

**Area Planning Subcommittee East  
Wednesday, 7th December, 2011**

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

**Time:** 7.30 pm

**Democratic Services Officer** Gary Woodhall - The Office of the Chief Executive  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk) Tel: 01992 564470

**Members:**

Councillors A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, W Breare-Hall, Mrs D Collins, P Gode, Mrs A Grigg, D Jacobs, P Keska, Mrs M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

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**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

**WEBCASTING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area**

**If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.**

**1. WEBCASTING INTRODUCTION**

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

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 24)**

To confirm the minutes of the last meeting of the Sub-Committee, held on 9<sup>th</sup> November 2011 (attached).

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

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

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**7. CONFIRMATION OF TREE PRESERVATION ORDER EPF/21/11 - 24 CANNONS LANE, FYFIELD (Pages 25 - 28)**

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

**8. DEVELOPMENT CONTROL (Pages 29 - 102)**

(Director of Planning and Economic Development) To consider planning applications

as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

**9. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2011 TO SEPTEMBER 2011 (Pages 103 - 112)**

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

**10. DELEGATED DECISIONS**

(Director of Planning & Economic Development) Schedules of planning applications determined by the Head of Planning & Economic Development under delegated powers since the last meeting of the Sub-Committee could be inspected in the Members' Room or on the Planning & Economic Development Information Desk at the Civic Offices in Epping.

**11. EXCLUSION OF PUBLIC AND PRESS**

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

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

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

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

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

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

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

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

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

### **Can I speak?**

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

### **Who can speak?**

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

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

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

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

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

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

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

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

### **How are the applications considered?**

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

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the

Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

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

**Further Information?**

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

Area Planning Subcommittee East 2011-12  
Members of the Committee:



This QR links to contact information for this Committee



Cllr Boyce

Cllr Avey

Cllr Breare-Hall

Cllr Collins



Cllr Gode

Cllr Grigg

Cllr Jacobs

Cllr Jones

Cllr Keska



Cllr McEwen

Cllr Morgan

Cllr Packford

Cllr Philip

Cllr Rolfe



Cllr Stallan

Cllr Waller

Cllr Whitbread

Cllr Janet Whitehouse

Cllr Jon Whitehouse

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East    **Date:** 9 November 2011

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 9.35 pm

**Members Present:** A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, Mrs D Collins, P Gode, Mrs A Grigg, D Jacobs, P Keska, Mrs M McEwen, R Morgan, J Philip, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:** W Breare-Hall and B Rolfe

**Officers Present:** J Shingler (Principal Planning Officer), E Featherstone (Highways Officer), R Perrin (Democratic Services Assistant) and P Seager (Chairman's Secretary)

### 48. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 49. WELCOME AND INTRODUCTION

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

### 50. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 21 February 2007 be taken as read and signed by the Chairman as a correct record.

### 51. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor P Gode declared a personal interest in the following items of the agenda, by virtue of being a member of Ongar Town Council. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0207/11 – Fyfield Business and Research Park, Fyfield Road, Ongar
- EPF/1589/11 – Land adj 38 Onslow Gardens, Ongar

(b) Pursuant to the Council's Code of Member Conduct, Councillor A Grigg and D Stallan declared a personal interest in the following items of the agenda, by virtue of being members of North Weald Parish Council. The Councillors had determined that their interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1381/11 – Bantham and Ongar Bowls Club, Weald Bridge Road, North Weald Road, North Weald Bassett, Epping.
- EPF/1933/11 – Chase Farm, Vicarage Lane, North Weald
- EPF/1934/11 - Chase Farm, Vicarage Lane, North Weald

(c) Pursuant to the Council's Code of Member Conduct, Councillor R Morgan declared a personal interest in the following items of the agenda, by virtue of being a member of Matching Parish Council and knowing the objector. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1407/11 – Former Moor Hall Stables, Moor Hall Road North, Matching

(d) Pursuant to the Council's Code of Member Conduct, Councillor K Avey declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1668/11 – The Old Granary, Copped hall, High Road, Epping

(e) Pursuant to the Council's Code of Member Conduct, Councillor J M Whitehouse declared a personal interest in the following item of the agenda, by virtue of being a member of Epping Town Council. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the application and voting thereon:

- EPF/1661/11 Spotted Dog, 2 Ivy Chimneys Road, Epping.

(f) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following items of the agenda, by knowing the applicant. The Councillor had determined that his interest was prejudicial and would leave the meeting for the consideration of the applications and voting thereon:

- EPF/1933/11 – Chase Farm, Vicarage Lane, North Weald
- EPF/1934/11 - Chase Farm, Vicarage Lane, North Weald

## **52. ANY OTHER BUSINESS**

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

## **53. DEVELOPMENT CONTROL**

### **RESOLVED:**

That the planning applications numbered 1 – 9 be determined as set out in the schedule attached to these minutes.

**54. DELEGATED DECISIONS**

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

**CHAIRMAN**

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0207/11
<b>SITE ADDRESS:</b>	Fyfield Business And Research Park Fyfield Road Ongar Essex CM5 0GN
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>DESCRIPTION OF PROPOSAL:</b>	Outline planning application for the redevelopment (in 3 phases) of Fyfield Business Park comprising the removal of all existing building except 2 no. office buildings, a grade II stable block and a crèche building and existing hardcourt recreation area and changing facilities. Erection of 12 no. one and two storey office buildings equating to a gross external area of 17,071m <sup>2</sup> . Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of a total of 521 car parking spaces and 234 cycle parking spaces.
<b>DECISION:</b>	Deferred

**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=525177](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525177)

This item was deferred to allow Members to make a site visit.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1381/11
<b>SITE ADDRESS:</b>	Bantham And Ongar Bowls Club Weald Bridge Road North Weald Bassett Epping Essex CM16 6GP
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of condition 5 of planning permission ref: EPF/1563/99 to allow the Bowls Club to be used for other sporting activities (Construction of new bowls club including details of new clubhouse, bowling green access road, car park and siting of temporary clubhouse)
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=529470](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529470)

**CONDITIONS**

- 1 The premises shall be used solely for purposes within Use Class D2 (e) and for no other purpose (including any other purpose in Use Class D2 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.
- 2 No amplified music shall be played within the clubhouse premises at any time.
- 3 No form of amplified sound shall be permitted on the site, either within the building or outside at any time.
- 4 No form of external lighting shall be erected on site without the submission of a detailed scheme and such scheme shall be agreed in writing by the Local planning Authority prior to any works in connection with lighting commencing.
- 5 The approved car park shall be retained for visitors to the site at all times and shall not be used for any other purpose whatsoever.
- 6 The use hereby permitted shall not be open to customers/members outside the hours of 10am -11pm seven days a week.
- 7 The outdoor areas of the site shall not be utilised for any sporting or leisure activity except bowling, unless otherwise agreed in writing by the Local Planning Authority.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1407/11
<b>SITE ADDRESS:</b>	Former Moor Hall Stables Moor Hall Road North Matching Essex
<b>PARISH:</b>	Matching
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of former stables building to provide a two bedroom dwelling.
<b>DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=529574](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529574)

**REASON FOR REFUSAL**

- 1 The proposed development due to its proximity to the adjacent residential unit will result in an unacceptable loss of residential amenity to the occupants of that dwelling including a perception of overlooking and loss of privacy, contrary to policy DBE9 of the Adopted Local Plan and Alterations.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1467/11
<b>SITE ADDRESS:</b>	Nine Ashes Farm Rookery Road High Ongar Ingatestone Essex
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from Agricultural to use for residential purposes (Use Class C3a) and for the construction of 10 no. semi detached three bedroom houses. Demolition of existing redundant buildings on the site.
<b>DECISION:</b>	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=529774](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=529774)

**REASON FOR REFUSAL**

- 1 The proposed dwellings would constitute inappropriate development within the Green Belt, which would be harmful by definition. No very special circumstances exist to outweigh this harm to the Green Belt. Accordingly, the proposed development would be contrary to Policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed development, due to its density, massing and layout would be out of keeping with the pattern of nearby residential development to the detriment of the character and appearance of the rural area, contrary to Policies CP3(v), DBE1 and DBE4 of the adopted Local Plan and Alterations.
- 3 The proposed development would fail to provide any affordable housing, of which there is a considerable shortage within the District, contrary to Policies H5A, H6A and H7A of the adopted Local Plan and Alterations.

Members wished it noted that they do not object to the principle of housing on the site but a lesser number with more openness and appropriate housing and education contributions was needed.

The Officer explained that a further 42 letters of support of application plus 3 objections to industrial development had been received and a letter of support from Blackmore Primary School.



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1589/11
<b>SITE ADDRESS:</b>	Land adj 38 Onslow Gardens Ongar Essex CM5 9BQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new three bedroom dwelling. (Amended application)
<b>DECISION:</b>	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=530211](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530211)

**REASON FOR REFUSAL**

- 1 The proposal due to its size in relation to its associated plot and its bulk and poor design, in particular the rear dormer window, is considered to be overdevelopment and harmful to the character and amenity of the area, contrary to policies DBE1 and CP7 of the adopted Local Plan and Alterations.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1661/11
<b>SITE ADDRESS:</b>	Spotted Dog 2 Ivy Chimneys Road Epping Essex CM16 4EL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing public house and construction of an eight unit residential development.
<b>DECISION:</b>	Grant Permission (Subject to S106)

**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=530390](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530390)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: EUU\_100, EUU\_200 Rev: A, EUU\_201 Rev: A, EUU\_202, EUU\_205 Rev: A, EUU\_206 Rev: A, 5075/1, 5075/2
- 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.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevation of the dwelling shown as No. 1 on the submitted plans shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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.
- 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 and approved in writing by the Local Planning Authority. These works

shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 7 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.
- 8 A flood risk assessment and management and maintenance plan 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 best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 10 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]

- 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]
- 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.
- 13 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.
- 14 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 15 There shall be no structures or vegetation erected or installed that exceeds 600mm within the 1m strip of open land as shown on Plan No. EUU\_201 Rev: A.

**And subject to a S106 legal agreement to be completed within 6 months requiring the developer to upgrade the two bus stops in close proximity to the site and to make a financial contribution of £40,000 to upgrade the nearby public play area as required by the proposed development.**

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1668/11
<b>SITE ADDRESS:</b>	The Old Granary Copped Hall High Road Epping Essex CM16 5HS
<b>PARISH:</b>	Epping Upland
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed single storey extension.
<b>DECISION:</b>	Deferred to West Area Plans Sub Committee

**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=530397](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530397)

This application is within the West Area and on agenda in error. Members therefore voted to defer the application to West Area Committee for decision.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1933/11
<b>SITE ADDRESS:</b>	Chase Farm Vicarage Lane North Weald Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of building on site of former agricultural buildings for small scale storage (Units 15A-D) (Units 16A-G) and as a workshop (Unit 15E) (B8 storage and B1 light industrial uses only).
<b>DECISION:</b>	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=531386](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531386)

**REASON FOR REFUSAL**

- 1 The proposal constitutes inappropriate development harmful to the openness of the Green Belt. No very special circumstances exist to clearly outweigh this harm, and therefore the development is contrary to PPG2 and policy GB2A of the adopted Local Plan and Alterations.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1934/11
<b>SITE ADDRESS:</b>	Chase Farm Vicarage Lane North Weald Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>DESCRIPTION OF PROPOSAL:</b>	Continued use of former agricultural buildings for small scale storage (Units 6A-C); (Units 7A and B); (Units 21-28); (Units 30-32); (Unit 44); (Unit 43 storage yard) and workshops (Unit 14); (Units 40-42) and parking areas (B8 storage and B1 light industrial uses only).
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531387](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531387)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1489/11 Rev: B, 1489/12 Rev: A, 1489/13 Rev: A.
- 2 There shall be no open storage or open working onsite or along the access at any time.
- 3 Units 6A to 6C, 7A and 7B, 21 to 28, 30 to 32, 43 and 44 (inclusive), as shown on Plan Ref: 1489/11 Rev: B, shall be used solely for B8 and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 4 Units 14, 40 to 42 and 44 (inclusive) shall be used solely for B1 and for no other purpose (including any other purpose in Class B of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.
- 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 8, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The units hereby permitted shall not be open, operate or accept deliveries outside the hours of 8am to 6pm on Monday to Saturday and not at all on Sundays or Bank/public holidays.

- 7 The parking areas shown on the approved plan shall be retained free of obstruction for the parking of staff and visitors vehicles.
- 8 Within 3 months from the date of this notice, details and drawings of fencing and landscaping along the access shall be submitted to the Local planning Authority. The agreed fencing shall be erected in accordance with these details within 6 months of the date of its approval and the agreed planting implemented in the first planting season. The fencing and planting shall be retained and maintained in accordance with the approved details thereafter.





