the Green Belt. If that recommendation is confirmed by Members, it is probable that enforcement action will proceed against the unauthorised caravan.

12. A number of the unauthorised caravans at Tylers Cross have been present for some time. There may be legitimate reasons for them being there (eg to cope with family growth), but this needs to be resolved through the granting of permissions, or Certificates of Lawful Development. Officers believe that formal approaches should be made to the occupiers of these sites, perhaps via an agent, explaining that there is a need for the planning situation to be resolved, and if no action is taken, that enforcement action will be pursued. Members should be aware that this will involve significant resources in the Enforcement Section. Tylers Cross is a large and complex site where authorised pitches have been sub-divided on a number of occasions, so there would need to be a considerable amount of evidence gathering before enforcement action could proceed. There is also a history of difficult relationships between the occupants of the site and Council officers, so effective action to resolve the planning issues is likely to be long drawn out and complex.

13. The Principal Planning Officer in charge of Enforcement advises that the costs of enforcement of the Tylers Cross cases are likely to include Counsel, the use of process servers for the service of notices (for officer safety), hearings and, more likely, Inquiries, and the use of injunctions or direct action to enforce the notices. He estimates that this would amount to the equivalent of 6 months' continuous work for one officer, which of course would have a serious knock-on effect on the ability of the section to respond to its current workload.

14. The draft PPS which is the subject of the CLG consultation heralds the end of retrospective planning permissions, tighter control of inappropriate development in the Green Belt, and an indication (with no details) of stronger enforcement powers for Councils. If the Tylers Cross site, and the other outstanding unauthorised cases, can be satisfactorily dealt with, this may lead to a further increase in the number of authorised pitches. Given the recent record of significantly increasing the number of other such pitches, officers believe that the Council will be able to present a compelling case if further incursions or encampments occur in the future, and be able to better control and manage future provision for the GRT community.

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Report to District Development Control Committee

Date of meeting: 29 June 2011



**Epping Forest
District Council**

**Subject: Essex County Council Development Management Policies –
Adoption as Supplementary Guidance**

Officer contact for further information: Nigel Richardson (Ext 4110)

Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee support the adoption of the Development Management Policies issued by Essex County Council as supplementary guidance by resolution of the Full Council.

Report Detail

1. The Highways Development Management Team at Essex County Council has been working on a revised policy document dealing with the highway and transport aspects of new development for sometime and this has finally been formally adopted by Essex as County Council Supplementary Guidance.
2. Attached is a copy of the new document, entitled “Development Management Policies”.
3. These policies reflect the balance between the need for new housing and employment opportunities, the regeneration and growth agenda, and protecting the transport network for the safe movement of people and goods and have the following aims:
 - Protect and maintain a reliable and safe highway infrastructure.
 - Improve access to services in both rural and urban locations.
 - Offer where possible alternative travel options to the private car.
 - Support and enhance public transport provision.
 - Address the impact of commercial vehicles on the highway network and communities.
 - Support the aims and objectives of the County Council as the Highway Authority.
4. The document is split into five sections, after a general policy opening.
5. The first of these contains highway access policies aimed at protecting the safety and efficiency of the highway network.
6. The second section contains broad design standards policies and cross refers to other design documents, such as the Essex Design Guide, which was been adopted as supplementary planning guidance in 1999 by Epping Forest and the vehicle parking standards adopted in 2010 by Epping Forest.

