

committee agenda



Epping Forest District Council

District Development Control Committee Wednesday, 19th October, 2011

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

Time: 7.30 pm

Democratic Services Officer: Simon Hill, 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

SUBSTITUTE NOMINATION DEADLINE:

18:30

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 - 12)

To confirm the minutes of the last meeting of the Committee held on 24 August 2011. (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. The deadline for substitutions for this meeting is 6.30 p.m. on the day of the meeting.

6. DECLARATIONS OF INTEREST

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

7. PLANNING APPLICATION EPF/1254/11 - 156-158 HIGH ROAD, ONGAR. - CHANGE OF USE OF GROUND FLOOR FROM SHOP (A1 USE CLASS) TO A MIXED USE COMPRISING CHILDRENS SOFT PLAY AREA (D2 USE CLASS) AND COFFEE SHOP (A3 USE CLASS). (Pages 13 - 20)

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

8. PLANNING APPLICATION EPF/1437/11, 40 FOREST DRIVE, ABRIDGE - SIDE, FRONT AND REAR EXTENSIONS AND REAR DORMER ADDITION. (Pages 21 - 28)

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

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 29 - 40)

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

10. COMPLIANCE WITH REQUIREMENTS OF ENFORCEMENT NOTICES - BLUNTS FARM, COOPERSALE LANE/ABRIDGE ROAD, THEYDON BOIS (Pages 41 - 44)

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

11. 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.

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'

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 24 August 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.32 pm

Members Present: B Sandler (Chairman), R Bassett (Vice-Chairman), A Boyce, K Chana, D Dodeja, J Hart, Mrs S Jones, L Leonard, J Markham, J Philip, H Ulkun, J M Whitehouse and J Wyatt

Other

Councillors: K Avey, J Knapman, Ms Y Knight and D Stallan

Apologies: C Finn and Mrs C Pond

Officers Present: S Solon (Principal Planning Officer), K Smith (Senior Planning Officer), A Hall (Director of Housing), A Hendry (Democratic Services Officer) and S G Hill (Senior Democratic Services Officer)

10. 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.

11. MINUTES

Resolved:

That the minutes of the meeting held on 29 June 2011 be taken as read and signed by the Chairman as a correct record.

12. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted the Councillor L Leonard was substituting for Councillor C Pond at the meeting.

13. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors B Sandler and K Chana declared a personal interest in agenda item 6 (planning application EPF/0116/11 – Garden Centre, 212 Manor Road, Chigwell) by virtue of being a member of Chigwell Parish Council. The councillors advised that they had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda item 7 (planning application EPF/0116/11 – Valley Grown Nurseries, Paynes Lane, Nazeing) by virtue of being a deputy representative member of the LVRPA. The councillor advised that he had

determined that his interest was not prejudicial and that he would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a prejudicial interest in agenda item 7 (planning application EPF/0116/11 – Valley Grown Nurseries, Paynes Lane, Nazeing) by virtue of personal knowledge of the applicant. The councillor advised that he proposed to leave the meeting for the consideration and voting on the matter.

14. 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 gave further consideration to a site at 212 Manor Road, Chigwell which had last been considered on 5 April 2011.

At that meeting it had been resolved to give the applicants a further period in which to complete an agreement under Section 106 of the Town and Country Planning Act 1990 which sought to secure a number of planning obligations without which the Council was of the view that the 'very special circumstances' test on applications within the Green Belt was not met.

Since that meeting, officers from the Planning and Housing Services Directorates had held further discussions with the applicant to attempt to secure the Heads of Terms of the agreement.

The applicant had stated that the affordable aspects of the development were no longer viable as previously submitted. The tenure mix of affordable dwellings had been agreed at a time when there was an assumption that capital grant would be provided by the Homes and Communities Agency (HCA). This grant funding was no longer available on sites where there was a Section 106 Agreement. Without this grant funding, the applicant had expressed the view that only 33% of the dwellings could be provided as affordable.

Additionally, it was considered that given the passage of time which had passed since the original approval, the changes in economic circumstances meant that the contribution towards the re-opening of the post office counter also affected the viability of the proposal. On balance, therefore, officers considered that the need for affordable housing on the site was greater than the need for the contribution to the Post Office Counter. The sum envisaged for this had therefore been taken into account in subsequent discussion with the applicant on tenure mix and number of affordable housing before the Committee.

Negotiations with the proposed housing association, Moat, had indicated that subject to consent of their board and of the HCA following the date of the meeting, it would be prepared to use its own grant monies to provide 60% of the total number of affordable homes as rented housing. The Committee noted two different permutations of tenure mix which demonstrated the effect of approval or non-approval from the HCA.

The Committee also noted that the Applicant was to transfer part of the site to provide surface level car parking for the adjacent site which was desirable and would reduce the number of dwellings by one.

Members heard from an objector to the scheme and late representations were reported.

The Committee were of the view that that, locally, there was a wish for the post office to be reopened. The original contribution was split with the adjacent site and was designed to cover a three year period of operation. It was noted that if the sum was included, it would have the effect of reducing the amount of affordable housing by 1-2 units reducing the overall percentage to approximately 76% and would require further negotiation with the applicant. The Committee considered and adopted a motion that the contribution should be included.

The Committee granted the changes to the proposed Section 106 Agreement subject to the above alteration and granted a further period of three months to agree the revised Heads of Term with the applicant with a further three months to complete the Section 106 agreement. It was agreed that the application would not come back before members unless agreement on the new tenure mix was not reached.

Resolved:

(1) That planning permission be granted, subject to the completion of an altered Section 106 Legal Agreement to secure the following planning obligations:

(a) The provision of affordable housing (in accordance with the detailed Heads of Terms attached as Appendix 1 to these minutes, which have been negotiated with and agreed by the Applicant), subject to the outcome of further discussions with the applicant on the tenure mix;

(b) Highway improvements (works and/or financial contributions);

(c) Vehicular access into the adjacent site;

(d) The provision of an area of public space within the site to be transferred to Epping Forest District Council at nil consideration and a financial contribution towards the maintenance of the public open space; and

(e) A contribution of £120,000, over a three-year period, towards the provision of a new post office in the locality;

(2) That the matter only be referred back to the Committee if officers are unable to agree acceptable terms with the applicant for the tenure mix, subject to a minimum of 52 affordable homes being provided; and

(3) That the final Heads of Terms for the Section 106 Agreement be agreed within a period of 3 months of the date of the Committee meeting and the Section 106 be signed within a period of 6 months of the date of the Committee meeting.