## **Report to Area Plans Sub-Committee East**

**Date of meeting: 7<sup>th</sup> December 2011**

**Epping Forest  
District Council**

**Subject: CONFIRMATION OF TREE PRESERVATION ORDER EPF/21/11 – 24  
Cannons Lane, Fyfield**

**Officer contact for further information: Melinda Barham (01992 564120)**

**Democratic Services Officer: Gary Woodhall (01992 564470)**

---

### **Recommendation(s):**

That Tree Preservation Order 21/11 is not confirmed

### **Background**

1. A Planning application was received for the demolition of the existing dwelling, and the construction of a new dwelling. The submitted plans showed the loss of the majority of existing trees, and indicated limited replanting. This Order seeks to protect the most prominent trees on site, those selected were, two cypress, one cedar and a group of four beech. The Planning application was later withdrawn; a new one has yet to be submitted.

### **The Grounds of Objection**

2. Three objections have been received, for the owner, the neighbour and the Parish Council. In general terms the reasons for the objection are;

- (a) Not all the trees are native, and are therefore out of keeping with the local area.
- (b) The trees are now too large for their current settings
- (c) The beech trees were originally planted as a hedge.
- (d) The trees are not 'special' and do not add value to the local landscape
- (e) A previously approved application for the site allowed the removal of these trees.

### **The Director of Planning and Economic Development comments as follows:**

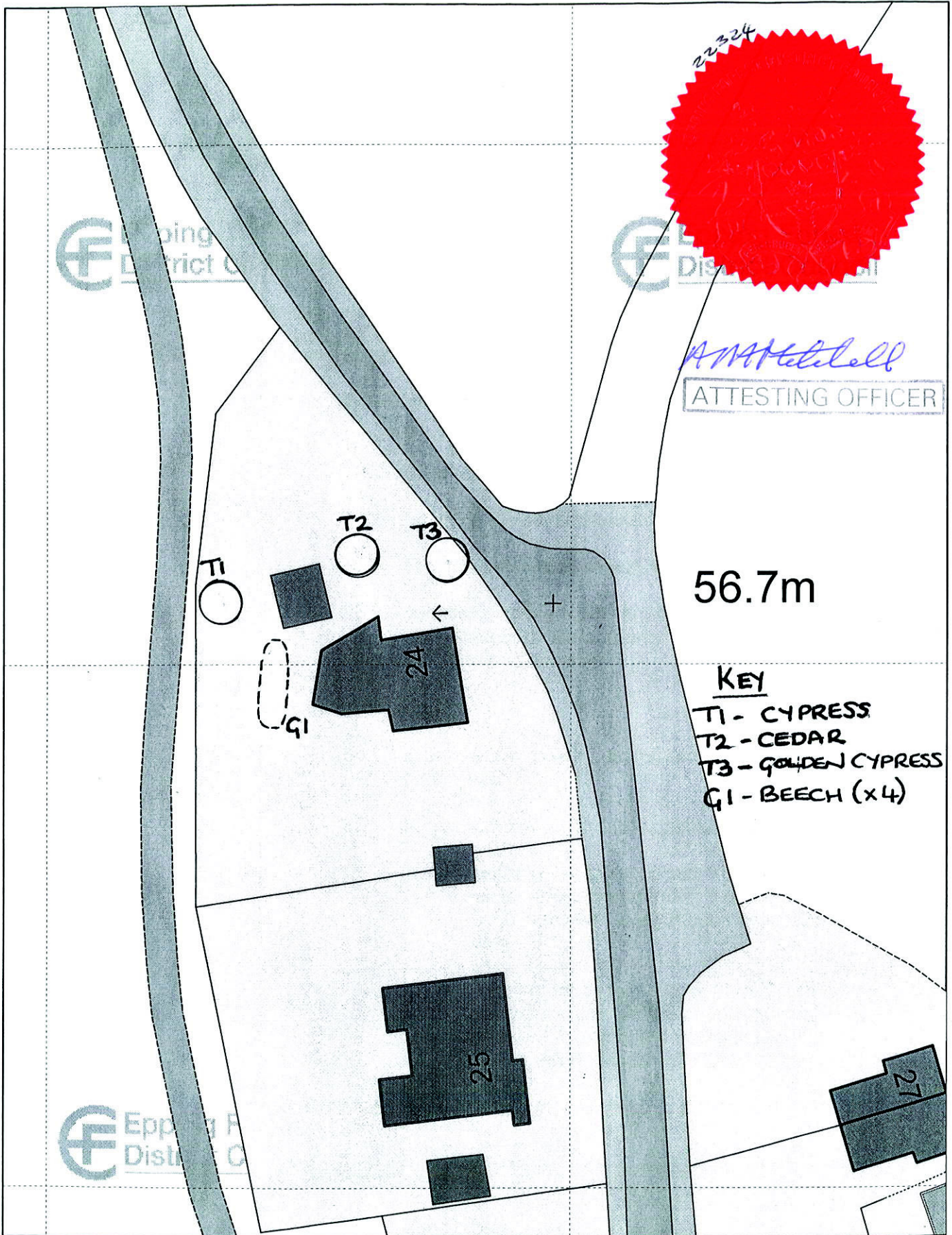
3. The plans submitted for a new house on the site only showed replacement landscaping to the front of the property, and nothing to the rear, this would have resulted in an overly dominant feature when viewed from the open farmland across the valley. That application was subsequently withdrawn.

4. Discussions have now taken place with the applicant and it has been confirmed that a new screen of native trees will be planted along the rear boundary of the land. These will be positioned such that the proposed 'green' property will still have a view over the fields but that the view back will be broken by the new plantings.

5. When a new application is received, should permission be granted, a landscaping condition will ensure adequate replanting will be undertaken to compensate for the current trees loss.

**Conclusion:**

6. It is recommended that the Order is not confirmed.



Epping Forest District Council  
 Planning Services  
 Civic Offices  
 High Street  
 Epping CM16 4BZ

24 Cannons Lane, Fyfield

TREE PRESERVATION ORDER  
 TPO/EPF/21/11

Scale : 1:500

Date : 16 May 2011

Centre X: 557440.845

Centre Y: 206245.696

Width : 90.000

Angle : .000

Time : 01:24:02 PM

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## AREA PLANS SUB-COMMITTEE 'EAST'

7 DECEMBER 2011

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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1949/11
<b>SITE ADDRESS:</b>	St. Mary's Church Tawney Lane Stapleford Tawney Romford RM4 1DQ
<b>PARISH:</b>	Stapleford Tawney
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mrs Anne Padfield
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/25/98 T1 - Lime - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531435](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531435)

**CONDITIONS**

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

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

**Description of Proposal:**

Felling of mature lime

**Description of Site:**

The tree stands closely adjacent to the west end of the church, in what is a well-treed churchyard.

**Relevant History:**

The Order was made in 1998, in the context of a proposal to extend the main church building towards the tree, to form a new parish room.

## **Relevant Policies:**

LL7: Planting, protection and care of trees.

LL9: Felling of preserved trees:

## **SUMMARY OF REPRESENTATIONS**

STAPLEFORD TAWNEY PARISH COUNCIL: recommends approval; felling is necessary to preserve the structure of the church and to prevent future damage.

## **Issues and Considerations:**

### Introduction

This is a fine tree, perhaps the most important intrinsically in the churchyard, but set well back from the road, and acting as a screen to what should be important views of the church tower from across the open valley to the west. The extension of the main building was, after initial difficulties, designed around its retention, however there are signs that the tree may pose a threat to the older parts of the church.

The key issues are considered to be how important intrinsically are the tree and indeed the church and how detrimental is its presence to the church, directly and indirectly.

### Issues

#### Importance of the tree/ church

This is a mature and vigorous triple stemmed lime. It appears to have originated from coppicing of an original tree some time in the early twentieth century. It has high amenity value, with a long life expectancy, although the former is diminished by being set well back from the road and the main access to the church. The church itself is a particularly important medieval listed building, Grade 2\*, with tower and spire from the 15<sup>th</sup> Century, but parts, including the flank wall closest to the lime dating from the 13<sup>th</sup> Century. In this particular case therefore it would seem reasonable to give greater weight to the protection of the building, subject to the threat being established. It is also necessary to give weight to the church as a community, and any adverse impacts of the tree in that respect.

#### Adverse impacts

An engineering opinion supporting the application points to the consequent dangers to the building, under the headings of

1. potential impact damage from falling branches,
2. maintenance issues arising from leaf/ twig fall blocking the eaves gutters,
3. potential root impact on the structure.

The first two of these are important maintenance issues, raising costs for the care of the church, but reasonably capable of being dealt with without tree removal. Root damage however is of a different nature and degree of seriousness. The concern here is not the parish room extension, the foundations of which have been designed to allow for the tree, but the older parts. The application is not backed by the engineering evidence normally required to substantiate subsidence, however it is fair to say that site inspection showed cracking to the 13<sup>th</sup> Century fabric characteristic of the effects of periods of subsidence as a result of root activity. The lime is easily the largest tree nearby, and so the likeliest cause. As the tree continues to grow the seriousness of this would be expected to increase, particularly in any dry summers.

In respect of the use of the parish room, the tree darkens the surrounding area, and so is detrimental to enjoyment of church functions during the summer. The location of the tree also



means that the church spire is not seen, at least in summer, across the valley from the direction of St. Michaels Church and Hill Hall.

While pointing out the presence of many other trees the applicant has offered to plant a replacement, and has confirmed that this, as well as the felling, has been given approval by the diocesan authorities.

### **Conclusion**

That on balance the proposal accords with the relevant policies, and therefore should be agreed, subject to replacement planting of a lime, in a position where it may grow to maturity without adverse impact on the church.

**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:**

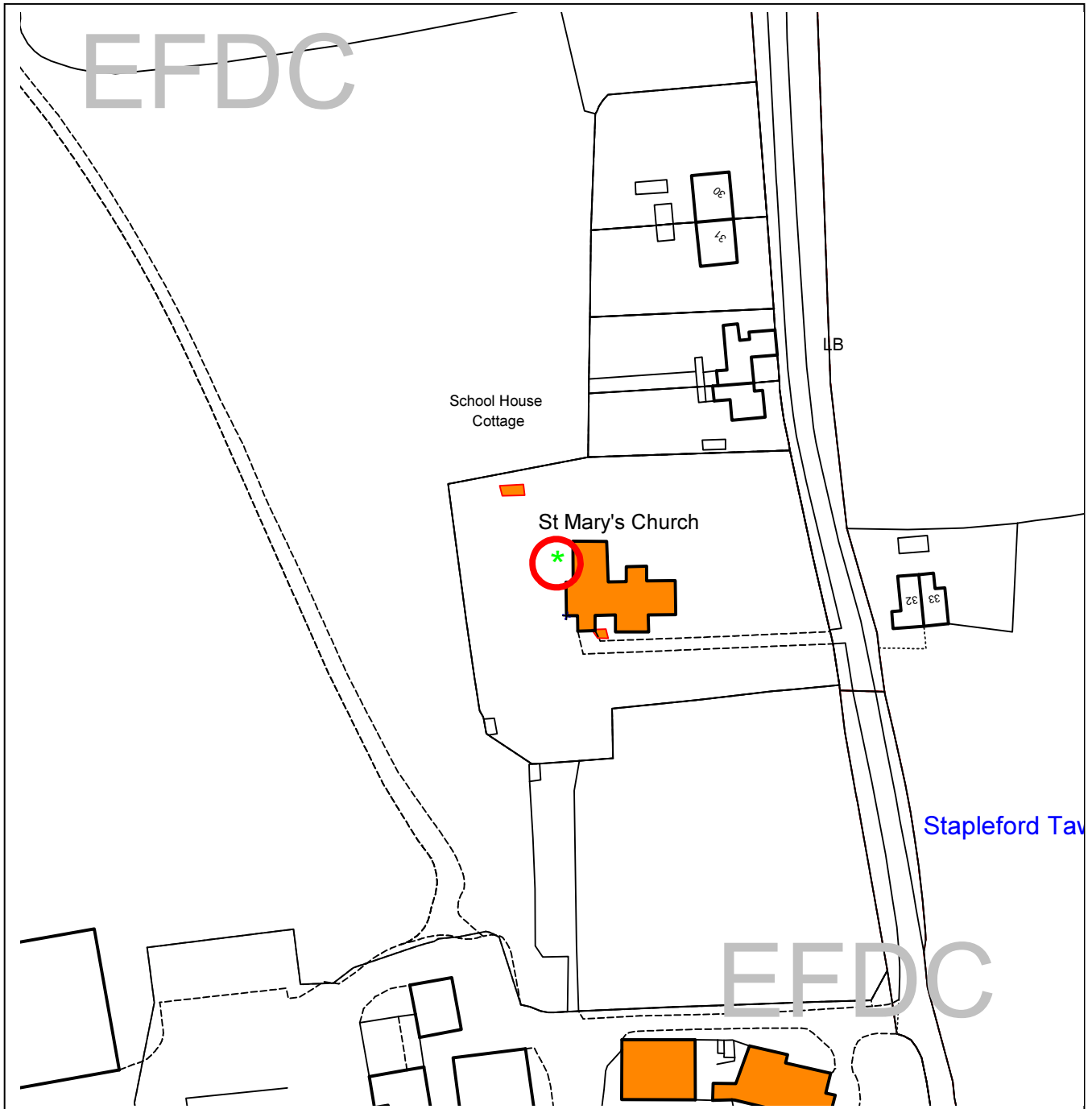
**Planning Application Case Officer: Christopher Neilan  
Direct Line Telephone Number: 01992 564117**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/1949/11
Site Name:	St. Mary's Church, Tawney Lane Stapleford Tawney, RM4 1DQ
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1967/11
<b>SITE ADDRESS:</b>	22 Hill Hall Mount Road Theydon Mount Epping Essex CM16 7QQ
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr J. Shepherd
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/17/11 T1 - Oak - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531537](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531537)

**CONDITIONS**

- 1 A replacement Wellingtonia tree, container grown, min. 3-5m height size at planting, and in the position at the head of the drive as agreed shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby granted, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The Local Planning Authority shall receive, in writing, 5 working days notice of the dates of implementation of the works authorised by this consent including the replacement planting.
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

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

**Description of Proposal:**

Felling of mature oak with replacement by a Wellingtonia.