7. The third section entitled “Accessibility and Transport Sustainability Policies” continues the sustainability aim of trying to minimise the number of journeys by private motor vehicles by encouraging use of alternative transport modes and requirement, where necessary, of travel plans (Policy DM10), as well as safeguarding public rights of way.
8. Fourthly, “Impact and Mitigation”, identifies the requirement of a developer to provide, where necessary, transport assessments, safety audits, demonstration of no detrimental impact on congestion on the highway, mitigation measure and maintenance contributions to be assessed as part of details required to accompany planning applications.
9. Finally, policies regarding HGV movements, construction management, which are generally outside the scope of planning control, are detailed in the last topic heading and includes mineral and waste applications, which are dealt with directly by Essex County Council.
10. Paragraph 6.3 of PPS12: *Local spatial Planning* refers to supplementary guidance produced by a County Council. PPS12 advises that such guidance will not be a Supplementary Planning Document (SPD). However, where appropriate consultation and sustainability appraisal has been carried out, the supplementary guidance may be afforded a weight commensurate with a SPD in decision making. This is more likely where the supplementary guidance is endorsed by the district council. Officers are satisfied that these policies have been the subject of a full public consultation exercise, together with a Sustainability Appraisal and Strategic Environmental Assessment. They have been approved by Essex County Council Cabinet Members for Highways and Transportation and for Communities and Planning, and as such have been formally adopted as Essex County Council Supplementary Guidance.
11. Should it be agreed that these policies be adopted as Supplementary Guidance to Epping Forest Local Plan and Alterations saved policies 2007, in particular the core policies CP1 (Achieving sustainable objectives), CP3 (new development), CP6 (achieving sustainable urban development patterns), CP9 (Sustainable Transport) and as well as the sustainable transport policies chapter containing policies ST1 to ST8, then we would also have regard to these policies when developing our own policy documents as part of the Local Development Framework.
12. In effect, the policies will support the Epping Forest Local Plan on highway related matters, particularly where a highway reason for refusal on planning applications needs justifying and therefore at an appeal stage, any evidence required by County Council Highway Officers would have stronger and more up to date adopted policy backing in defending that highway related reason for refusal.

Summary

13. Therefore it is recommended that the Council adopts the new parking standards as supplementary guidance. In terms of decision making on applications the weight of these additional policies could be considered to be equivalent to a SPD. Subject to the agreement of this Committee, a further report will be presented to Council to this effect.

Development Management Policies

February 2011



Essex County Council

Development Management Policies

Essex continues to be a popular place to live and work with its unique combination of a major sea port, an international air port and proximity to the City of London. This has led to development pressures across the county; some of our primary road and rail routes are the busiest in the country. Essex is also very diverse with large market towns, two new towns, a range of villages and small rural hamlets.

For many years Essex has had Transport Development Control Policies to deal with these development pressures, which have served the County well.

These policies reflect the balance between the need for new housing and employment opportunities, the regeneration and growth agenda, and protecting the transport network for the safe movement of people and goods and have the following aims:

- Protect and maintain a reliable and safe highway infrastructure.
- Improve access to services in both rural and urban locations.
- Offer where possible alternative travel options to the private car.
- Support and enhance public transport provision.
- Address the impact of commercial vehicles on the highway network and communities.
- Support the aims and objectives of the County Council as the Highway Authority.

This policy document needs to be read in conjunction with other guidance that shape new development in Essex, in particular The Essex Design Guide, The Urban Place Supplement and the Parking Standards Design and Good Practice document. A Street Materials Guide is also being produced and will be sent out to public consultation in the near future. This will address a range of issues including permeable drainage materials and landscaping.

These policies have been the subject of a full public consultation exercise, together with a Sustainability Appraisal and Strategic Environmental Assessment. They have been approved by Essex County Council Cabinet Members for Highways and Transportation and for Communities and Planning, and as such have been formally adopted as Essex County Council Supplementary Guidance.

There are a number of definitions included to assist with the application of the policies; these can be found at the back of the document.

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General Policies

Policy DM1 General Policy

The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that:

- i. all proposals are assessed and determined in relation to the Development Management Route Hierarchy Policies (Policies DM2 – DM5);
- ii. where vehicular access is accepted in principle; the number of access points will be kept to a minimum on roads designated within the Development Management Route Hierarchy;
- iii. where access is accepted in principle; new access points will be designed and constructed in accordance with the current standards;
- iv. where existing access is to be used, substandard accesses will be improved and/or upgraded in accordance with the current standards for the category of road;
- v. all proposals are assessed and determined against current standards for the category of road having regard to the capacity, safety and geometry of the highway network;
- vi. all proposals have safe and convenient access for sustainable transport modes commensurate to its location;
- vii. proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

Informative:

The Development Management Route Hierarchy is included at Appendix A.