15. PLANNING APPLICATION EPF/1181/11- VALLEY GROWN NURSERIES, PAYNE'S LANE, NAZEING, ESSEX . - CONSTRUCTION OF GLASSHOUSE, ANCILLARY WAREHOUSE AREA, OFFICE AND WELFARE FACILITY SPACE, HABITAT ENHANCEMENT AND LANDSCAPING.

The Committee considered a major development application in Nazeing.

The planning application sought the construction of a 87,119 m² (approximately 9 hectares) glasshouse with ancillary warehouse, office space, welfare facility space and landscaping of the site to include habitat enhancement. The proposed development was to be sited south of an existing glasshouse site in Paynes Lane, Nazeing, but on land outside the local plan designated glasshouse area and therefore contrary to policy.

The proposed site, at the end of a private lane, lay within the Lee Valley Regional Park, it also contained a pond area and a footpath crossed the site. Paynes Lane was also a footpath.

The committee viewed plans of the proposed glasshouse and associated buildings and had visited the site in the week before the meeting. The applicant had also provided details to the local authority of a proposed unilateral agreement covering subdivision, removal of buildings if the site was not being used for production and maintaining a wildlife habitat.

The Committee noted that there had been considerable local objection and received additional representations received since the publication of the agenda including those of Nature England about the habitat area. The Environment Agency had, in a letter dated 24 August 2011, withdrawn their objection to the proposals subject to a number of additional suggested conditions dealing with contamination, groundwater and flooding.

In noting that the site was out with the designated glasshouse area, officers informed the committee that no other suitable site existed in the designated area and this site was immediately adjacent to it. The Highways Authority had commented that the junction of Paynes Lane with the main road was suitable and could accommodate the additional traffic generated by the proposals but had not commented on the use of the use of the private road. The increase in traffic levels of approximately 8% was, in their view, insufficient to refuse planning permission.

The officers stated that the main issue for consideration was whether the governments emerging draft planning policy of the presumption in favour of sustainable economic development and the appropriateness of agricultural development outweighed the potential harm to the Metropolitan Greenbelt and the Regional Park given the visual impact of the building.

The Lee Valley Regional Park Authority had objected to the proposal. The Committee heard representations from the Park Authority, a local objector, the Parish Council and the applicant.

Members were of the view that the access via Paynes Lane was not fit for purpose and use by lorries would increase the chance of accidents along the narrow lane. Moreover members had concerns that the proposed glasshouse would have a material impact on the openness of the Metropolitan Green Belt and upon the residents of the area by its size and position. Members were mindful of the precedent for other such developments and the maintained objection from the LVRPA.

Members considered and approved a motion to refuse planning permission on those grounds.

Resolved:

That planning application EPF/1181/11 be refused for the following reasons:

- (1) By reason of its very large bulk and scale, together with its siting outside of an area designated for glass houses on the Local Plan Alterations proposals map, the proposed glasshouse and associated warehouse would have an excessive adverse impact on the open character of the Green Belt, undermining planning policy objectives for the locality. The proposed development is, therefore contrary to polices DBE1, DBE4, GB7A, E13A and E13B (i) of the Adopted Local Plan and Alterations;
- (2) The proposed development, by reason of the noise and disturbance caused by related vehicle movements, would cause material harm to the amenities presently enjoyed by nearby neighbouring residents, contrary to policies RP5A, DBE2 and DBE9 of the Adopted Local Plan and Alterations;
- (3) The proposed development would set an undesirable precedent for similar developments to take place on comparable sites within the Metropolitan Green Belt and outside of designated glasshouse areas, contrary to the principles of Policies GB7A and E13A of the Adopted Local Plan and Alterations; and
- (4) The proposed development, would have a significant adverse impact on the character of the Lea Valley Regional Park contrary to policy RST24 of the Adopted Local Plan and Alterations.

16. ANY OTHER BUSINESS

It was noted that there was no further business to be transacted at the meeting.

CHAIRMAN

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Report to District Development Control Committee

Date of meeting: 19 October 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/1254/11 – 156-158 High Road, Ongar. - Change of use of ground floor from shop (A1 Use Class) to a mixed use comprising childrens soft play area (D2 Use Class) and coffee shop (A3 Use Class).

Officer contact for further information: P Onyia Ext 4103
Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee considers the recommendation of Plans Sub-Committee East to grant planning permission subject to suggested planning conditions.

Report Detail

1. (Head of Planning and Economic Development) This application has been referred by the Area Plans Sub Committee East on 14th September 2011. The report to the sub-committee (attached as Appendix 1) carried a recommendation from officers to refuse planning permission and the planning merits of the case are attached.

Planning Issues

2. The debate at the Sub-Committee meeting was that Members supported this scheme, which they felt would be an asset to the shopping centre because it would add value to the vitality and viability of the Town Centre. The shop unit has been vacant for a lengthy period of time and there are also a number of other vacant premises nearby. It would be beneficial for the shoppers, users and local residents.

3. Planning Officers felt that the use is appropriate to a town centre, but it conflicted with Local Plan policy TC4, being in a key frontage area. As well as the loss of this vacant double-fronted retail use, it would result in three non-retail uses being together, as well as increase the amount of non-retail for the centre further beyond the accepted threshold. The application lacked detail on vacancy and how it had been marketed so overall, officers recommended refusing planning permission.