### **Description of Site:**

The tree stands to the north east of Hill Hall, closely adjacent to the flank wall of no. 22, the northernmost of the converted outbuildings. It is a focal point as the hall is approached along the main drive, to the right of the building's forecourt.

### **Relevant History:**

The Order was made earlier in 2011, in response to conservation area notice of felling, to ensure that the justification for the proposal could be examined, and that, if necessary, replacement planting could be required.

### **Relevant Policies:**

LL7: Planting, protection and care of trees.

LL9: Felling of preserved trees:

### **SUMMARY OF REPRESENTATIONS**

None.

### **Issues and Considerations:**

#### **Introduction**

This is an important and valuable tree intrinsically, and a visually important part of the context of the hall. On the other hand it is in decline, and would have a limited safe, useful life expectancy (SULE). The application is on the basis of subsidence to 22 Hill Hall, which has been sympathetically converted to residential use. In itself this outbuilding is also an important part of the context and history of the hall, dating from at least the mid 19th century.

The key issues are

1. the weight to be given to the visual and historic importance of the tree,
2. the strength of the case that it is the main cause of subsidence to the building,
3. whether alternative solutions exist and
4. what weight to give to the offer of replacement planting.

Members will be aware that the LPA stands at risk of a claim for compensation for losses arising from their decision.

#### **Issues**

##### **Importance of the tree**

This is a large, unpollarded oak, probably around 200 years in age. It is an element of the registered Historic Park and Garden. The crown shows clear evidence of decline, with large dead branches, but also sections of the crown poor in leaf size and colour this summer. Estimated SULE is 24-40 years. It is particularly important visually when approaching on the main drive, but less so from other directions, where it is screened by the main buildings, or hidden or seen against other trees. It is seen from the west, but not in the arguably more important long views of the hall and park from the south.

## Subsidence/ Alternative Solutions

In this case a professional and credible engineer's report has been submitted, and tested at a site meeting. On the basis of the evidence it seems clear that subsidence is occurring to the closest dwelling, that it is serious and progressive, that the oak is the principle cause, and that its removal would resolve the problem at lower cost than other options would allow. From the evidence of the site inspection it seems possible that the problem has also spread to the other cottages, but no evidence has been submitted to substantiate this.

If felling were not permitted then the applicants have stated that they would wish to find an alternative solution. Repair costs using conventional underpinning (to the block as a whole) are estimated at over £250,000, although only part would be ascribable to this application. A root barrier would be difficult to implement because of the limited space, and might itself have a detrimental effect on the tree's health. Its cost is estimated at in excess of £65,000.

As a guide, the applicants have valued the tree at £171,366, using CAVAT. This is an extrapolated value, based on an equivalent replacement cost and adjusted for the special setting. However from the site meeting it seems that this valuation has not taken into account the crown symptoms, shortened life expectancy, and indeed lack of public access. A recalculation, with proper adjustment for these, would give a figure in the region of £50,000.

## Replacement Planting

The agents have supplied details of tree planting, with the preferred option a Wellingtonia, container grown, minimum 3m in height, and up to 5m. A suitable site at the head of the drive has been identified, more prominent than the current site of the oak. Additionally a comprehensive method statement for the planting has been submitted, giving some greater confidence that planting would be carried through successfully. Because of the oak's reduced life expectancy it is concluded that some weight should be given to the voluntary offer of replacement.

## **Conclusion**

That on balance the proposal accords with the relevant policies, and therefore should be agreed, subject to the replacement planting.

**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: Christopher Neilan**

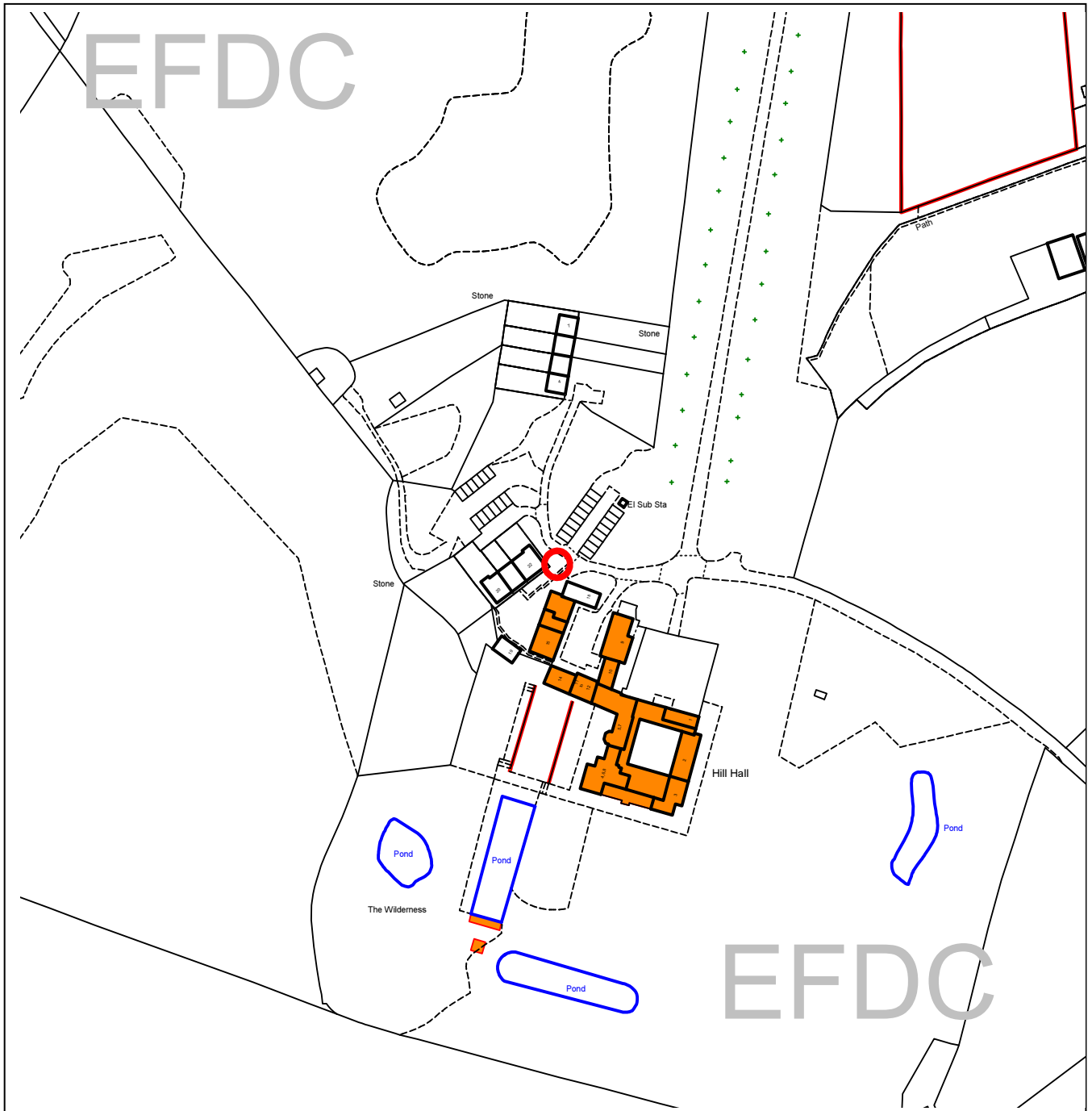
**Direct Line Telephone Number: 01992 564117**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/1967/11
Site Name:	22 Hill Hall, Mount Road Theydon Mount, CM16 7QQ
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2076/11
<b>SITE ADDRESS:</b>	7 Elmbridge Hall Fyfield Ongar Essex CM5 0TN
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Graham Hart
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/05/98 T2 (T17 on TPO) - Pine - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531925](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531925)

**CONDITIONS**

- 1 A replacement tree, of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The work authorised by this consent shall not be carried out unless the Local Planning Authority shall have received in writing, 5 working days notice of both the replacement planting and the felling.
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

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

**Description of Proposal:**

Felling of mature pine.

### **Description of Site:**

This tree is on the southern edge of the development, adjacent to the original buildings. It forms part of the tree screen on the edge of the adjacent farmland.

### **Relevant History:**

The Order was made in 1998 to protect the many important mature trees around the site in advance of the proposed redevelopment.

There are no specific relevant applications on this tree

The following current application applies to the adjacent pines at No. 6 – EPF/2048/11, crown thinning of 3 pines.

### **Relevant Policies:**

LL7: Planting, protection and care of trees.

LL9: Felling of preserved trees:

### **SUMMARY OF REPRESENTATIONS**

None received.

### **Issues and Considerations:**

#### **Introduction**

This specimen is part of a clump of three pines, itself part of a line of pines that is a distinctive and important local landscape feature. However on inspection it proved to have previously lost its top, and to be partially suppressed by the larger trees to the south. As a result it has a one-sided shape.

The applicant's original intention was to apply to thin, to increase light to the house and garden, but this was changed on advice, given the pine's poor quality and lack of prominence. He has planted two ornamental maples and a Judas tree in the immediate area, and suggests that one of these might be suitable as a replacement for the protected tree.

The issues are the potential impact on public amenity of loss of the tree, the weight to be given to the problems that it causes, and the importance of replacement planting in this location.

#### **Issues**

The public value of the pine is very limited; it is effectively invisible from the road, and is totally subordinate to its neighbours. Their shape would be improved were it felled. The problems of loss of light are not particularly extreme, but enjoyment of the garden and living rooms would be improved by additional sunlight.

The new ornamental planting in the garden has no wider public amenity value, so is not suitable for preservation, however a new tree to the rear of the garden would be publicly visible and would add to the appearance of the southern edge of the site. The applicant has agreed to pursue this with the site's trustees, whose consent he would also need.



## **Conclusion**

That the proposal accords with the relevant policies, and therefore should be agreed, subject to a general condition requiring replacement planting.