Highway Access Policies

Essex County Council's Development Management Route Hierarchy includes motorways and trunk roads which are under the responsibility and jurisdiction of the Highways Agency. Strategic routes, main distributor routes, secondary distributor routes, estate roads and all other adopted roads come under the responsibility and jurisdiction of Essex County Council's Highway Authority. The functions of each of these routes are outlined in the table below:

Route	Function
Strategic Route	The carrying of traffic safely and efficiently between major centres within the region
Main Distributor	The carrying of traffic safely and efficiently between major centres within the County
Secondary Distributor	The carrying of traffic safely and efficiently between substantial rural populations and on through routes in built up areas
Estate Roads	To serve safely and directly residential, industrial and mixed-use development
All other routes in the highway network	To safely provide local access and movement for people and goods

Essex County Council's Development Management Route Hierarchy derives from the County Council's Functional Route Hierarchy which remains for purposes outside of the Development Management remit. The Development Management Route Hierarchy is to be used only in relation to Development Management matters; no other Essex County Council Policies should refer to this hierarchy.

Policy DM2 Strategic Routes/Main Distributors

Between Defined Settlement Areas:

The Highway Authority will protect the function of Strategic Routes/Main Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.

Within Defined Settlement Areas:

The Highway Authority will protect the function of Strategic Routes/Main Distributors within defined settlement areas by:

- iv. ensuring the number of access points is kept to a minimum;
- v. ensuring that where safe access is available to a lower category of road in the Development Management Route Hierarchy, this is used;
- vi. ensuring that new access points will be designed and constructed in accordance with the current standards;
- vii. requiring improvements to existing substandard accesses.

Policy DM3 Secondary Distributors

Between Defined Settlement Areas:

The Highway Authority will protect the function of Secondary Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.

Within Defined Settlement Areas:

The Highway Authority will protect the function of Secondary Distributors within defined settlement areas by:

- iv. ensuring that where there are overriding safety concerns and where access is available to a lower category of road in the Development Management Route Hierarchy this is used;
- v. ensuring that new access points will be designed and constructed in accordance with the current standards;
- vi. requiring improvements to existing substandard accesses.

Policy DM4 Other Routes

The Highway Authority will protect the function of all other routes by:

- i. ensuring that new access points will be designed and constructed in accordance with the current standards;
- ii. seeking improvement to existing substandard accesses.

Policy DM5 Secondary or Multiple Vehicular Accesses

Between Defined Settlement Areas:

The Highway Authority will protect the safety and efficiency of the highway network by:

- i. having a general presumption against the use of secondary or multiple accesses on the following categories of road:

Strategic Routes

Main Distributors

Secondary Distributors

Within Defined Settlement Areas:

The Highway Authority will protect the safety and efficiency of the highway network by:

- ii. having a general presumption against the use of secondary or multiple accesses on the following categories of road:

Strategic Routes

Main Distributors

Exceptions may be made where the provision of an additional access point to a single property would result in an improvement to highway safety. In these cases the provision of a secondary access may be allowed subject to it being designed and constructed in accordance with current standards.

Informative:

For further information, please see HPN 12 on Vehicle Crossing Procedures or its subsequent replacement.

Design Standards Policies

Policy DM6 Estate Roads

The Highway Authority will ensure that:

- i. where required; residential estates shall be designed to allow access by passenger transport vehicles, emergency vehicles and refuse vehicles. All routes designed to carry passenger transport vehicles will have a minimum carriageway width of 6.75 metres;
- ii. new residential and industrial Estate Roads shall be designed in accordance with the current standards, including the Essex Design Guide, Urban Place Supplement, and relevant national guidance including Manual for Streets, or their subsequent replacement documents, (subject to the limitations as detailed in Policy DM7);
- iii. where an estate road joins a higher classification of road the junction will be designed and constructed in compliance with the standards contained in the Design Manual for Roads and Bridges (DMRB), with the exception of those situations identified in Policy DM7;
- iv. estate roads will be designed with particular emphasis on ensuring a high quality built environment and public realm.