Conclusion

4. Officers maintain that there are sound reasons for refusal, but should the Committee agree with Area Plans Sub-Committee East to grant planning permission it should be for subject to the following suggested conditions:

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

2. *The premises shall be used solely for a mixed use as a children's soft play area and a café and for no other purpose (including any other purpose in Class D2 and A3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.*
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) a change of use generally permitted by virtue of Part 3 Class C shall be undertaken without the prior written permission of the Local Planning Authority.*
4. *The use shall only operate in accordance with the floor plan layout and extent of the café area and the children's soft play area as shown on the submitted drawing received and dated 5 July 2011 entitled "Floor Plan for Krazy Kidz Café Ltd", unless otherwise agreed in writing by the Local Planning Authority.*
5. *The café area shall not operate separate hours from the children's soft play area and this mixed use hereby permitted shall only not be open to customers / members outside the hours of 0900 to 1800 hours Monday to Friday and 1000 to 1800 hours Saturday, Sundays and Bank Holidays.*

Extract from the agenda of Area Planning Subcommittee East – 14 September 2011

Report Item No: 8

APPLICATION No:	EPF/1254/11
SITE ADDRESS:	156-158 High Street Ongar Essex CM5 9JJ
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mrs Kristina Ponsford
DESCRIPTION OF PROPOSAL:	Change of use of ground floor from shop (A1 Use Class) to a mixed use comprising childrens soft play area (D2 Use Class) and coffee shop (A3 Use Class).
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=528995

REASON FOR REFUSAL

- 1 The proposal would result in the loss of a double frontage shop use (Use Class A1) from the key retail frontage of the Ongar town centre, as defined in the Epping Forest District Local Plan and Alterations. It would increase the proportion of non-retail frontage within the key retail frontage, exacerbating the impact of an already excessively high proportion of non-retail frontage on the vitality and viability of the shopping centre. The use would threaten the long term vitality and viability of the shopping centre by undermining its retail function and therefore contribute to a threat to its position in the hierarchy of town centres within the District. Accordingly, the proposal is contrary to policies TC1 and TC4 of the Epping Forest District Local Plan and Alterations.

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

Description of Proposal:

Permission is sought to change the existing use of the commercial premises from retail (A1 use) into a mixed use comprising a children's soft play area (D2 use) and coffee shop (A3 use). The first floor use will remain unchanged as residential accommodation.

Description of Site:

The unit lies to the east of High Street, Ongar. It is a double frontage commercial retail unit and it is presently vacant with residential accommodation above at first floor level. The entrance into the flat is accessed through a side doorway. The adjacent unit to the north, No 162, is a restaurant (A3 use) and the immediate southern boundary is demarcated by a narrow road that provides access to St Martins Mews. Beyond this lies No. 150, a commercial unit that trades as Ongar Hardware store (A1 use).

The unit lies within Ongar Town centre boundary and is also within its key frontage. The building is a listed building and the site lies within the Conservation Area boundary.

The internal useable floor area measures approximately 254 square metres.

Relevant History:

No recent/ relevant history

Policies Applied:

TC1 – Town centre hierarchy
TC3 – Town centre
TC4 – Non retail frontage
HC7 and HC10 – Conservation area/ listed building
DBE9 – Neighbour amenity

Representation

16 properties consulted and one letter of representation has been received.

154 HIGH STREET – Objection: We have had many unsatisfactory dealings with this applicant with regards to access to our property. The police have been called on occasions when whilst heavily pregnant my wife was denied access off of the High Street. I am led to believe he has misled the managers to this project as to which land he owns. Even last week the police were called when a lockable post was being erected by an employee of the applicants to block our access.

ONGAR TOWN COUNCIL – Ongar Town Council considered this proposal to be appropriate and innovative use of the premises in the centre of Ongar and support this application. The applicant has indicated that the portion of the premises designated as “café” will serve beverages and baked potatoes. Ongar Town Council believes that consideration should be given to imposing a condition preventing the serving of other kinds of hot food.

Although not a planning issue, Ongar Town Council believes there should be adequate safeguarding for children visiting the premises.

Issues and Considerations:

The key issues for consideration relevant to this application are the impact on the vitality and viability of the town centre. Also considered is the amenity and living conditions of nearby residential properties.

Principle of change of use - Vitality and Viability of Retail Centre

The premises are presently vacant although the last known use was as a retail shop unit. The double fronted unit is identified in the Adopted Plans Map as one within the town centre of Ongar. The Council's Town Centre policies TC1 and TC3, seek to safeguard and encourage a range of local shopping facilities to meet the essential needs of residents while encouraging the long term viability and vitality of the area.

The Town Council supports the proposed change of use of this unit because it will be an innovative use of the premises. This view is supported by policy TC1 which supports proposals that sustain or improve the vitality of town centre locations. There are no similar existing uses within the town centre, as such it is considered that this is an innovative use of the site that will benefit the vitality of the town centre.

The policy also seeks uses which will either 'maintain or not adversely affect their position in the Town Centre Hierarchy'. Policy TC3 reinforces the approach to controlling land use in designated town centres. The proposed change of use will bring a vacant unit into use preventing dead daytime frontage, thus it satisfies requirement (iv) of this policy. The use of the premises as a children's play area with a coffee shop will encourage visitors to the site during the daytime and evening during the opening times proposed. The residential accommodation above will not be compromised and the ground floor will continue to serve as a commercial unit. Due to its position within this town centre location, the proposed use satisfies the criteria contained within policy TC3.

The site is however within the key frontage of the Town Centre. The other key policy issue therefore will be the loss of an A1 retail unit that forms part of the Key Frontage of Ongar High Street and what impact this will have on the future long term vitality and viability of this town centre.

PPS4 - Planning for sustainable economic growth emphasizes the Government's objective to maintain vitality and viability in town centres, to promote sustainable economic growth. Council policy TC4, seeks to safeguard and encourage a range of local shopping facilities to meet the essential needs of residents because this will enhance the long term viability and vitality of the area.

The subject site is presently vacant and the applicant advises the unit has been vacant for 3 to 4 years. A material consideration is the length of time the property has remained vacant. There is no supplementary evidence submitted with the application to prove how long this property has been vacant and whether the unit has been actively marketed for its present A1 use.

Policy TC4 from the Local Plan Alterations 2006 requires that non-retail frontage within the key frontage areas should not exceed the 30% threshold. Taken from the November 2009 town centre survey, Ongar Town Centre stands at approximately 53% non-retail; as such it has already excessively breached this limit. Should the proposed change of use take place, this would result in a further increase and also the loss of a double frontage retail unit.

Adjoining shop premises No. 162 is a non-retail unit trading as a restaurant A3 use. The proposal will therefore result in three adjacent non-retail units, which in addition fails to meet with policy TC4 (ii).

Consideration has been given to the proposed trading hours which suggest the opening times will be from 9.30 am until 5.30pm; this will promote the day time use of the unit. However, the loss of this double retail frontage in the key frontage will harm the long term future viability and vitality of the town centre.