**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:**

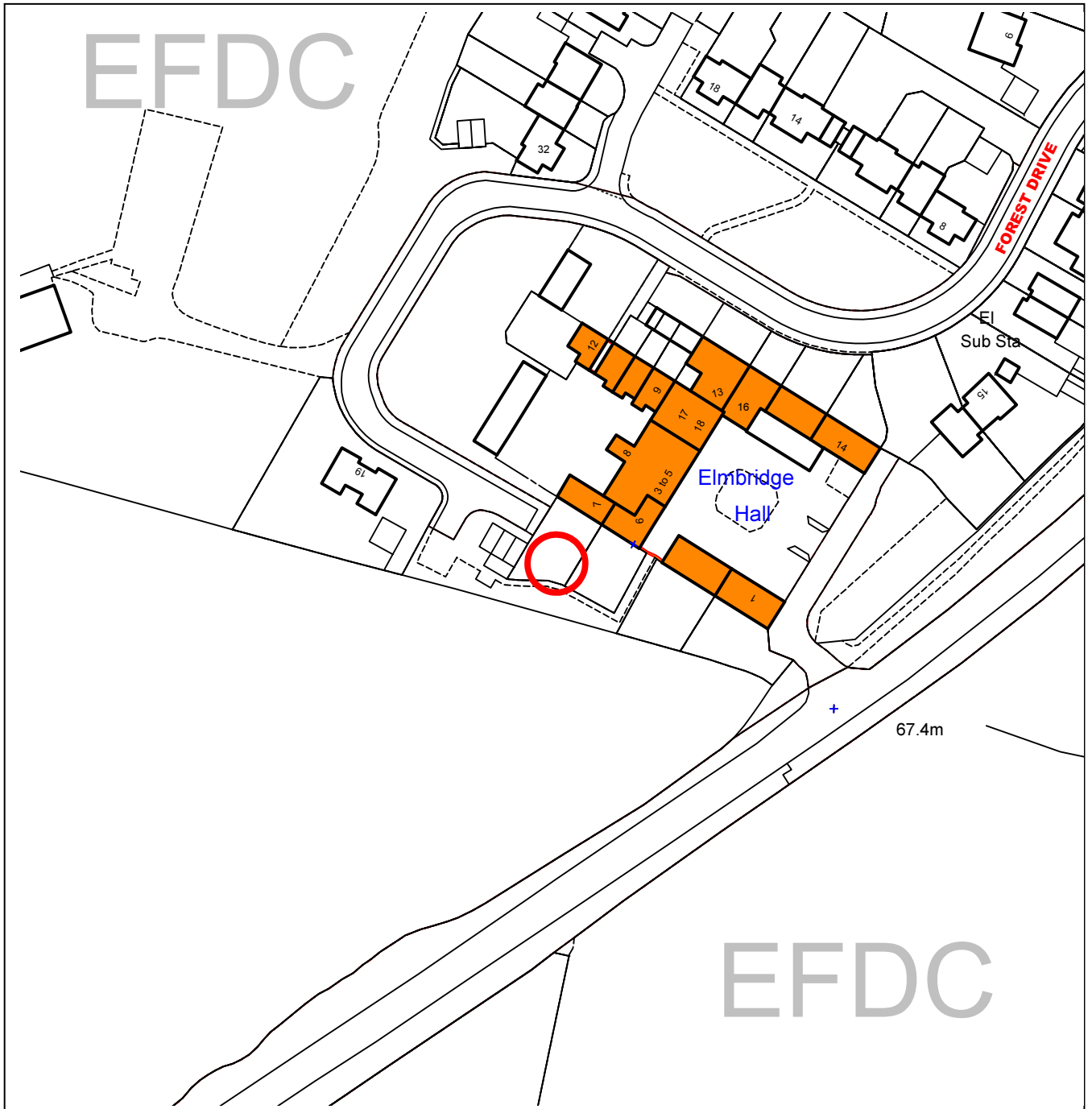
**Planning Application Case Officer: Christopher Neilan  
Direct Line Telephone Number: 01992 564117**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2076/11
Site Name:	7 Elmbridge Hall, Fyfield CM5 0TN
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0207/11
<b>SITE ADDRESS:</b>	Fyfield Business And Research Park Fyfield Road Ongar Essex CM5 0GN
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Fyfield Joint Venture (FJV)
<b>DESCRIPTION OF PROPOSAL:</b>	Outline planning application for the redevelopment (in 3 phases) of Fyfield Business Park comprising the removal of all existing buildings except 2 no. office buildings, a Grade II stable block and a crèche building and existing hardcourt recreation area and changing facilities. Erection of 12 no. one and two storey office buildings equating to a gross external area of 17,071m <sup>2</sup> . Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of a total of 521 car parking spaces and 234 cycle parking spaces.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=525177](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525177)

**CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- 2
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - i) scale;
    - (ii) appearance; and
    - (iii) landscaping
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3 The heights of the proposed new buildings within the development shall not exceed a maximum height of 8.2 metres.

- 4 The total gross external floor area of buildings within the site during development shall not exceed 18,950m<sup>2</sup> at any time.
- 5 No development shall have taken place until samples 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. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 6 Prior to commencement of development provision shall be made for adequate turning and off loading facilities for delivery /construction vehicles within the limits of the site together with an adequate parking area for those employed in developing the site and wheel washing facilities. The aforementioned provisions to be provided at commencement of development and maintained during the period of construction in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.
- 7 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 8 Prior to commencement of development, details of the parking provision for cars (including details of the proposed surface material and its permeability), the number, details of the location and design of powered two wheelers and secure and covered bicycle parking facilities to accord with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless otherwise agreed by the Local Planning Authority, shall be submitted to and approved in writing with the Local Planning Authority. The approved facilities shall be provided prior to occupation and retained at all times thereafter.
- 9 Prior to first occupation of the development, the access arrangements as shown in principle on drawing 9W4559/RH2 Rev. D shall be provided. Details shall be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority, prior to commencement of development.
- 10 The existing southern access shall be permanently closed and replaced with full upstand kerbs and full depth verge, the existing northern access shall be closed to vehicular traffic with the exception of emergency vehicles, by way of bollards or other means as agreed with the Highway Authority, immediately the proposed new access is brought into use. Details are to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.
- 11 If any tree, shrub or hedge shown to be retained in accordance with the approved plan (DPP16952-03 and referred to in the Arboricultural Method Statement (prepared by ACD, 28/01/2011) is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of

the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 12 Notwithstanding the detail submitted with the application, no development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 13 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]
- 14 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]

- 15 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.
- 16 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.
- 17 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.
- The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.
- 18 A flood risk assessment and management and maintenance plan 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 best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 19 Prior to the commencement of the development hereby approved, details of foul drainage shall be submitted to the local planning authority for approval in writing. the agreed detail shall be implemented prior to the first occupation of the development hereby approved.
- 20 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme must include the following measures as detailed in the approved Flood Risk Assessment (Royal Haskoning, July 2011, Ref:

W4559/Adden/R003/310030/Man)

- Surface water run-off to be restricted to greenfield rate of 43 l/s in a 100 year climate change event.
- 21 Prior to the commencement of the development hereby approved, a Travel Plan shall be submitted to the local planning authority for approval in writing. The Travel Plan, which shall incorporate a scheme of monitoring by the Essex County Council, shall be implemented in accordance with the approved detail.
  - 22 Notwithstanding the detail submitted with the planning application, future reserved matters applications shall be accompanied by details of the phasing of the proposed development.
  - 23 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 Schedule 2, Part 8, Classes A-D shall be undertaken without the prior written permission of the Local Planning Authority.
  - 24 No external lighting shall be installed at the site without the prior written agreement of the local planning authority.

**This planning application was deferred from the previous meeting of Area Plans East, to allow for a Member site visit. A visit has been planned for Saturday 26<sup>th</sup> November 2011 and accordingly, the application is reported for further consideration by the Committee. Since the previous meeting of the Committee, the Applicant's agents have also written to neighbouring residents, Mr and Mrs Carmichael of Boarded Barns Farm, regarding some matters raised. It is understood that a meeting has also been arranged between these two parties to discuss the proposal.**

**Within the letter (sent 14<sup>th</sup> November 2011) the Applicant's agents explain that the matters of drainage and vehicular access (including the right of way through the site to Boarded Barns Farm) will be dealt with by planning condition and as the proposal progresses through to reserved matters stage and, if approved, development.**

The original report to Committee is reproduced below:

*This application is before this Committee since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)) and since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

**Description of Proposal:**

This application seeks outline planning permission for the redevelopment of the existing Fyfield Business Park. The redevelopment, proposed across three phases, would result in the demolition of most existing buildings within the site and their replacement with a development comprising 1-2 storey purpose built office buildings. The Applicant indicates that the development would have a gross external floor area of 18,950m<sup>2</sup> and would provide 521 car parking spaces and 234 cycle spaces.

The development proposes the retention of the existing crèche and sports pitches within the site.

Also proposed is a new access into the site which would be located to the north of the existing access and would involve the creation of a roundabout mainly within the application site, but also extending onto highway. The proposed roundabout would be lit by 8m high lighting columns.

### **Description of Site:**

The application site covers an area of 9.35 hectares, of which 5.65 hectares is developed, located entirely within the Metropolitan Green Belt, to the north east of Ongar. The site is occupied by Fyfield Business Park. It is surrounded by and includes many mature and established trees, which are notable in their contribution towards the character of the site. Land to the immediate north and south of the site is used for agriculture and there are residential properties to the west and east (on the opposite side of the B184).

The business use of the site evolved from its original use for agricultural research and development. As a result not all buildings of the site are purpose built, or indeed suitable for occupation by businesses.

### **Relevant History:**

EPF/0867/01: Application for certificate to confirm lawfulness of all uses within Use Class B1 - offices, research & development and light industry. Lawful - 29/06/2001.

EPF/1943/02: Change of use of part of former canteen building to a Children's day nursery. Approved 10/01/2003.

EPF/0671/03: Variation of condition 1 of planning permission EPF/1943/02 to make permanent the change of use of part of former canteen building to children's day nursery. Approved 09/05/2003.

EPF/0001/06: Outline application for mixed use development comprising residential, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused 14/02/2006.

EPF/2200/06: Outline application for mixed use development comprising 90 no. new dwellings, retained employment, community facilities, associated parking, open space, landscaping and new access arrangements. Refused 07/02/2007 – appeal subsequently dismissed.

EPF/2011/09: Construction of new 35 no. space surface level car parking area to the north of Units 19 and 21-23, with associated lighting columns and bollards. Refused 15/12/2009.

### **Policies Applied:**

#### **National Planning Policies**

PPS1  
PPG2  
PPS4  
PPS5  
PPS7  
PPG13  
PPS25



The draft National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development (although it does also maintain the existing presumption against inappropriate development within the Green Belt). The draft NPPF also places great emphasis on economic development. It is recognised that the draft is a material planning consideration. However, as consultation is still underway on this document, significant weight has not been applied to it within this appraisal.

### Local Planning Policies

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP4 – Energy Conservation  
CP5 – Sustainable Building  
DBE1 – Design of New Buildings  
DBE2 – Impact of New Buildings  
HC12 – Development Affecting the Setting of a Listed Building  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
ST4 – Highways Considerations  
ST6 – Car Parking Standards  
LL1 – Rural Landscape Character, Appearance and Use  
LL10 – Retained Landscaping  
LL11 – Landscaping Schemes  
RP4 – Adverse Environmental Impacts  
E4A – Protection of Employment Sites  
I1A – Planning Obligations

### Summary of Representations:

Notification of this application was sent to Ongar Town Council and to 38 neighbouring residents.

The following representations have been received to date:

ONGAR TOWN COUNCIL: Support. Councillors were pleased that issues to do with traffic calming and road safety, environmental impact, tree retention and other environmental issues were addressed in the application. From previous applications in respect of the site the Council is aware that these are important issues. Ongar Town Council supports the application with the reservation that its support will not be sustained if environmental and road safety issues are not properly addressed in any subsequent detailed application for any of the phases of the proposed development.

BOARDED BARNS FARM: Objection. Business Park has been underused for ten years, but our land has still been subjected to flooding as a result of waste run-off from the car park and effluent from the sewage works runs into an open ditch on our land. These problems will be exacerbated by the proposed development. The establishment of a new roundabout only to access a private business is excessive use of Council funds. The new access will result in us losing our established right of way and access to our property will be further compromised. The proposed cricket pitch is unnecessary – Ongar already has an adequate Sports Centre. Inadequate use has been made of the existing buildings, what guarantee is there that the additional buildings will be used, with such poor infrastructure to support them? Changing from one to two storey buildings will be an eyesore, visible from the road. What will stop a change of use to residential?

LITTLE FOLYATS: Objection. The site only had a change of use from Green Belt to a Business Park for the sole use of agricultural research and development. We have the pleasure of overlooking farmland with associated buildings and feel that overlooking an industrial site would make the area less pleasant. The placement of a roundabout to facilitate the increased traffic would add to the number of accidents and would be out of character on this country road.

3 CHURCH LANE COTTAGES: Objection. The section of the B184 which runs past the site is an accident blackspot, with the national speed limit flouted daily. The increased traffic will place enormous strain on the road, with more accidents occurring and making it more dangerous for nearby residents to exit and access their properties. Most people will travel to the site by car, by bicycle. The development of the roundabout would be an excessive use of Council funds. Existing sewage facility will never be adequate for the capacity of the new development – there is no mains drainage in the area. The road is regularly flooded. The proposed leisure facilities are unnecessary so close to Ongar Leisure Centre and will steal business from the Council's facilities. Two storey buildings will be an eyesore visible from the road and not in keeping with other properties, most of which are listed buildings. This development would be the 'foot in the door' for Fyfield Venture to change to residential use.