Policy DM7 Application Of Design Standards

The Highway Authority will protect the highway network for the safe and efficient movement of people and goods by ensuring that all works within the highway comply with the current national and ECC design standards appropriate for the category of road and ensuring that:

- i. visibility splays and stopping sight distances (SSD) for all roads, with the exception of internal estate roads which carry or are intended to carry HGVs and/or passenger transport vehicles at a level of less than 5% of the overall traffic flow, must comply with standards contained within DMRB unless otherwise agreed with the Highway Authority.
- ii. visibility splays and SSD for internal estate roads must comply with standards contained within the Essex Design Guide or Manual for Streets, or their subsequent replacement documents, except where 5% or more of the overall traffic flow consists of Heavy Goods Vehicles (HGVs) and/or passenger transport vehicles;
- iii. where engineering measures have been implemented to provide a pedestrian prioritised environment, visibility splays and SSD must comply with standards contained within the Essex Design Guide or Manual for Streets, or their subsequent replacement documents.

Informative:

For further information, please see the Development Management Forum Eastern Region Practice Note on the application of Manual for Streets or its subsequent replacement.

Policy DM8 Vehicle Parking Standards

The Highway Authority will ensure that development proposals comply with Essex County Council's current "Parking Standards: Design and Good Practice" document, or its subsequent replacement.

Accessibility and Transport Sustainability Policies

Policy DM9 Accessibility and Transport Sustainability

The Highway Authority will ensure that the developer will minimise the number of trips by the private vehicle through the provision of alternative transport modes and/or associated infrastructure by ensuring that:

- i. alternatives to private car use are considered as a first principle in assessing travel impacts on the transportation network and mitigation will be required through the application of comprehensive travel planning options, where impact is identified.
- ii. all development proposals are assessed and determined against the Essex Road Passenger Transport Strategy, or its subsequent replacement, and mitigation will be required where impact is identified;
- iii. all development proposals are assessed and determined against the Essex Cycling Strategy, or its subsequent replacement, and mitigation will be required where impact is identified including connection to the existing network;
- iv. all development proposals are assessed and determined against the Essex Walking Strategy, or its subsequent replacement, and mitigation will be required where impact is identified including connection to the existing network;
- v. all development proposals are assessed and determined against the Essex Rail Strategy, or its subsequent replacement, and mitigation will be required where impact is identified;
- vi. all development proposals are assessed and determined against the Essex Schools and Colleges Sustainable Modes of Travel Strategy, or its subsequent replacement, and mitigation will be required where impact is identified;
- vii. all development proposals are assessed and determined against the Essex Workplace Sustainable Business Strategy, or its subsequent replacement, and mitigation will be required where impact is identified.

Policy DM10 Travel Plans

The Highway Authority will require the provision of a Travel Plan and monitoring fee as part of any development proposal that meets the following criteria:

- i. all non-residential development proposals with 50 employees or more;
- ii. any education establishment development which increases the number of either pupils or staff will be required to provide a School Travel Plan;
- iii. all new residential dwellings will require the provision of a Residential Travel Information Pack.

Informative:

For further information, please see Essex County Council's Travel Plan Guidance notes, 'Helping you create a Business Travel Plan' or its subsequent replacement.

Policy DM11 Public Rights of Way

The Highway Authority will:

- i. safeguard the existing network of Definitive Public Rights of Way where affected by development, ensuring that it remains protected and open for use by the public and having regard to the Department for Environment, Food and Rural Affairs Circular 1/09, or its subsequent replacement;
- ii. require that, where Definitive Public Rights of Way exists through a development site, it will be retained on its existing alignment and the development designed and laid out to accommodate it. In the event that there is no alternative and the development can not accommodate the existing Definitive Public Right of Way, a diversion and/or alternative route shall be provided. Any such diversion and/or alternative must be approved as convenient and suitable in all respects by the Highway Authority and will be constructed in accordance with current standards;
- iii. require the creation of new and/or enhancement of existing Definitive Public Rights of Way and/or permissive routes to encourage alternative modes of travel;
- iv. take appropriate consideration of Rights of Way reasonably alleged to subsist, where affected by development.