Whilst the proposed use is innovative and would add benefit to the range of uses within the town centre, the loss of the double unit and its failure to comply with policy TC4 clearly indicates this proposal would cause harm to the vitality and viability of the Ongar town centre. The aim of

policies TC1 and TC4 is of critical importance and since the limit on the proportion of non-retail frontage within the town centre has already been exceeded, the policies are in danger of being devalued. The loss of 2 retail units that would arise if this proposal is allowed would further undermine the qualities that make the town centre attractive to shoppers to the detriment of the whole centre. Consequently, the proposal also threatens its place in the strategic hierarchy contrary to policy TC1 and TC4.

Conservation and Listed Building

The building is listed and is also within a Conservation Area. The Conservation officer does not wish to object because there will be no material harm to the fabric of the listed building nor will the proposed use be detrimental on this part of the conservation area.

Neighbour Amenity

Policy DBE9 requires new development should not result in loss of amenity to neighbouring occupiers in relation to smell, noise or other disturbance.

There are residential units above the shop unit and the occupiers of No. 154 object on grounds of potential interference with future access to their property. Whilst this has been noted, it is considered the use of this double frontage unit as a mixed use children's soft play area and coffee shop should not result in any interference with the access to their property. Subject to a limitation on the hours of use it will also not result in any excessive increase in noise or disturbance that will harm neighbouring occupier amenity.

The proposal would therefore be acceptable in terms of neighbouring occupier's amenity.

Conclusion:

Whilst the proposed use is innovative, there is no supporting information to demonstrate what attempts have been made to actively market and let the premises as a retail unit. In addition, the non-retail use in the key frontage has exceeded the thresholds in policy TC4 and the adjacent site to the north is presently non-retail use. As such the further loss of another 2 retail units will result in cumulative harm to the viability and vitality of the town centre. Such harm threatens the place of Ongar Town Centre in the strategic hierarchy.

In light of the above appraisal, this proposal fails to meet with local plan policies and as such the recommendation is 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:

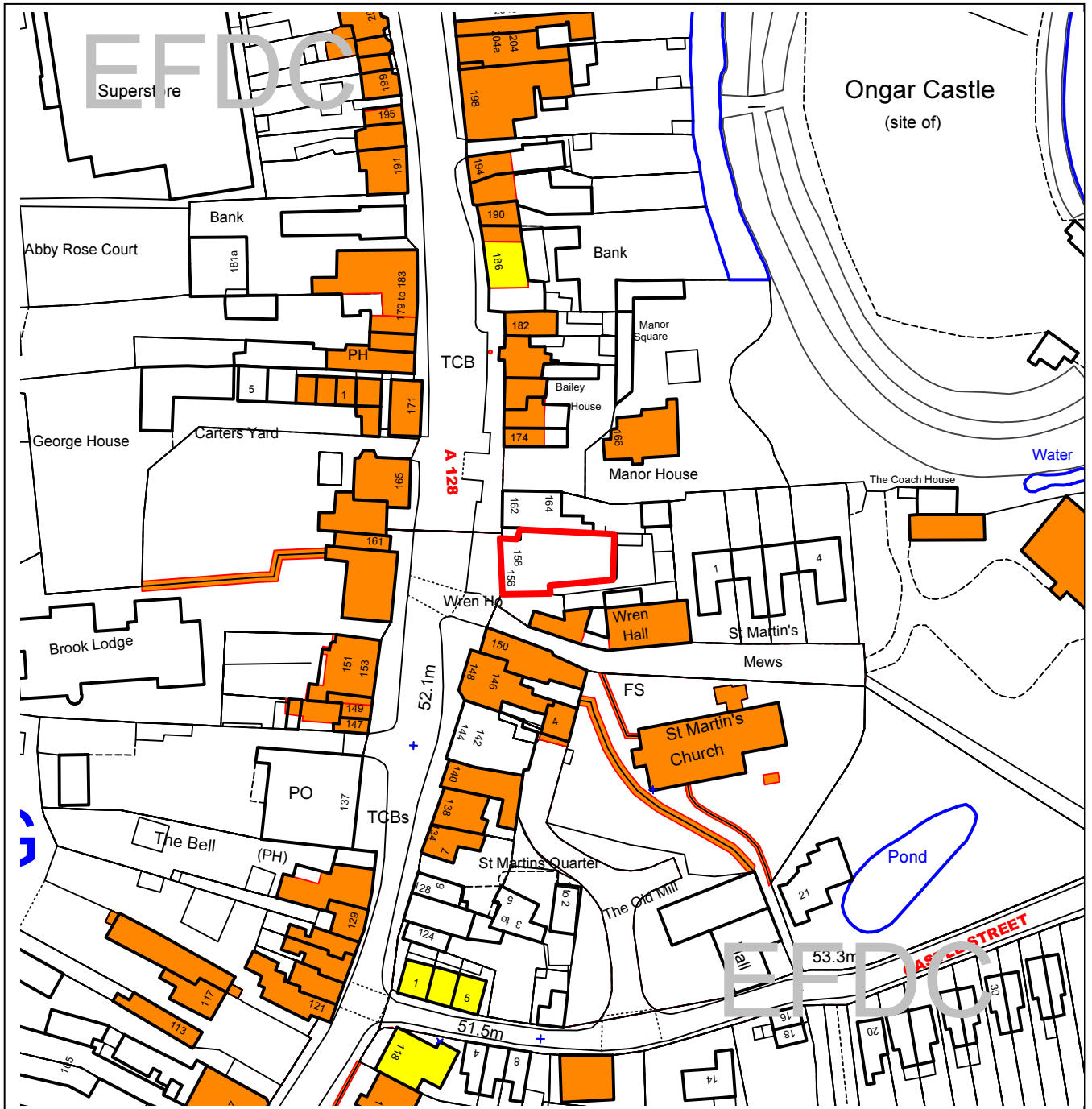
***Planning Application Case Officer: Paula Onyia
Direct Line Telephone Number: 01992 564103***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/1254/11
Site Name:	156-158 High Street, Ongar CM5 9JJ
Scale of Plot:	1/1250

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Report to District Development Control Committee

Date of meeting: 19th October 2011



**Epping Forest
District Council**

Subject: Planning Application EPF/1437/11, 40 Forest Drive, Theydon Bois – Side, front and rear extensions and rear dormer addition.