SHELLEY LODGE: Objection. Utilities and drainage cannot accommodate additional capacity. The B184 is already very congested at peak times and the proposal will worsen this. There are vacant units on the site and in the local areas. Some improvements are needed, but to a lesser degree, thus having less impact on our services, road and environment. The cricket pitch is unnecessary – there are already excellent sports facilities in Fyfield, Willingale and Ongar.

GIBBES COTTAGE: Comment. I recognise that the site is Brownfield land, has been used for commercial purposes for many years and is in need of redevelopment. I welcome the fact that the emphasis for development has returned to solely commercial, rather than mixed use with residential. However, question the demand for so many offices within the area, due to vacancies elsewhere. There is sufficient Brownfield available for redevelopment so I do not support the development of green field areas (such as the area in front of the security office) being developed in advance of Brownfield land being used. There is a need to upgrade electricity, gas drainage and phone lines in the area before work is undertaken. Traffic is a major consideration and the traffic surveys undertaken do not take account of the medical centre which will be opening imminently. No consideration has been given to pedestrian access to the site. The new roundabout would be sited beyond the chicane, surely the approach road should be straightened for this to have any effect.

FISHERMANS HILL: OBJECT. Inappropriate intensification of use in the rural area. Concern over highway safety. Concern that there will be increased damage to highway verges and drainage ditches and increased flood risk. Cricket pitch is not needed and seems to have been included as a gesture to placate locals.

### **Issues and Considerations:**

The main issues to be considered in this case are:

- the acceptability of the proposed development within the Green Belt;
- the impact of the proposed development on the nearby highway network;
- the acceptability of the design of the development;
- the impact on nearby neighbouring residents;
- the appropriateness of proposed car parking levels;
- the impact on the listed building within the site; and
- the impact on trees and landscaping within the site.

## Green Belt

The site is located entirely within the Metropolitan Green Belt. Within the Green Belt, Policy GB2A of the Local Plan identifies types of development which are appropriate. The proposed redevelopment does not fall within the listed types of development and would, therefore be inappropriate development within the Green Belt.

Notwithstanding this, the Applicant has considered, at some length, national planning guidance contained within PPG2 (which provides the policy basis for Local Plan policy GB2A). At paragraph 3.4, PPG2 states that new building can be appropriate, if they constitute 'limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C'.

At paragraph C2 of the Annex, it is clarified that this can only be considered as appropriate where a major developed site is specifically identified in an adopted local plan. This is not the case in relation to Fyfield Business Park, which has no such allocation within the Local Plan.

The Applicant presents a case as to why they consider it is likely that the site will be allocated as a Major Development Site, when the LDF Site Allocations DPD is published (Presently expected in Spring 2014). They refer to the importance of the Business Park as a major employment site within the District, its identification as an employment site in the Council's Employment Land Review (published September 2010) and an Inspector's comment in relation to a previous appeal on the site, that it is a 'major developed site within the Green Belt'.

However, it is the opinion of the Case Officer that, at this time, it is premature to make an assumption as to whether or not the site will be allocated as a major development site. On this basis, it is considered that the proposed development would be inappropriate within the Green Belt. Notwithstanding this, it is also considered that the site does have some special circumstances, which require careful consideration. The site, due to its original use and subsequent planning history has a number of buildings within which are designated for employment use, but not suitable for occupation within that use. These buildings, many of which stand vacant within the site, presently impair the openness of the Green Belt but without serving any useful purpose. The site is an identified employment site within the Employment Land Review (ELR). Whilst the ELR does not identify Fyfield Business Park as a site with potential for growth, the survey did not recognise that there were vacant units at the site and only identified there being a total of 16 units. Accordingly, it is not considered that there was an accurate basis for discounting the site at that time. Information has been provided by the Applicant indicating that the present and future viability of the Business Park is limited by its dated accommodation and it is accepted that there is a need for at least substantial renovations to buildings to secure the long term viability of the Business Park.

Whilst, as stated above, it is not considered that the application site benefits from the special provision within PPG2 relating to designated major existing developed sites, Annex C does set out some useful criteria for assessing such sites which could aid consideration of the impacts of the proposed development. According to guidance in Annex C, redevelopment should:

- (a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- (b) contribute to the achievement of the objectives for the use of land in Green Belts;
- (c) not exceed the height of the existing buildings; and
- (d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity).

In terms of the impact of the proposed development on the openness of the Green Belt, it is necessary to consider the increase in the height of the development and the amount of development as also required under criteria (c) and (d). Whilst only seeking outline planning permission, the application confirms that no buildings within the site will exceed a maximum height of 8.2 metres. Whilst this is greater than the height of many buildings existing within the site, it is comparable with some nearby buildings. Furthermore, photomontages are provided with the application demonstrating that in long range views from the surrounding area, this height is such that views of the proposed development would be largely screened by existing trees.

The application also includes a breakdown of the footprint and volume of buildings within each phase of the development as existing and proposed. However, this includes the footprint and volume of existing glasshouses within the site. As such structures have very limited life spans and less of an impact on openness they have been excluded from the table below (*The glasshouses which would be demolished are situated within phases 1 and 2 and amount to a total of 1855m<sup>2</sup> / 6269m<sup>3</sup>*):

Phase	Existing Footprint (m <sup>2</sup> )	Proposed Footprint (m <sup>2</sup> )	Difference (by percent)	Existing Volume (m <sup>3</sup> )	Proposed Volume (m <sup>3</sup> )	Difference (by percent)
1	2,332	3,505	+50%	10,792	23,122	+114%
2	4,488	3,697	-18%	22,941	25,287	+10%
3	3,430	3,373	-2%	18,865	23,353	+23%
<b>Total</b>	<b>10,250</b>	<b>10,575</b>	<b>+3%</b>	<b>52,598</b>	<b>71,762</b>	<b>+36%</b>

As can be seen from the above table, the amount of floor space would only very slightly increase across the development as a whole. The increased volume (arising from the increase in heights across the site) would be more substantial, but not to the degree that it is considered that it would materially alter the open appearance of the Green Belt, bearing in mind the existing condition of the site and the open spaces that would be created. However, the phasing of the development may require further consideration, as if the development was not continued following the proposed Phase 1 (which results in an increase of 50% in footprint and 114% increase in volume) then this is unlikely to be acceptable in the absence of the reductions in footprint which would arise from the latter phases. The matter of phasing may be controlled by condition and considered further upon the submission of reserved matters for a phase.

In terms of the impact of the proposal on the objectives for Green Belt land, the following objectives are identified in PPG2:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

The proposed development will not limit opportunities for the urban population to access the countryside, as it relates to a redevelopment of an existing business park; the existing outdoor sports facilities within the site will be retained and increased; subject to a comprehensive landscaping scheme and a limitation of building heights, the surrounding attractive landscape may be retained, the development will improve the parts of the site which are derelict/damaged; the site is not designated as a nature conservation site; and the site is no longer in agricultural use.

In addition to the impact of the buildings on the Green Belt, substantial construction would also take place through the proposed highway improvements. In addition to the construction of the roundabout itself, there will be a requirement from a highway safety perspective that the

roundabout is illuminated. An Illumination Impact Profile (IIP) has been submitted with the application. This demonstrates the levels of light spillage that would arise from the erection of lights on 8m high columns around the roundabout and 30m to the north and south of it along Fyfield Road. A plan included within the IIP demonstrates that from a distance of 12-18m from the roundabout, light levels would fall to a level that would not exceed natural moonlight (0.5lux). Due to the limited spillage from the lighting onto the wider area, it is considered, on balance, that this element of the development would not be unduly conspicuous within the Green Belt.

### Highways

County Highways Officers have had ongoing discussions with the Applicants and their Transport Consultants throughout the application process. As a result, they are satisfied with the design of the proposed roundabout and new entrance into the site.

Furthermore they consider that the applicant has demonstrated that there is likely to be only a small increase in traffic generated by the proposal than that which the site could potentially generate, if the existing business park was fully utilised, in line with its lawful planning use.

The application proposes a footway/cycleway link between the site and Ongar, along the verge adjacent to the B184. However it has not been demonstrated to Highways Officers that this is achievable to current standards, with pinch points along the route and being directly adjacent to a ditch. Notwithstanding this, the Highway Authority considers that the proportion of people walking or cycling to the site would be so minimal, given its remoteness, that it would not be a good use of money to maintain a substandard footway/cycleway in perpetuity and, as a consequence, has not pursued the footway/cycleway as a requirement of this application. Whilst walking and cycling should be encouraged it has to be acknowledged that the location of the site does not lend itself to these modes. A travel plan may be secured by planning condition, which can be a useful tool by which to encourage car sharing and other alternative modes to individual car travel.

The new access into the site would adjoin the existing access road through the site, into Boarded Barns Farm.

### Design

Although this application only seeks outline planning permission a great deal of information has been submitted in relation to the design of the proposed buildings in Phase 1 of the development.

The detail indicates that the proposed buildings would be two storey in height with a pitched roof above. The elevations would be finished in a mix of brick and black stained shiplap cladding with grey metal louvres to the windows. The clay tiled roofs would contain photovoltaic or solar water heating panels.

The application states that buildings within the development would have a maximum (to ridge) height of 8.2 metres.

Whilst the detail provided is indicative only it is considered that it is representative of a sympathetic and carefully considered design, which would complement and enhance the setting of the site, which is rural and sylvan in its character.

### Neighbouring Amenity

The proposed redevelopment would not result in any material reduction in amenity to nearby neighbouring residents in terms of loss of light, privacy or outlook. Although the built development

would move closer to Boarded Barns Cottages, the indicative drawing places the building at such an angle that there would be no overlooking - this may be ensured at reserved matters stage. Furthermore, the Illumination Impact Profile submitted in relation to the roundabout indicates that there would not be an increase in light levels at this residential property beyond that of natural moonlight.

### Car Parking

The application proposes 16,054m<sup>2</sup> of internal B1(a) floor space. The Council's adopted parking standards require the maximum provision of one space per 30m<sup>2</sup>, which would result in the proposed development having a maximum of 535 spaces. The application proposes 521 spaces. This is considered to be acceptable, bearing in mind the Council's standard and the location of the site, which is likely to result in a reliance on journeys by car.

The standard would also require the provision of a minimum of 240 cycle spaces. However, given the location of the site it is considered highly unlikely that large numbers of staff or visitors will cycle there. The application proposes 156 cycle spaces and it is considered that the location of the site justifies an exception to the normal standard. This is, therefore considered acceptable.

A minimum of 19 spaces for powered two wheelers (motorcycles) is also required by the standard and the application proposes 25.

### Impact on Listed Building

Within the application site is a Grade II former stable block, which was historically an outbuilding associated with Boarded Barns Farm (which comprises a Grade II listed farmhouse and several listed outbuildings). The stable block has subsequently been incorporated into the Business Park.

The Council's Conservation Officer has been consulted on the planning application and has provided the following comment:

*I do not have any objection to the principle of the outline application. It shows the stable block as being retained and minimal disruption to Boarded Barns Farm. I believe that the listed building will benefit from having the modern link removed, but any work to carry this out or any repair work to the listed building will need listed building consent.*

*I will have more concerns when the detailed application is submitted. The hierarchy of buildings surrounding the listed stable block will need careful consideration. We would not like to see buildings greater than two storeys surrounding the listed building. The design and materials of any surrounding buildings will need to be appropriate for the setting of the listed building.*

*Details will also need to be submitted for any change to the access for Boarded Barns Farm.*

It is, therefore, considered that subject to sympathetic and considerate design within the preparation of the detailed plans, the proposed redevelopment would not cause harm to the setting of this listed building and, to the contrary, presents an opportunity to remove existing unsympathetic additions and enhance its setting.

### Other Matters

*Trees and Landscaping* - The Council's Arboricultural Officer has been consulted on the application and has commented as follows: The proposal involves the removal of trees (particularly to accommodate the new roundabout access) however this is largely confined to less important trees, and none of the best. There is a good and comprehensive landscape scheme, including many more trees to be planted than are to be lost, although of course it will take time for them to

become established. The application is outline, and the development is to be in 3 phases, but would suggest that it would be advantageous to get as much as possible of the landscaping up front. If not we need a clearer understanding of what will be done in each phase, and how it will be left if the further phases are not implemented. In relation to the submitted material it is acceptable on a technical level, but I would like to see the Landscape Statement, Landscape Management and Maintenance Plan and the Tree Protection Method Statement make clear reference to the appointment of project specialists, who will have responsibility for controlling the implementation, and for liaison with the LPA. These matters may be secured by the use of planning conditions.