Informative:

For further information please refer to Essex County Council's 'Essex Rights of Way Improvement Plan' and 'Development and Public Rights of Way, Advice Note for Developers and Development Management Officers' or their subsequent replacements.

Policy DM12 Rural Diversification

The Highway Authority has no general presumption against the reuse of agricultural buildings in rural areas. Each site will be assessed on its own merit and having regard to all other policies contained within this document.

The Highway Authority will consider the net change in road traffic impacts, including but not restricted to vehicle numbers, vehicle types and hours of operation, between existing and proposed land uses.

Informative:

For further information, please see Essex County Council's Rural Diversification Guidance note, or its subsequent replacement.

Impact and Mitigation Policies

Policy DM13 Transport Assessments

The Highway Authority will require:

- i. a Transport Statement (TS) to accompany a planning application in accordance with the thresholds as set out in Appendix B, or where the Highway Authority deems it to be necessary;
- ii. a Transport Assessment (TA) to accompany a planning application in accordance with the thresholds as set out in Appendix B, or where the Highway Authority deems it to be necessary;
- iii. a School Transport Statement for development at existing educational establishments where pupil and/or staff numbers are proposed to increase.

Informative:

For further information on Transport Assessment requirements, refer to the Department for Transport's 'Guidance for Transport Assessment' or its subsequent replacement.

The scope of any Transport Assessment and/or Transport Statement is to be agreed with the Highway Authority and the Highways Agency (where the development proposal impacts on the trunk road network) prior to submission of the same to the Local Planning Authority.

Policy DM14 Safety Audits

The Highway Authority will require:

- i. a Stage 1 Safety Audit report including designer's response where appropriate, to accompany any planning application which seeks to materially alter the existing highway;
- ii. any safety audit accompanying a planning application to have been carried out in accordance with current standards by an independent safety auditor.

Policy DM15 Congestion

The Highway Authority will protect the safety and efficiency of the public highway by:

- i. requiring the developer to demonstrate that the development proposal has no detrimental impact upon the existing or proposed highway in congestion terms, as measured by assessing existing and proposed link/junction capacity relevant to the development site; or
- ii. requiring the developer to provide appropriate mitigation measures to ensure that there is no detrimental impact to the existing highway.

Policy DM16 Air Quality

The Highway Authority will assist the Local Planning Authority in the protection of areas that have been designated as unacceptable in terms of air quality by:

- i. having a general presumption against the provision of development that would cause a negative impact to existing designated Air Quality Management Areas (AQMA) through increased traffic or congestion, unless appropriate mitigation measures are provided by the developer.

Policy DM17 Securing Mitigation

The Highway Authority will consider each proposal for development on its merits by assessing supporting information and will require appropriate highway and/or transportation mitigation in accordance with guidance contained in the ODPM Circular 05/2005 Planning Obligations and the Community Infrastructure Regulations 2010 document or its subsequent replacement. Mitigation will be delivered by way of:

- i. highway/transportation mitigation measures to be undertaken by the developer and/or:
- ii. payment by the developer of an agreed financial contribution/s to enable the Highway Authority to implement highway and/or transportation mitigation measures;
- iii. payment by the developer of an agreed financial contribution/s where an approved, pooled contribution system is in place.

Informative:

The method of securing mitigation required may vary depending on the policies and procedures of the Local Planning Authorities.

Policy DM18 Maintenance Contributions for New Infrastructure

The Highway Authority will require maintenance payments to be deposited with the County Council:

- i. to maintain new specialist and/or additional infrastructure directly related to the proposed development site and its associated highway works for a period of 15 years;
- ii. for new structures directly related to the proposed development site and its associated highway works for a period of time and for an amount to be agreed on a case by case basis.

Informative:

For further information, please refer to Essex County Council's 'Street Material Guide' or its subsequent replacement.