Officer contact for further information: P Onyia Ext4103
Committee Secretary: S Hill Ext 4249

Recommendation:

That the Committee considers a planning application for a site at 40 Forest Drive, Theydon Bois for side, front and rear additions and for a rear dormer addition to the property. It has been referred to this Committee without a recommendation from Area Plans Sub Committee East.

Report Detail

1. (Head of Planning and Economic Development) This application has been referred by the Area Plans Sub Committee East on 14th September 2011. The report to the sub-committee carried a recommendation from officers to grant planning permission subject to conditions. The officer's recommendation to grant planning permission was not supported but the motion to refuse planning permission was also not supported. Members agreed to pass this application up to the parent committee for a decision. A copy of the officer's report is attached.

Planning Issues

2. This is a resubmission following appeal dismissals for a replacement dwelling on the site. The resubmission is to retain the existing bungalow but with the addition of extensions. The height of the roof would be retained but it would be extended rearwards and to one side over a larger footprint but with the same roof pitch. It sits within a row of distinctive designed bungalows and the previous appeal conclusion was that the size and appearance of the replacement dwelling scheme as designed would affect the rhythm of these bungalows to the harm of the street scene.

3. Whilst the resubmission would not be identical to the rest of this group of bungalows, there have been adjustments made to the proposed size and design such that Officers considered it could on balance be recommended for approval.

4. Members, in assessing this proposal, need to satisfy themselves whether what appears to still be a modest looking bungalow would be harmful to the street scene.

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Extract From Area Planning Subcommittee East 14 September 2011

Report Item No: 12

APPLICATION No:	EPF/1437/11
SITE ADDRESS:	40 Forest Drive Theydon Bois Essex CM16 7EZ
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr James Philliips
DESCRIPTION OF PROPOSAL:	Side, front and rear extensions. Rear dormer addition.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529672

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

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

Description of Proposal:

Permission is sought for front, side and rear extensions to the existing bungalow and construction of a rearwards facing dormer in the roof. To allow this extension to be built, the detached side garage/ store building will be demolished.

The ground floor will project rearwards up to a depth of 3.0 metres and 10.7 metres across. This will wrap around the southern corner of the building in an 'L' plan shape 3.6 metres wide and 16.5 metres along its flank. The pitch roof of the building will widen into a crown roof adopting a similar height of 7.4 metres. It will not be any higher and, although wider, its eaves height will match the existing building at 2.5 metres.

The external finish will be render with a matching tiled roof.

Description of Site:

The subject site is situated to the south-east of Forest Drive in Theydon Bois. The site currently accommodates a detached bungalow dwelling of standard red brick construction with a brown tiled roof. Adjacent buildings to the plot are similarly styled 1930s bungalows and the property is one of a group of six bungalows aligned to the eastern side of the street, beyond which are two-storey dwellings.

The property is in a village setting and the neighbouring residential buildings within the vicinity of the site are made up of detached bungalows, one and a half storey buildings and two storey dwellings.

The ground level is relatively flat at the front with a gradual slope rearward to the eastern boundary. There are some small trees to the rear of the site, none of which are protected. There is hardstanding to the front of the site for parking a minimum of three cars.

Relevant History:

EPR/0205/50 – Erection of domestic garage. Approved

EPF/0250/10 – Demolition of existing bungalow and erection of replacement bungalow. Refused. Appeal against the refusal dismissed.

EPF/0888/10 - Demolition of existing bungalow and erection of replacement bungalow. (Revised application) Refused. Appeal against the refusal dismissed

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan Policies:

CP2 – Protecting the quality of the built environment

DBE 9 – Neighbour Amenity

DBE10 – Design/appearance

Summary of Representations

From the 17 neighbours consulted during the course of this application, the following four (4) letters of representation were received and the comments therein are summarised as follows:

36, 38, 44, FOREST DRIVE and 7 WOODLAND WAY Object on the following grounds:

In view of the 'draft' village design statement and the comments / decision made by the Planning Inspectorate, there are no significant changes to the previous proposals. The building is out of keeping with present bungalows. Proposals will change the building into a house from a bungalow. It will also result in loss of privacy and overlooking of neighbouring properties. The current proposal does not create or reinforce the local distinctiveness neither does it complement the distinctive character of the local area. The roofscape will change the appearance of the bungalow to the point where all of the original character and distinctiveness will be lost.

THEYDON BOIS PARISH COUNCIL – Objection

This proposal does not meet the key concerns of the Planning Inspector and accordingly we consider that our original concerns and those expressed by the Planning Inspector have not been

met. We would remind you that the previous applications (EPF/0888/10 and EPF/0250/10 were refused on appeal on the grounds that the proposals would 'harm the character and appearance of the area'. The existing dwelling is positioned in the centre of a row of seven distinctive bungalows, five of which were originally identical and which have undergone only minor alterations since their original construction.

In dismissing the Appeals, the Planning Inspector was absolutely clear as to what he viewed as the distinctive nature of this row of bungalows. In paragraph 8 of his Report as to the Reasons for the refusal of the Appeals, the Inspector stated '**The combination of their relatively narrow plan form, asymmetry, steeply pitched roofs, lowered eaves, bay windows and side and front projections topped with half-timbered gables gives them a noticeably more perky character than that of the semi-detached houses which dominate the rest of the street.**'.....In contrast, either proposal would have **a wider plan form, a symmetrical façade, a more shallowly pitched roof, higher eaves, flush windows, unbroken flanks and two front projections topped with hips. In combination, these features would give them a character more stolid than that of most of the street.....**'. Further, in paragraph 10 the Inspector stated that '....both appeal proposals would have so little in common with their immediate neighbours that they would fail to show the respect for their setting required by Policy DBE1 of the Epping Forest District Local Plan. **The character of either appeal proposal, so much more stolid than their neighbours on either side, or the rest of the street, would dilute, and so harm, the lively character which the group presently establishes. They would fail to complement the distinctive character of the local area as required by Policy ENV7 of the East of England Plan and would fail to respond to their context or to create or reinforce local distinctiveness in the way sought by Government policy as set out in paragraph 36 of Planning Policy Statement 1: Delivering Sustainable Development.**

We consider that this latest proposal would also have the effect of harming the character and appearance of the area; it does not respect the character and distinctiveness of the immediately adjacent properties and would be detrimental to the street scene. The appearance of the proposal remains 'stolid' and bulky with a 'wide plan form' and roofline which is wholly inconsistent with the distinctive character of the remainder of the row. For these reasons this application should be rejected.