*Contaminated land* – Due to its former use as a pesticide research and development facility, the presence of radioactive marker labelling laboratories and later industrial sites, the site has been identified as being potentially contaminated. There are some omissions within the submitted Phase 1 study and accordingly it is necessary, if planning permission is granted, to impose planning conditions requiring further studies, investigations and, where necessary, mitigation

*Flood Risk* – The site is not located within a designated flood risk area. However, due to the scale of the development proposed, it is necessary to avoid generating any additional surface water run-off and to seek improvements to the existing situation. This may be secured through the imposition of a planning condition, if consent is granted. The Environment Agency raises no objection to the planning application, subject to the imposition of planning conditions.

### **Conclusion:**

In light of the above appraisal, it is considered that although the proposed development would constitute an inappropriate development within the Green Belt, it would be justified by the very special circumstances which would mitigate the harm caused by the inappropriateness. These very special circumstances include the history of the site, the nature of the buildings within the site, many of which are incompatible with their lawful planning use and also the identification of the site within the Employment Land Review as an established employment site within the District. The District contains few existing employment areas and the proposed development provides an opportunity to both retain and expand Fyfield Business Park, to secure its longer term future. On balance, it is considered that the proposed development would not be unduly conspicuous within the Green Belt. Subject to the imposition of planning conditions, the development would not cause serious harm to visual amenity, neighbouring amenity, to the setting of the listed building, to landscaping, flood risk or highway safety. It is, therefore, recommended that planning permission be granted.

***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:***

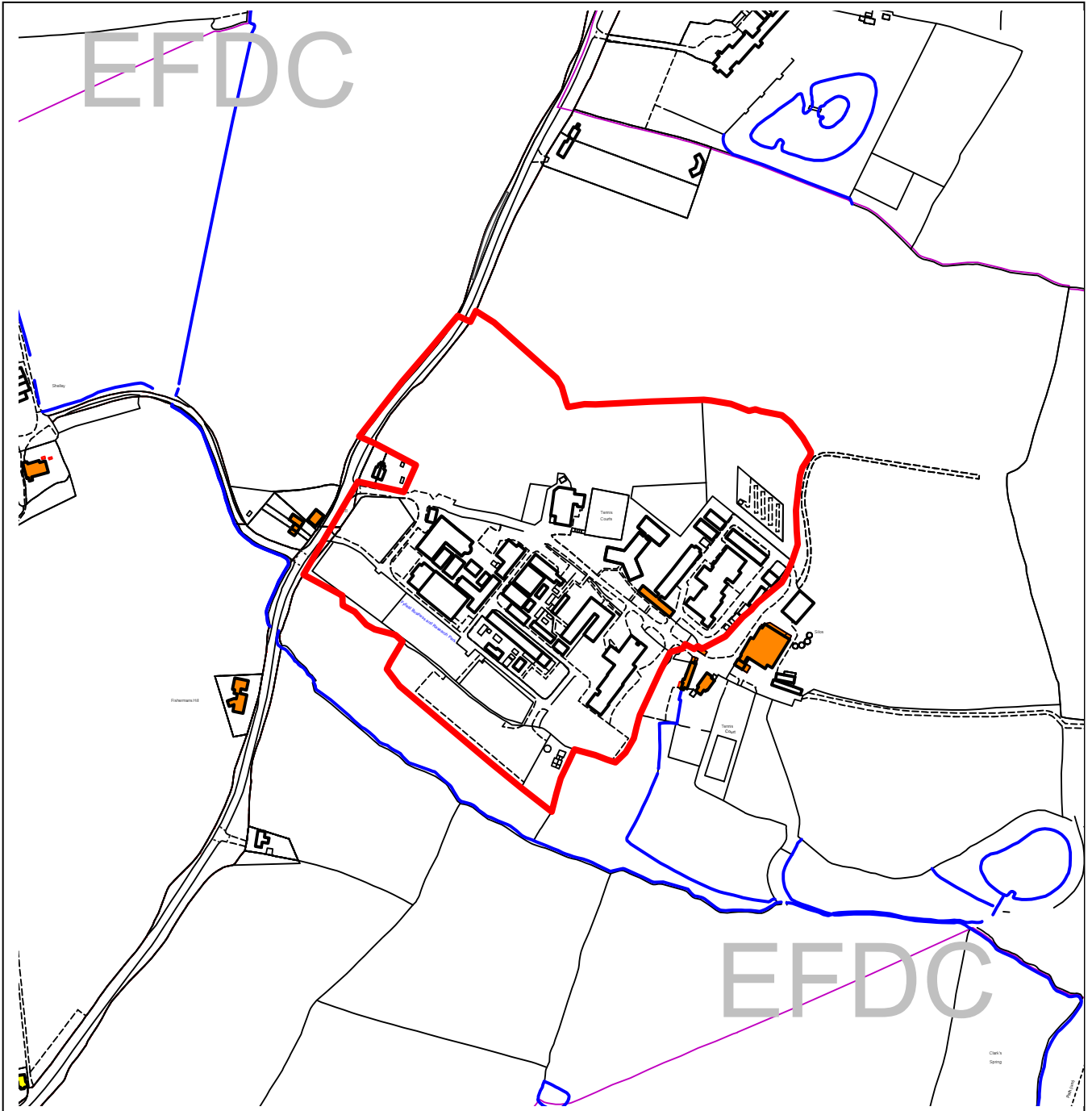
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0207/11
Site Name:	Fyfield Business And Research Park Fyfield Road, Ongar, CM5 0GN
Scale of Plot:	1/5000



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1603/11
<b>SITE ADDRESS:</b>	St Johns C of E School Tower Road Epping Essex CM16 5EN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Essex County Council & Diocese of Chelmsford
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 12 of planning permission EPF/1400/04.(For the demolition of existing school, construction of new secondary school and residential development.) To allow an increase in the gross floorspace of the approved school from 7,880m <sup>2</sup> to 8,080m <sup>2</sup> (specifically to enable provision of a biomass boiler plant building and associated storage on site)
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530241](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530241)

**CONDITIONS**

- 1 The new school hereby permitted shall not exceed 2 storeys or have a floor area greater than 8,080 sq metres.

**And subject to the applicant first completing deeds of variation with regard to the existing Unilateral Agreements and Legal Agreement under Section 106 in relation to EPF/1400/04 to ensure that they also apply to this revised decision.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Proposal:**

Outline planning permission EPF/1400/04 for the demolition of St Johns School and the construction of a new school on adjacent Green Belt land and residential development on the original school site, was granted subject to many conditions including condition 12 that required that the replacement school should have a gross floorspace of no more than 7,880 square metres. The approved reserved matters application EPF/0585/09 was in compliance with this condition. The application now before you is linked to the next item on the agenda, which seeks agreement

to material amendments to the approved scheme. The proposed amendments include the provision of a biomass boiler plant building. This building if approved would take the gross floor area of the school beyond the limitation set by condition 12 of the outline consent by adding a further 200 square metres of gross floor area. Therefore if members are to grant the next item on the agenda, there is a need to agree at the same time a variation of this condition first to avoid the development being in contravention of the requirements of the outline consent.

For this reason the two items need to be considered together.

### **Description of Site:**

The application site comprises land between Tower Road and Lower Bury Lane including the existing St Johns School Site and playing fields. The land falls gradually away to the north. To the east is the current residential edge of Epping which is characterised by suburban semi-detached dwellings.

To the north is an area of woodland and to the east is the cemetery and agricultural land.

The current school site is excluded from the Green Belt but the remainder of the site is Green Belt.

### **Relevant History:**

EPF/1400/04: Outline application for demolition of existing school and erection of a replacement school and redevelopment of existing school site for residential. Approved December 2006 by Secretary of State, subject to unilateral agreements, and agreement under section 106.

EPF/0585/09 Reserved matters application for replacement school and residential development Approved.

EPF/1225/11: Non material amendment to EPF/0585/09 approved

EPF/1604/11: Minor material amendment including provision of biomass boiler building. Concurrent application.

### **Policies Applied:**

GB2a Green Belt

### **SUMMARY OF REPRESENTATIONS:**

202 neighbouring residents were notified of the application, as were the CPRE, and the Conservators of Epping Forest. The following comments have been received.

TOWN COUNCIL- Object to this application and take the view that it will appear unsightly on this site and is not in keeping with the general design of the school. Committee also expressed concern at the visual aspect of the chimneys. It was noted that the building will only be cloaked by vegetation during the summer months and therefore care is needed to ensure that any further building on this site is well away from the surrounding green belt environment..

THE CITY OF LONDON (Conservators of Epping Forest) – No observations

26 LOWER BURY LANE- (Commenting on both this application and the next on the agenda) Object as insufficient information has been provided regarding the environmental and public health impact of the proposal. The proposed siting is not an issue but raise concern over potentially harmful effects of the boiler emissions on the local area especially as prevailing wind would blow emissions in the direction of Lower Bury Lane/Bury Road and Tower Road. An emissions dispersion study is therefore needed.

### **Issues and Considerations:**

The school redevelopment site is within the Metropolitan Green Belt. In granting outline consent for the development contrary to established Green Belt Policy in 2006 the Secretary of State considered that there were very special circumstances relating to the need for the new school at the site that were sufficient to outweigh the harm from the development. However in granting consent subject to a condition restricting the gross floorspace of the replacement school it is clear that at that time it was considered that only that level of floorspace was justified. The only issue therefore in the determination of this variation of condition application is whether the proposed increase in gross floorspace to add a further 200 square metres can be justified in Green Belt terms or whether the harm from such an increase in floorspace would be such as to make the redevelopment unacceptable.

It is officer's view that given the overall scale of the school development proposed the additional 200 square metres is minimal and can be achieved without harm to the openness of the Green Belt or the purposes of including land within the Green Belt. It is an increase in floor area of just 2.5% over the approved level and will not in principle have a significant impact on openness. Given that it has been accepted that there are very special circumstances sufficient to enable the construction of the replacement school in the Green Belt, it is reasonable in officers view to accept that these circumstances are sufficient additionally to overcome the limited harm that may arise from a further 200 square metres of floorspace, particularly where this space is intended to enable a more sustainable heating system for the proposed school.

The specific design and location and potential environmental impact are to be assessed separately under the application for material amendments which is next on the agenda. The proposed variation to condition 12 to allow an increase in gross floor area of the school is therefore recommended for approval subject to deed of variation being completed to ensure that the legal agreements that are tied to the current consent are linked to the revised approval.

Normally a variation of condition application, which produces a new Planning Consent for the development, would need to include in its decision notice all the conditions set out on the original permission. As work has commenced on the development and some of the conditions have already been partially discharged and some are in any case duplicated on the approval of reserved matters application it is considered that this is not appropriate and indeed would lead to confusion. Should this application be approved, all outstanding conditions can be added to the decision notice for the proposed minor material amendment that is next on the agenda.

### **Conclusion:**

It is recommended that this variation to condition 12 be granted.