HGV/Construction Related Policies

Policy DM19 HGV Movement

The Highway Authority will protect the safety and efficiency of the highway network by ensuring that any proposals which generate a significant number of heavy goods vehicle movements:

- i. are located in close proximity to Strategic Routes/Main Distributors and/or Secondary Distributors;
- ii. are connected to Strategic Routes/Main Distributors and/or Secondary Distributors via short sections of other roads;
- iii. will where appropriate require the developer to submit and agree with the Highway Authority a routing management plan in relation to heavy goods vehicle movements.

Policy DM20 Construction Management

The Highway Authority will protect the safety and efficiency of the highway network by ensuring that:

- i. any temporary construction access and/or haul road will be agreed with the Highway Authority prior to commencement of development;
- ii. a Construction Traffic Management Plan is submitted and agreed with the Highway Authority prior to commencement of development;
- iii. details of parking and turning facilities for all construction traffic within the development site are submitted and agreed with the Highway Authority prior to commencement of development;
- iv. details of wheel cleaning facilities within the development site are submitted and agreed with the Highway Authority prior to commencement of development.

Policy DM21 Minerals and Waste Applications

The Highway Authority will ensure that all applications that propose the importation and/or exportation of either minerals or waste products, in addition to the policies contained within this document, shall adhere to the transportation policies contained within both the current Essex County Council Adopted Minerals Local Plan and the Essex County Council Adopted Waste Local Plan or to their subsequent replacement Local Development Framework Documents as applicable.

Informative:

Please refer to the Essex County Council Minerals Local Plan and Waste Local Plan, or to their subsequent replacement documents for further information.

Policy DM22 Maintenance Contributions for Damage to the Existing Highway

The Highway Authority will require maintenance payments for the repair of any damage caused to the existing highway created by extraordinary use resulting from a development proposal.

Informative:

Determination of requirements for maintenance will result from a condition survey of the appropriate area before and after the period of operation. A bond shall be put in place prior to commencement, to ensure that any damage is made good at the developer's expense within three months of the completion of works.

Definitions

The following definitions are to be used for terms found throughout this document in order to assist with the application of the Development Management policies:

Air Quality Management Areas (AQMA): those areas designated by the relevant District or Borough Council as having unacceptable air quality.

Alternative Transport Modes: a range of travel modes which reduce the need to use the private car as a primary means of transport.

Capacity: efficient operation of the link/junction as measured against the assessment methods in the current standards.

Category of Road: as defined in the Essex County Council's Development Management Route Hierarchy, shown in Appendix A.

Close Proximity: near or adjacent to; in order to enable direct access where appropriate.

Current Standards: national and Essex County Council design standards and guidance.

Defined Settlement Areas: the town or village envelope as defined by the relevant Local Planning Authority.

Definitive Public Rights of Way: all Public Rights of Way including footpaths, bridleways, and byways. These are classed as highway as defined in the Highways Act 1980.

Design Manual for Roads and Bridges (DMRB): Highways Agency/Scottish Government/Welsh Assembly/Dept. for Regional Development Northern Ireland manual for the design and assessment of trunk road schemes.

Detrimental: a significant increase in the potential for accidents and/or an increase in traffic flow of 5% or more on any link/junction, or in the case of a congested area of network which already operates at or above 85 per cent of its theoretical capacity, any increase in traffic flow at a link/junction unless otherwise specified by the Highway Authority.

Development Management Route Hierarchy: classification of routes within Essex, for Development Management purposes, as shown at Appendix A.

Directly related: required predominately for the use of the development for safety, efficiency and/or accessibility reasons.

Efficient: minimising queuing and delay on the highway together with maintaining/improving reliability.

Estate Roads: those routes which directly serve residential, industrial and mixed-use development.

Extraordinary use: each case will be considered and determined on its merits by the Highway Authority.

Geometry: geometric design features as specified in the current standards.

Heavy Goods Vehicles (HGVs): Any vehicle weighing 7.5 tonnes or more.

Highway Network: all land covered by highway rights.