Issues and Considerations:

There have been two previous planning applications to demolish the existing bungalow and to replace this with a new detached building. The two proposals were refused and subsequently dismissed at appeal. This proposal is to extend rather than replace the existing house. The main issues are therefore the design and its appearance within the locality and also amenity of neighbouring occupiers.

Design and appearance

The site forms part of a row of 6 modest sized bungalows located to the eastern side of Forest Drive. Neighbouring bungalows provide generous setback from the boundaries and the existing bungalow is narrow and easily accommodated within the site.

Whilst the previous proposals for this site were for a replacement dwelling, because of the elements of changes to its appearance and design the Inspectors' findings from the appeals are a material consideration.

The extension will see a side and rear addition to the property with first floor accommodation. The plan form has been marginally reduced and the symmetrical façade has been slightly altered and because of this, the main changes will be rearwards which cannot easily be seen from the street and to the building's southern flank. The height of the building and its eaves height will remain

unchanged although the building will appear wider. The height of the roof has also been lowered. The side dormer is, on balance, acceptable. The height, scale, form and size of the building will also on balance be in keeping with the other bungalows within the street scene.

When considering the design and appearance, the strong views received from neighbouring occupiers and the Parish Council have been taken into consideration. The Inspectors' findings and the draft village design statement have also been taken into consideration. However, based on the revised proposals the proposed scheme does not justify a refusal on the basis of its design and appearance when compared to the other bungalows within this row. The proposal is therefore acceptable in appearance and will be in keeping within the street scene.

Neighbours amenity

The immediate neighbouring occupiers to the subject site are adjacent plots Nos. 42 and 38 Forest Drive. The extension will see a 1.0 metre gap retained from the boundary with adjacent site No. 38 and there is no change proposed to the northern flank elevation with the property at No. 42. The extension provides an acceptable setback from its boundaries. As such there will be no loss of light or overshadowing of the neighbouring properties.

There is a new kitchen window proposed on the southern flank ground floor and a rear facing first floor dormer. These additions and modification to the building will not result in loss of privacy nor overlooking.

The views expressed have been taken into consideration; however the potential harm that could arise as a result of the new rearwards facing dormer, the depth of the rear extension, width of the side extension or the new side facing window is very limited. They will not result in excessive harm to neighbouring occupier's amenity.

Conclusion

From the appraisal, the proposed extensions to the bungalow are considered acceptable in design and appearance. The strong views received from neighbours and the Parish Council have been taken into account in considering all aspects of this proposal but on balance there is no reason to support a refusal. It is therefore recommended permission is granted with conditions.

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: Paula Onyia

Direct Line Telephone Number: 01992 564103

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	12
Application Number:	EPF/1437/11
Site Name:	40 Forest Drive, Theydon Bois CM16 7EZ
Scale of Plot:	1/1250

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Report to District Development Control Committee

Date of meeting: 19 October 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: G Courtney Ext 4228
Committee Secretary: S Hill Ext 4249

Recommendation:

That the application be granted subject to the following suggested 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. The development hereby permitted will be completed strictly in accordance with the approved drawings No's: 10013/3B, 10013/4, 10013/6I, 10013/8B, 10013/9B, 10013/45, 232, 460/2, UKS1815, UKS1815/1, LS11327/2.

Reason: To ensure the proposal is built in accordance with the approved drawings.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. The 16m high fencing and CCTV cameras on the range bays shall be installed 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.

12. The lighting installed on site shall be adjusted, baffled or removed in accordance with any written requirements of the Local Planning Authority or the Highways Agency if considered hazardous to the M25 by the Local Planning Authority or Highways Agency.

Reason:- To ensure that the approved lighting does not cause hazard to users of the M25.

Additional Information Following The Previous Deferral

1. (Director of Planning and Economic Development) This application had been deferred from the District Development Control Committee dated 29 June 2011 to allow for a Risk Assessment and further detail regarding lighting to be submitted and agreed by the Highways Agency, to ensure there is to be no detrimental impact on the M25. Amended plans, lighting plans and a risk assessment were received on the 11th August, and subsequently forwarded to the Highways Agency.
2. The amended plans have altered the position of the driving range so that the 18 bays closest to the southern (M25) boundary are angled away from the M25. These are located 47m from the edge of the M25. The last 8 bays would remain parallel to the M25 and be some 85m distance.
3. The lighting plans have been assessed by the Highways Agency and are considered acceptable, however it has been suggested that a 'failsafe' condition be added to allow for the LPA (or the Highways Agency) to insist that the lighting on site be adjusted, baffled or removed if it causes a safety hazard on the motorway.
4. A Risk Assessment undertaken by D M Mason Engineering Consultants Ltd. was submitted in 11th August. This states the following:

This Safety Assessment has been undertaken using advice prepared by PGA Design Consulting Ltd (PGADC). PGADC deals with all design, technical and pre-opening management on behalf of The PGA of Great Britain and Ireland. PGADC (formerly PGA Golf Management Ltd) published their first design guide for golf ranges in 1995. This was updated in 1999. The design guide was subsequently updated and extended in 2004. The latest addition of the guide is used in this Assessment.

Three aspects of a golf driving range impact on safety outside the boundary of the range: side netting, a safety zone and vigilance against malicious attempts to play balls outside the range.

The PGADC advice is that 15 metre netting is the minimum height appropriate for close to the range bays. The netting can be reduced in height to 10 metres beyond 200 metres from the bays.

The proposal is for 16 metre high netting. This is greater than the suggested minimum. I therefore consider it to be safe.

The safety zone is drawn from evidence that balls will generally reach no more than 75 metres laterally from the edge of the range bays irrespective of their distance from the bays. The extent of the safety zone is limited by the angle of shot from the range bays. It is rare for balls to be struck more than 30 degrees from the intended line of the shot.

[The amended drawings] show a marginally revised golf range bays building than that previously proposed. This layout ensures that the required safety zone does not cross onto the M25 carriageway. I therefore consider that the proposed layout provides a satisfactory safety zone to protect users of the M25.

I note that the Highway Agency indicated in November 2004 that it was satisfied with the proposals then made. The 2004 proposals were closer to the M25 than the present proposals... It would be perverse of any person to gainsay the view of the Highways Agency whose statutory duty it is to protect road users.