***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:***

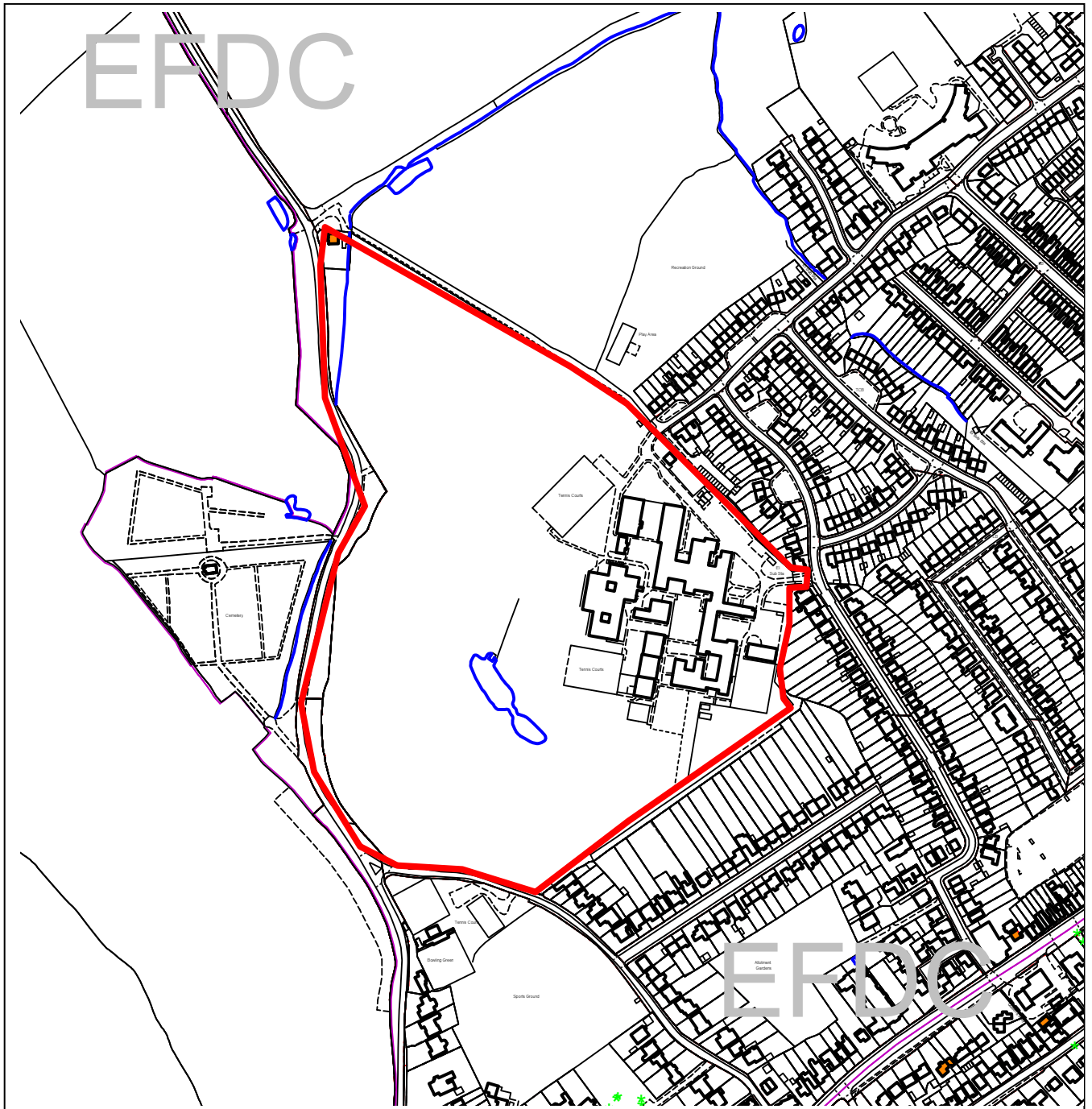
***Planning Application Case Officer: Mrs Jill Shingler  
Direct Line Telephone Number: (01992) 564106***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5 &amp; 6</b>
Application Number:	EPF/1603/11 & EPF/1604/11
Site Name:	St Johns C of E School, Tower Road CM16 5EN
Scale of Plot:	1/5000

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1604/11
<b>SITE ADDRESS:</b>	St Johns C of E Secondary School Tower Road Epping Essex CM16 5EN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Essex County Council & Diocese of Chelmsford
<b>DESCRIPTION OF PROPOSAL:</b>	Variation of condition 1 of planning permission EPF/1225/11. (Non material amendment to EPF/0585/09. Reserved matters application (siting, design, external appearance and landscaping) for the demolition of existing school, construction of new secondary school and residential development of 149 dwellings including 38 affordable dwellings) to enable minor material amendments to this approved secondary school including provision of biomass boiler plant building and alterations to elevations fencing and layout.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)and Subject to the approval of EPF/1603/11.

**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=530242](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530242)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:  
  
School site: DPA/201 Rev. 01, DPA/202 Rev. 01, DPA/203 Rev. 01, DPA/204 Rev. 01, DPA/301 Rev. 01, DPA/302 Rev. 01, DPA/303 Rev. 01, DPA/401 Rev. 03, DPA/402 Rev. 02, DPA/501 Rev. 01, DPA/601 Rev. 02, MCA0508/02b  
  
Residential Site: 1331-P001, 1331-P002, 1331-P003, 1331-P004, 1331-P005, 1331-P006, 1331-P007, 1331-P008, 1331-P009, 1331-P010, 1331-P011, 1331-P012, 1331-P013, 1331-P014, 1331-P015, 1331-P016, 1331-P017, 1331-P019, 1331-P020, 1331-P022 Rev A, 1331-P023 Rev A, 1331-P024, 1331-P025, 1331-P030, 1331-P035, 1331P101-A
- 2 The materials for the school development hereby approved shall be those set out in the schedule of materials drawing DPA/701 received 13/07/11. Details of the types and colours of the external finishes for the approved housing development shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development of the housing, and the development shall be implemented in accordance with such approved details.

- 3 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.
- 4 Wheel washing facilities detailed in the submitted site logistics plan and method statement shall be used during the school construction to clean all vehicles leaving the site.

Wheel washing or other cleaning facilities for vehicles leaving the site during construction works on the housing development shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 The radii of the new road off Tower Road shall be the maximum possible, within the land ownership of the applicant and the details of this shall be submitted to, and agreed in writing by, the Local Planning Authority, prior to commencement of development of the residential element of the development.
- 6 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within 12 months from the occupation of such dwelling.
- 7 Any new planting by the vehicular access to plots 40 and 41 shall be set back outside of a sight splay of 2m x 31m.
- 8 Where existing trees in close proximity to the roadway are retained, details of protective measures to ensure the roadways/footpaths are constructed to an adequate standard shall be submitted to, and agreed in writing by, the Local Planning Authority. The works shall then be completed in accordance with these agreed measures.
- 9 Any trees proposed within the highway shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority and sited clear of all underground services and visibility sight splays.
- 10 The development of the residential area and the public open space (green wedge), 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.

- 11 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 12 Within 1 month of the date of this approval, full revised details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) with regard to the school site shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 A Landscape Management Plan for each phase of development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of each phase of the development for its permitted use. The landscape management plan shall be carried out as approved.
- 14 The landscape scheme shall include full details of the proposed drainage for the playing fields and an associated swale pond including levels, layout and planting proposals for the pond.

- 15 No development within each phase of development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 16 Prior to any works, including works of demolition or site clearance, on any phase of development, a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) for that phase shall be 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.
- 17 The public foot/cycle paths to link the school and residential development on the site and shown on the approved plans shall be implemented and retained in accordance with the approved scheme.
- 18 The garaging and parking spaces shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained thereafter for the parking of residents and visitors vehicles.
- 19 The school hereby approved shall not be occupied until an access and car park management strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved strategy shall thereafter be implemented unless otherwise agreed in writing with the Local Planning Authority.
- 20 The school hereby approved shall not be occupied until space has been provided within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site clear of the highway, including provision for school buses. Such space shall be adequate to allow all vehicles to enter and leave the site in forward gear. It shall be retained thereafter free of any impediment to its designated use.
- 21 The scheme for improving the quality of the playing fields (including ground levelling and drainage and maintenance) submitted under EPF1444/11 shall be implemented in accordance with the submitted details prior to occupation of the site.
- 22 The school hereby permitted shall not be occupied until a scheme for the community use of the school's sports facilities (including the sports hall, hard courts, and playing fields) has been submitted to and approved by the Local Planning Authority in consultation with Sport England. The scheme as approved shall be implemented unless otherwise approved in writing by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval in writing by, the Local Planning Authority.
- 23 The school hereby permitted shall not be occupied until a scheme for the community use of the school buildings has been submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented unless otherwise agreed by the Local Planning Authority. The approved scheme shall be reviewed at not less than 3 year intervals to include the resubmission to, and approval by, the Local Planning Authority.



- 24 The school hereby permitted shall not be occupied until provision has been made for a minimum of 22 staff and 300 pupil secure covered cycle spaces in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- 25 No more than 44 permanent car parking spaces shall be provided for staff and visitors within the new school site hereby permitted. Any proposals for the dual use of hard surfaced areas to provide additional parking out of school hours or for special events shall not be implemented without the prior written approval of the Local Planning Authority.
- 26 Prior to the occupation of the new school hereby permitted, a school travel plan, including arrangements for its monitoring and updating, shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The approved travel plan shall be implemented in accordance with an approved programme.
- 27 The existing school buildings shall not be demolished until the replacement school has been substantially completed.
- 28 No external lighting shall be installed within the grounds of the proposed school unless a scheme for its provision has first been submitted to and approved in writing by the Local Planning Authority.
- 29 Highway works in connection with this development shall be carried out in accordance with the details set out in the Legal Agreement under section 278, dated 18 July 2011 or any subsequent variation.
- 30 No part of the residential or school developments shall commence until details of on site drainage works to serve that part of the development have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.
- 31 The existing pond and associated planting shall be protected during the course of the construction works from damage arising from the works. The landscaping scheme shall include plans and specifications for the protection measures (which shall include measures intended to retain existing water levels in the pond during and after the works) and a programme of implementation and monitoring of the pond protection measures.
- 32 The biomass boilers installed at the site must be certified as an exempt appliance in accordance with the Clean Air Act 1993. Evidence to demonstrate that the boiler has been tested and certified as an exempt appliance shall be provided to the Local Planning Authority and agreed in writing prior to installation. This shall be supplemented with the technical details of the biomass boiler.
- 33 The biomass boiler shall only be operated using clean wood pellets that comply with a recognised fuel quality standard (such as CEN/TS 14961:2005). a written guarantee shall be submitted to the Local Planning Authority prior to first use of the boiler with a declaration that wood pellets conforming to a recognised fuel quality standard will be consistently used in the biomass boiler. A statement shall be submitted to the Local Planning Authority specifying the quantity of wood pellets used in the biomass boiler, and the fuel specifications, in accordance with CEN/TS

14961:2005 or a similar recognised standard. (The statement shall be obtained from the fuel supplier.)

- 34 Fuel for combustion in the biomass appliance(s) must be kept dry and must be stored in a suitable enclosed silo or fuel bunker in order to promote efficient combustion and to minimise smoke emissions. Biomass fuel deliveries shall be undertaken in a manner that minimises dusty emissions. Biomass deliveries shall only be received between 09:00 and 16:00 Monday to Friday and not at all on Public/Bank Holidays, to minimise noise and nuisance from delivery vehicles.
- 35 The biomass boiler shall be associated with a written schedule of maintenance, which shall include removal of ash, inspection and maintenance of particulate arrestment equipment, boiler servicing and stack cleaning. The maintenance schedule shall be submitted to the Local Planning Authority and agreed in writing prior to installation. The boilers shall thereafter be maintained in full accordance with the agreed details.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)) and since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)*

### **Description of Proposal:**

This is an application for minor material amendments to the previously approved school and housing development. The changes relate only to the part of the approval that relates to the new school. The overall scheme has not changed but in the course of working towards the actual building of the new school at the site the plans have evolved and changed slightly to meet changing school requirements, building regulations and sustainability issues. Many of the changes are very minor and possibly could have been dealt with under officer's delegated powers as non material amendments, but they also include the provision of a new building within the site to provide an energy centre for the school incorporating a biomass boiler and an area for the storage of fuel for the boiler. All the proposed changes have therefore been incorporated in a single application for ease of reference.

The full list of the changes to the originally approved plans is set out below:

1. Site fencing – addition and amendments.
2. Extent of grassed playing fields and the inclusion of the summer sports area.
3. Adjustment to the plan of the All Weather Pitch to allow for hockey.
4. Inclusion of the lower drainage swale
5. Re-arrangement of the planted terraces and paving to the front of the school to allow improved access.
6. Steps adjacent to amphitheatre.
7. Arrangement of lower harder play area on the north side and access paths from the school building to allow better (DDA compliant) access.
8. Paths to sports fields to allow better (DDA compliant) access.

9. Position of Lower Bury Lane turning head revised as part of the Section 278 agreement
10. Biomass boiler plant room – added in order to achieve current higher energy efficiency standards.
11. Re-location of externally located sprinkler storage tanks in order to allow better (DDA compliant) playing field access.
12. Lowering of building – ground floor lowered by 200 mm to 101.800.
13. Sports Hall roof – levelled by raising west side and lowering east side in order to achieve requisite height for Badminton.
14. Roof ventilators - location, size and number of roof ventilators as part of detailed technical design.
15. Addition of designated area for photovoltaic panels.
16. Size and orientation of brise soleil – in response to environmental performance requirements.
17. Elevational treatment to Sports Hall and north elevation including first floor Drama area and stairs.
18. Omission of windows on North elevations of learning clusters.
19. Alteration to raised roof over learning cluster central area and stairs.
20. Alignment of the Science area wall to the south and west and position of cluster fire exit door.
21. Position of the eastern learning cluster- moved towards west

These amendments all relate to the school element of the approved development, the plans do not incorporate any changes to the approved housing scheme.

### **Description of Site:**

The application site comprises land between Tower Road and Lower Bury Lane including the existing St Johns School Site and playing fields. The land falls gradually away to the north. To the east is the current residential edge of Epping which is characterised by suburban semi-detached dwellings.

To the north is an area of woodland and to the east is the cemetery and agricultural land.

The current school site is excluded from the Green Belt but the remainder of the site is Green Belt.

### **Relevant History:**

EPF/1400/04: Outline application for demolition of existing school and erection of a replacement school and redevelopment of existing school site for residential. Approved December 2006 by Secretary of State, subject to unilateral agreements and agreement under section 106.