Independent Highway Consultant: a highway consultant employed by, but not connected in any way to the planning application, applicant and/or their highway/scheme design.

Intensification: increase from the existing level of traffic movements, change in the type and/or size of vehicles and/or change in the pattern of traffic flow.

Main Distributors: those routes as defined in the Development Management Route Hierarchy, which serve to carry traffic efficiently and safely between major centres within the County.

Materially Alter: alterations or improvements to the highway that alter or disrupt the alignment of the existing highway network.

Mitigation Measures: the provision of works or financial contributions to ensure that there is no negative impact on the existing highway as a result of the development proposals.

Monitoring Fee: A non-returnable fee deposited to Essex County Council for the monitoring of implementation and targets of the agreed Travel Plan.

Other Routes in the Highway Network: those routes which serve to provide local access and movement for people and goods.

Overriding Public, Environmental, National and/or Regional Need: as defined by the Planning Framework including sites identified in the adopted national policy statement/document. Planning Policy Statement, Local Development Frameworks, Minerals and Waste Local Plans, Regional Spatial Strategy, extant Local Plan etc; or their subsequent replacement documents.

Passenger Transport Vehicles: motorised public service vehicles capable of carrying eight or more fare paying passengers.

Permissive Routes: a non-statutory path provided entirely at the discretion of the landowner, which may be closed at any time the landowner chooses.

Relevant: as determined by the Highway Authority.

Required: as deemed necessary by the Highway Authority in order for full assessment to take place, to meet relevant standards, and/or to mitigate impact.

Residential Travel Information Pack: A pack containing detailed information on available facilities for sustainable travel modes such as passenger transport, cycling and walking, or its equivalent.

Residential Travel Information Pack: an information marketing scheme for promoting travel by sustainable modes, as approved by Essex County Council. Please refer to the Essex County Council's Residential Travel Information pack document or its subsequent replacement for further details.

Safe: as deemed by the Highway Authority following the investigation and analysis of accident history data and compliance with safety audit recommendations and current standards, as appropriate in order to minimise risk.

Secondary Distributors: those routes as defined in the Development Management Route Hierarchy, which serve as main connections between substantial rural populations and as through routes to distribute traffic in built up areas.

School Transport Statement: a simplified version of a Transport Assessment (TA) for a development proposal relating to the expansion/enlargement of a school, college or other educational institution. (Note: Proposals for new educational establishments will require a Transport Assessment.)

School Travel Plans: a document which must be provided and implemented by the developer and agreed by Essex County Council for all proposals relating to education establishments. Please refer to the Essex School Travel Plan Guidelines or its subsequent replacement.

Secondary or Multiple Accesses: the provision of additional access points serving a single dwelling, development or parcel of land.

Short Sections of Other Routes: the most direct route of suitable dimensions, as specified by the Highway Authority, to connect the site to the Strategic Route/Main Distributor/Secondary Distributor network.

Significant: each case will be considered and determined on its merits by the Highway Authority.

Specialist Infrastructure: “non-standard” or “extra-over” infrastructure that is not the Highway Authority’s standard type; and/or infrastructure including but not restricted to, as traffic signals, controlled crossings, trees and bus stops directly related to the development.

Strategic Routes: those routes as defined in the Development Management Route Hierarchy, which serve to carry traffic efficiently and safely between major centres within the region.

Structures: a constructed form, on or adjacent to the highway, including all types of bridges, retaining walls, subways, culverts and gantries.

Substandard: does not meet current standards and/or is not considered safe by the Highway Authority.

Transport Assessment (TA): a comprehensive and systematic document that sets out transport issues and mitigation measures relating to a development proposal. For further information please refer to the Department for Transport’s ‘Guidance for Transport Assessment’ document or its subsequent replacement.

Travel Plan: a document which must be provided and implemented by a developer and agreed by Essex County Council for all types of commercial proposals (including multi-tenant sites), leisure proposals as well as higher education establishments and colleges in order to encourage sustainable modes of travel. For further details please refer to Essex County Council’s travel plan guidance notes ‘Helping you create a Business Travel Plan’ or any subsequent replacement.