Finally, PGADA advice is that there is evidence that range users may maliciously attempt to play shots beyond the range and over the safety netting. The malicious use can only be prevented by policing by staff and users.

I understand that the site will be manned at all times that it is operating. I understand that the range bays will be monitored by CCTV. The site operators will therefore have facilities to prevent the malicious playing of shots. It is in the operators interest to prevent users from misusing the range. It is therefore considered that appropriate facilities will be available to prevent malicious play from the range.

It is therefore my view that the design of the driving range meets appropriate design advice and that, subject to the operation of CCTV to deal with malicious players, the proposed range will be safe in operation to satisfy the concerns expressed by Members.

5. The Highways Agency has viewed this Risk Assessment and raises no objection to its findings. Officers consider that Members now have sufficient information to make a decision, particularly now that the plans previously seen by this committee have been further amended and hopefully that their concerns have been addressed. The conclusion in paragraph 13 therefore remains unchanged, but has been firmed up by the further information outlined above.

Original DDCC Report

6. This application has been referred by the Area Plans Sub Committee West with no recommendation, however was recommended for refusal by Planning Officers at the previous sub-committee (report attached). However, this recommendation has changed due to the amended plans that have been submitted.

Additional Summary of Reps

7. Below are the additional comments received as a result of the re-consultation process:

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

8. 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 such amended plans have been discussed and submitted for consideration, and full re-consultation has been undertaken with regards to the amended plans.

9. 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.
10. 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.
11. 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.
12. The Highways Agency were consulted on the original submitted plans, which did not include any details regarding fencing or lighting. Due to the lack of information they require conditions No's. 10 and 11 above to be placed on the decision notice. Whilst the amended plans included additional information regarding this, which has been forwarded to the Highways Agency, no response was received at the date of preparing this report. Should a response be received 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

13. Due to discussions undertaken and amended plans received since the previous Plans Sub-Committee West, the recommendation for the proposed application is now to grant permission, subject to the above suggested conditions. No recommendation was put forward by the sub-committee.

ORIGINAL PLANS SUBCOMMITTEE EAST REPORT

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:

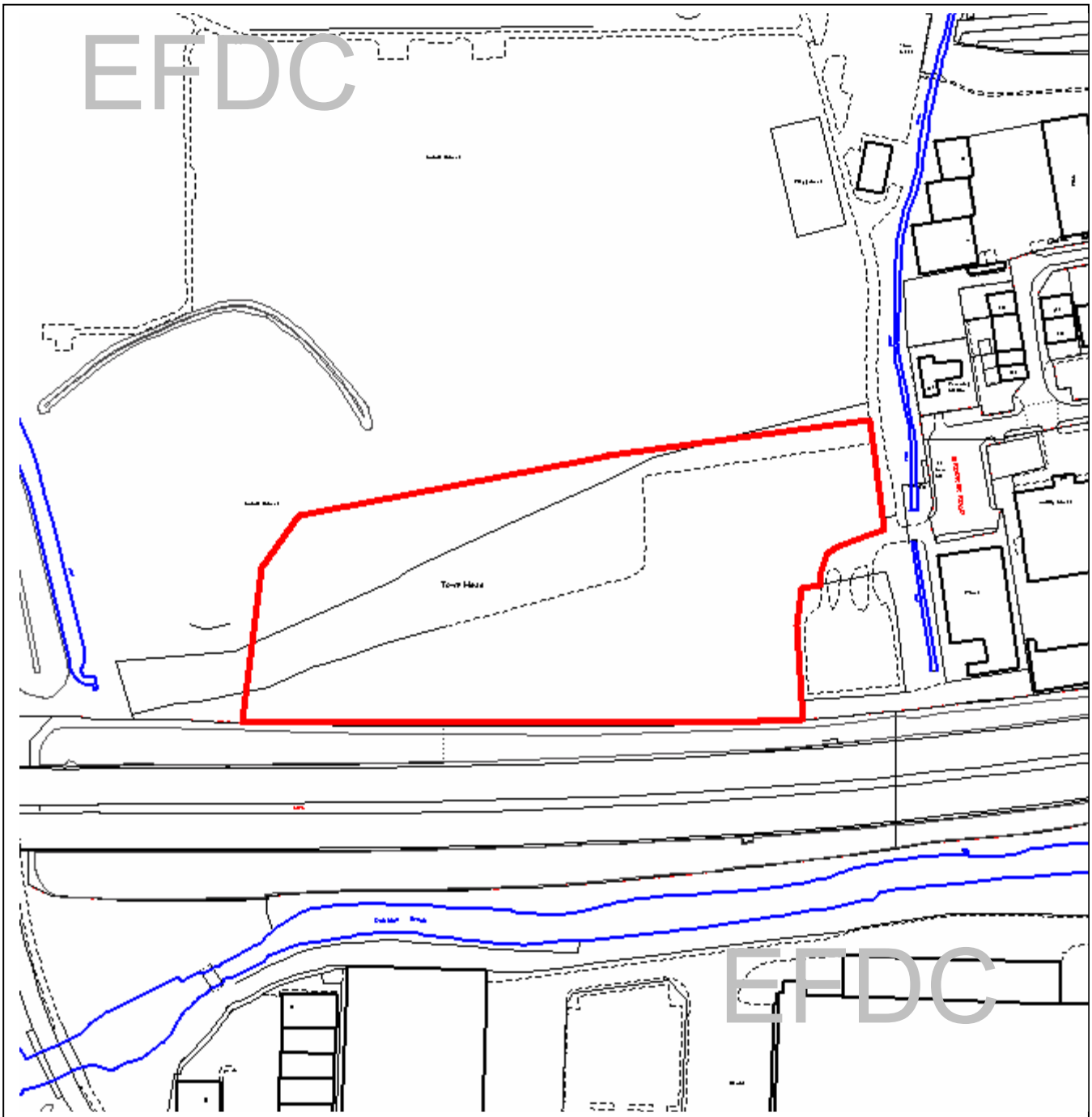
The principal of the erection of a golf driving range within Town Mead is considered acceptable, however the previously approved scheme (now lapsed) recognised the importance of the established woodland and would have retained this. The current application proposes the complete removal of this woodland 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.

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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: 19 October 2011

Subject: Compliance with requirements of enforcement notices, Blunts Farm, Coopersale Lane/Abridge Road, Theydon Bois



**Epping Forest
District Council**

Ref: ENF/0195/06

**Officer contact for further information: Chris Neilan (Ext 4117)
Stephan Solon (Ext 4018)**

Committee Secretary: Simon Hill (Ext 4249)

Recommendation(s):

- (1) That members agree that requirement (4) of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm, is complied with; and**
- (2) That, unless a further complaint is received, no further work be carried out to investigate and secure compliance with on-going requirements of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm.**

This item was deferred from the meeting held on 5 April 2011 in order that the developer had an opportunity to carry out further remedial works on the land and to allow for of Members this Committee to inspect the site. Such works have now been carried out and a site visit has subsequently been carried out by Members therefore this item is presented to this Committee again. The report previously presented to Members is set out below.

Report Detail:

1. *Summary:*
 - 1.1 This report relates to land at Blunts Farm, Theydon Bois. It advises Members of the planning enforcement position in respect of land the subject of enforcement notices issued on 4 August 2006. It explains that the landform achieved accords with the requirements of the notices and seeks Members agreement that the requirements of the enforcement notices are being complied with. Should Members agree that is the position, they are requested to agree Officers take no further action to investigate compliance with the notices unless a new complaint alleging failure to comply is received.
2. *Background:*

- 2.1 Enforcement notices alleging, in the alternative, the raising of land and the failure to comply with condition 12 of planning permission ref. EPF/765/99, (which controls levels and contours of land given permission to be developed as a golf course) were initially issued in respect of land at Blunts Farm on 25 January 2006. Those notices required, inter alia, removal of all unauthorised imported material to the land. In giving authority to issue the notices Members made it clear that authority for Officers to vary or withdraw the notices was not given.
- 2.2 On the advice of Counsel and the Planning Inspectorate and to prevent HGV movements arising with the requirement to remove all material from the land Members subsequently agreed new notices with a lesser requirement of remodelling and landscaping the land be issued and that the initial notices be withdrawn. The new notices were issued on 4 August 2006 and became effective on 17 October 2009 following the withdrawal of appeals against the notices. The requirements and respective compliance periods of the notices are:
- (1) Cease the importation of fill material of any description including waste and demolition waste.
Time for compliance: Seven days.
 - (2) Cease the carrying out of any excavations on the land other than those required to comply with the notices.
Time for compliance: Seven days.
 - (3) Cease the raising of levels on the land.
Time for compliance: Seven days.
 - (4) Remodel and landscape the land in accordance with the drawing and method statement contained within the Schedule to the notices.
Time for compliance: Two years.
 - (5) Not to complete the development permitted by planning permission EPF/765/99 other than in accordance with revised details to be approved by the local planning authority pursuant to Condition 12 of the planning permission EPF/765/99 and to submit the revised details to the local planning authority.
Time for Compliance: In respect of the submission of revised details, two years.
- 2.3 Prior to and following the issue of the notices issued on 4 August 2006 the land was inspected by the Councils Enforcement Officers and Tree and Landscape Officers. They found requirements 1, 2 and 3 (which were identical to those of the initial notices) were being complied with at the time the new notices were issued. They continue to be complied with.
- 2.4 In respect of the fifth requirement, no work to complete the golf course approved under planning permission EPF/765/99 has been carried out. Furthermore, no revised details pursuant to condition 12 of that permission were submitted within the two year timescale specified. Consequently no works to complete the approved golf course can now lawfully be carried out other than any that may be approved in a separate express planning permission. No application for such permission has been submitted. In

effect, requirement 5 now serves to negate the original planning permission to construct a golf course.

- 2.5 Requirement 4 to remodel and landscape the land is the matter that requires particular attention by Members. The drawing and method statement was designed primarily to serve the aim of ensuring that deep excavations are safely filled using material already on the land. It specified areas of the site where greater or lesser volumes of material could be taken to fill the excavations in order to avoid the creation of further deep excavations and create a broadly acceptable landscape. The drawing did not specify site contours, which compromised the ability of the notice to achieve an acceptable landform.
3. *Works to Achieve Compliance:*
 - 3.1 In order to achieve an acceptable landform Officers required the landowners to produce a landscape contour plan in accordance with the drawing and method statement attached to the enforcement notices. Officers employed Stace LLP (surveyors) to advise on whether the landowners contour plan accorded with the notices. Once an appropriate contour plan had been agreed works to achieve it on the ground were carried out.
 - 3.2 The landowner advised Officers they had achieved compliance with the agreed landscape contour plan in summer 2010. Following inspection of the site by the Council's Principal Tree and Landscape Officer the landowners were requested to carry out additional work to achieve full compliance. The landowner advised this had been completed in early autumn 2010. Officers then required the landowner to produce an "as built" contour plan for comparison with the agreed landscape contour plan. Once produced Stace LLP were employed to verify its validity and advise on whether compliance with requirement 4 of the enforcement notices had been complied with.
 - 3.3 Following sample surveys of the site Stace LLP advised the "as built" plan formed a valid basis for comparison with the agreed contour plan. Stace LLP also advised that the "as built" plan showed some deviation from the agreed plan in localised areas of the site but demonstrated the over the site as a whole there was minimal deviation. The Council's Principal Tree and Landscape Officer has considered that advice in the context of his own inspections of Blunts Farm and is satisfied that requirement 4 of the enforcement notices had demonstrably been complied with.
4. *Conclusion:*
 - 4.1 For the reasons set out in paragraph 3.3 of this report, it is concluded that requirement 4 of the notices is now complied with. Consequently, all the requirements of the enforcement notices are presently complied with. Members should be aware that requirements 1, 2, 3 and 5 place on-going obligations on the landowner as long as the notices remain effective. They make it an offence to import any fill material to the site, to carry out any further excavations, raise the levels of the land or complete the development of a golf course on the land. Accordingly, the only circumstances under which such activities could take place lawfully are in the event of a planning permission being granted for them. Since the District Council is the local planning authority it has control over this.

- 4.2 Having regard to the care taken to verify compliance with the requirements of the enforcement notices members are requested to agree the recommendations of this report. In doing so it should be understood that although planning enforcement investigation ENF/0195/06 would be closed, agreeing the recommendations would not prevent any new investigation into an alleged failure to comply with on-going requirements of the enforcement notices.