Transport Statement (TS): a simplified version of a Transport Assessment (TA) for a development proposal that does not require submission of a full TA.

Appendix

Appendix A: Essex County Council's Development Management Route Hierarchy Plan

Appendix B: Transport Assessment (TA)/Transport Statement (TS) Guidelines Thresholds

Appendix C: Reference Documents

Appendix B

Transport Assessment(TA)/Transport Statement (TS) Guideline Thresholds:

Use	Thresholds for TSs	Thresholds for TAs
A		
A1 Food retail	250 – 800m ²	>800m ²
A2 Non-food retail	800 – 1500m ²	>1500m ²
A2 financial and professional services	1000 – 2500m ²	>2,500m ²
A3 restaurants and cafes	300 – 2500m ²	>2,500m ²
A4 drinking establishments	300 – 600m ²	>600m ²
A5 hot food takeaway	250 – 500m ²	>500m ²
B		
B1 business	1500 – 2500m ²	>2,500m ²
B2 general industry	2500 – 4000m ²	>4,000m ²
B8 storage and distribution	3000 – 5000m ²	>5,000m ²
C		
C1 Hotels	75 – 100 bedrooms	>100 bedrooms
C2 residential – hospital, nursing homes	30 – 50 beds	>50 beds
C2 residential – education	50 – 150 students	>150 students
C2 residential – institution hostel	250 – 400 residents	>400 residents
C3 Residential	25 – 50 units	>50 units
D		
D1 non-residential institutions	500 – 1000m ²	>1000m ²
Primary and secondary education	School TS where an increase in staff/pupil numbers is proposed	Any new school
Higher and further education	0 – 50 pcus	>50 pcus
D2 Leisure and assembly	500 – 1500m ²	>1500m ²
Others	Discuss with LHA	Discuss with LHA

Appendix C

Reference Documents:

- Borough and District Councils’ Local Development Framework Documents, for further information please contact the relevant District or Borough Council.
- Circular 1/09 - Rights of Way, Guidance for Local Authorities, October 2009, Department for Environment, Food and Rural Affairs.
- Circular 05/2005 – Planning Obligations, July 2005, Office of Deputy Prime Minister.
- Design Manual for Roads and Bridges, loose leaf volumes dating from 1992 onwards, The Highways Agency/Scottish Government/Welsh Assembly Government/ The Department for Regional Development Northern Ireland.
- Development Management Forum, Eastern Region, Practice Note: Manual for Streets 1 and 2 (MfS) – Position Statement.
- Essex County Council Development for Public Rights of Way - Advice Note for Developers and Development Management Officers, January 2010, Essex County Council.
- Essex County Council Guidance Notes for Workplace Travel Plan Framework for Development with Multiple Occupiers.
- Essex County Council Guidance Notes for Workplace Travel Plan Framework for Development with a Single User.
- Essex County Council’s Minerals and Waste Framework Documents.
- Essex County Council Rural Diversification Guidance Note.
- Essex Cycling Strategy, August 2001, Essex County Council.
- Essex Design Guide, 1997 revised 2005, Essex County Council.
- Essex Walking Strategy, August 2001, Essex County Council.
- Essex Rail Strategy 2006 – 2011 and Beyond, October 2005, Essex County Council.
- Essex Road Passenger Transport Strategy 2006 – 2011, July 2005, Essex County Council.
- Essex Schools & Colleges – Sustainable Modes of Travel Strategy 2009 – 2011, September 2009, Essex County Council.
- Guidance for Transport Assessment: DfT
- Highways Practice Note 12: Vehicle Crossing Procedures (HPN12).
- Manual for Streets, March 2007, DfT & DCLG.

- Manual for Streets 2 : Wider Application of the Principles, CIHT
- Parking Standards – Design and Good Practice, September 2009, Essex County Council.
- The Community Infrastructure Levy Regulations 2010
- Urban Place Supplement, March 2007, Essex County Council.

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The information contained in this document can be translated, and/or made available in alternative formats, on request.

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