EPF/0585/09 Reserved matters application for replacement school and residential development Approved.

EPF/1225/11 Non material amendment to EPF/0585/09 approved

EPF/1603 /11 Variation of condition 12 of Outline consent to enable provision of biomass boiler and associated storage (concurrent application).

**Policies Applied:**

CP01 - Achieving Sustainable Development Objectives  
CP02 - Protecting the quality of the Rural and Built Environment  
CP04 - Energy Conservation  
CP05 - Sustainable Building  
CP07 - Urban Form and Quality  
GB2a Green Belt  
RST01 Recreational, sporting and tourist facilities  
DBE01 Design of new buildings  
DBE04 Design in the Green Belt  
DBE9 Loss of amenity  
LL01 Character appearance and use of the rural landscape  
RP5A Adverse environmental impacts

**SUMMARY OF REPRESENTATIONS:**

202 neighbouring residents were notified by letter and site notices were erected, the following responses were received:

TOWN COUNCIL - Object to this application and take the view that it will appear unsightly on this site and is not in keeping with the general design of the school. Committee also expressed concern at the visual aspect of the chimneys. It was noted that the building will only be cloaked by vegetation during the summer months and therefore care is needed to ensure that any further building on this site is well away from the surrounding green belt environment..

THE CITY OF LONDON (Conservators of Epping Forest) – No observations

26 LOWER BURY LANE - (Commenting on both this application and the previous one on the agenda) Object as insufficient information has been provided regarding the environmental and public health impact of the proposal. The proposed siting is not an issue but raise concern over potentially harmful effects of the boiler emissions on the local area especially as prevailing wind would blow emissions in the direction of Lower Bury Lane/Bury Road and Tower Road. An emissions dispersion study is therefore needed.

30 LOWER BURY LANE - Would like fencing along perimeter to be 2 metres and would like a thorny hedge for security . Who will be responsible for this fence, would like to know plans for lighting as we overlook the site. Note biomass boiler plant is downwind, would like to know what fuel it is likely to burn and what emissions it will emit.

Standard letters were received from the following addresses:

25 Bury Road  
43 Bury Road  
5 Bury Road  
23 Bury Road  
39 Bury Road  
41 Bury Road  
13 Bury Road  
7 Bury Road  
9 Bury Road  
21 Bury Road  
15 Bury Road  
29 Bury Road

This letter states "...we note that there has been an alteration to the perimeter fencing. The height of which is intended to be 1.8 (6'). We would like this raised to the maximum 2 metres (6'6"). Can we also ask you to plant a thorny hedge for security reasons as we are constantly pestered by intruders from the school site to the rear of our properties."

### **Issues and Considerations:**

The main considerations in the determination of this application relate to whether the changes proposed are acceptable in design terms, the impact on the Green Belt from the addition of the biomass building, the impact on residential amenity of the proposed changes and the potential impact on the environment from the development, with particular reference to the proposed biomass building.

#### Green Belt

##### The Biomass building

The proposed biomass boiler building is 200square metres in floor area and will house the new schools energy source. Two biomass boilers with pellet storage will be located within a single building that is to be sited independently from the school. The need for this building has arisen due to changes in the requirements for environmental performance since the original scheme was approved in 2007, in order to achieve the BREEAM "very good" rating and more stringent building regulations. The applicants state that the choice of biomass boilers against the previously specified gas fired boiler has also been driven by the pursuit of more sustainable energy consumption. Biomass boilers by their nature require larger plant housing than gas fired boilers, due to the fuel storage requirement and the design of the boilers themselves. The proposal could not therefore be accommodated within the approved plant room and would have resulted in the loss of vital space within the school. In addition it is intended that the "energy centre" will also have an educational function to demonstrate to pupils the energy efficiency of the school. The school will, however, in addition have high efficiency gas boilers to provide additional load in peak heating periods.

As set out in the preceding report, officers consider that the addition of a further 200 square metres of floorspace within the school site would be only about a 2.5% increase in floorspace over the approved scheme and the impact on the green belt would be minimal. The proposed building has been sited such that its visual impact on openness is limited. It is close to the school building and where visible will largely be viewed against the larger building and hence will not create greater intrusion. The building height is much lower than the main school building at only 4.5m and whilst there will be chimneys they will be no higher than the highest part of the approved school building and it is not considered that they will be excessively intrusive in the Green Belt.

##### Other changes

The other proposed changes to the approved scheme do not add significant built form or height or include any changes that would have a greater impact on the Green Belt than the existing approved plans and as such they are considered acceptable in Green Belt terms.

#### Design

##### The biomass boiler building

As set out above the size and location of the proposed biomass boiler building are considered acceptable in Green Belt terms. With regard to the detailed design, this is a functional building and has been simply designed to meet the required specifications for the biomass unit together with an attached sports storage area. It is to be located on sloping land and the monopitch roof follows the line of the slope. It is proposed to be clad in composite timber cladding similar to elements of the main school building. It is considered that this fits with the general design concept of the school and is appropriate. The siting is such that deliveries of fuel pellets can be easily accommodated.

Whilst the chimneys do extend a considerable distance above the proposed roof height of the building, which emphasises their height and has raised concern from some that this is an industrial feature, this has to be seen in the wider context of the site, and although perhaps not ideal it avoids compromising the school building itself. Most school buildings have traditionally included a boiler for heating and have incorporated large chimneys, it is not considered that this would be sufficient grounds to refuse the application.

#### Other Changes

In design terms most of the other changes proposed to the elevations of the school building are relatively minor and cosmetic. The biggest change is the change to the roof of the sports hall element of the building, which was originally intended to be sloping and has now been levelled to enable adequate height for use for badminton. This compromise is not ideal in design terms, diluting the original interesting front façade of the building, but is a practical solution to the problem without raising the overall height of the school building. Other changes include a change to the front façade materials so that there is less timber cladding. Again this results in greater expanse of brickwork and makes the sports hall in particular look a little more stark than the approved scheme but again this was a practical solution to building control requirements and in the context of the site is considered acceptable.

Other changes are to elements such as window details and materials and are minor in nature and do not adversely affect the overall design of the school or its impact in the landscape.

#### Residential Amenity

##### The Biomass Building

The proposed biomass building is located such that the physical building will not have any adverse impact on the amenity of adjacent residents. It is well within the school site and a significant distance from any residential properties. However the impact of the use of the building as an energy centre must also be assessed and this will be covered in the next section of this report.

#### Other Changes

Most of the other proposed changes will again have no impact on the residential amenities of adjacent neighbours.

With regard to the proposed fencing of the site, the originally envisaged scheme showed close boarded fencing of 1.8m height along the perimeter of the school site adjacent to the rear of properties in Bury Lane,. Following the concerns raised by a number of neighbours revised drawings have been submitted which indicate that this area of fencing will be raised to 2.1 metres in height to improve security. It should be noted however that there is a strip of land between the boundary of the site and the rear boundaries of these properties that is not within the ownership of the applicants. Whilst neighbours have also requested thorn hedging along this boundary, this was not included in the original scheme and does not form part of this application.

The proposed fence height of 2.1 metres is considered sufficient to improve security whilst at just 10cm higher than what could be achieved as permitted development, it will not have an adverse impact on residential amenity.

#### Environmental impact of the Biomass boiler

Generally it is accepted that the use of biomass is a more sustainable approach to dealing with future energy demands than the use of fossil fuels, but sustainable fuels still have the potential to have an adverse impact on the local environment. The boilers it is proposed to install will burn fuel pellets and these must be of an appropriate specification both for efficiency and to prevent harmful emissions. Conditions can be applied to ensure that the right kind of boiler units are fitted, that they are adequately maintained and that only appropriate fuel pellets are utilised, and that they are stored in suitable conditions to prevent contamination. All these factors can be adequately controlled by condition and as such fear of potential emissions cannot in itself be grounds to refuse the scheme.

The applicants have carried out dispersion modelling and air quality assessment, however at time of writing this report the results are not yet available. These are expected before the committee and will be reported verbally.

It should be noted that initial consultation with the Council's Environmental Health Section resulted in no objection to the proposal subject to conditions. One of the suggested conditions was the dispersal modelling, which has now been carried out to demonstrate that the stack height is sufficient to prevent emissions having a negative impact on air quality. As such it was considered expedient to secure this information up front to be sure that the stack heights proposed are adequate and prevent the need for a subsequent application for higher chimney heights should the modelling indicate this. Again the results of the dispersal modelling will be reported at committee. Should they indicate that a higher stack height is required then dependant on the increase required there may be a need to reconsult neighbours on the proposal. This can be discussed at committee.

### **Conclusion**

In conclusion therefore it is considered that the minor material amendments proposed which are generally required to enable the proposed school to meet changed standards, requirements and sustainability targets, do not adversely impact on the openness of the Green Belt, on the amenities of neighbours or on the overall character and visual amenity of the area. The amendments are therefore considered to be in accordance with the adopted policies of the Local Plan and Alterations and are recommended for approval.

As the agreement to minor material amendments results in a new permission for the whole development, not just the changes, all the conditions that applied to the original reserved matters application need to be repeated on the decision together with any new conditions that arise as a result of the changes.

***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: Mrs Jill Shingler  
Direct Line Telephone Number: (01992) 564106***

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

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1655/11
<b>SITE ADDRESS:</b>	Theydon Mount Kennels Epping Lane Stapleford Tawney Romford Essex RM4 1ST
<b>PARISH:</b>	Theydon Garnon Theydon Mount
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mrs D Holloway
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of buildings and erection of five additional kennels and two, two storey, 3 bedroom house with ancillary car parking and landscaped open space.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530383](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530383)

**REASON FOR REFUSAL**

- 1 The addition of two dwellings within the site would be inappropriate within the Green Belt, causing harm by definition. The case for very special circumstances presented by the Applicant is insufficient to outweigh the harm caused, contrary to Policy GB2A of the adopted Local Plan and Alterations.
- 2 The application site is poorly located in terms of accessibility to public transport and local services. The proposed addition of two dwellings within the site would, therefore, constitute an unsustainable development, contrary to policy ST1 of the adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Mrs Collins (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))*

**Description of Proposal:**

This application seeks planning permission for the demolition of existing glasshouse buildings and water tank/store within the site and the erection of 5 additional kennels and two 3 bed detached dwellings.

The dwellings would be one and a half storeys in height, with a single storey projection to the rear. Each dwelling would have two dormer windows in the front roof slope.



The dwellings would have an eaves height of 3.8 metres and a ridge height of 5.5 metres. They would have maximum footprints of 11.4 x 12.5 metres.

The additional kennels would be approximately 15 x 3.6 metres with a maximum height of 3.3 metres.

### **Description of Site:**

The application site comprises a one and half storey detached dwelling located to the front of the site and also a workshop/storage building, kennels and redundant glasshouses (approximately 1588m<sup>2</sup>). It includes open exercise areas and has an overall site area of 2.13 acres (0.86 hectares).

The site, which formerly operated as a nursery, has had lawful planning use as a boarding kennels since the 1990's. The dwelling was built with an agricultural workers restriction imposed. In 2004 this was varied to allow for the occupation of the dwelling in connection with the kennels

### **Relevant History:**

EPF/0231/76: Erection of Manager's house with office and staff toilet accommodation. Approved 15/03/76.

EPF/1111/92: Retention of building for use as boarding kennels. Approved 15/03/93.

EPF/0327/94: Extension to kennel facilities and removal of condition 3 of permission EPF/1111/92 (which restricts use to a maximum of 12 dogs). Approved 18/07/94.

*Note: New condition imposed - permitted up to 30 dogs.*

EPF/0231/00: Demolition of disused greenhouse and erection of 5 no. kennels. Approved 10/04/00.

*Note: This consent (which was never implemented and has since expired) permitted the erection of the additional kennels in the same place as now proposed. It also imposed a condition – which is not effective because the permission was never implemented – which increased the number of dogs permitted on the site to 35.*

EPF/0190/04: Variation of condition 4 of planning permission EPF/231/76 in respect of occupation of dwelling. Approved 05/05/04.

EPF/0387/07: Removal of agricultural occupancy condition on EPF/231/76. Approved 16/04/2007.

### **Policies Applied:**

#### **Local Plan**

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

GB2A – Development in the Green Belt

GB4 – Extensions of Residential Curtilages

GB7A – Conspicuous Development

H2A – Previously Developed Land

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking  
RP5 – Development likely to cause a nuisance  
DBE1 – Design of New Buildings  
DBE 2, 9 – Amenity  
DBE4 - Development in the Green Belt.  
DBE6 – Car Parking

### **Summary of Representations:**

Notification of this application was sent to Theydon Garnon & Theydon Mount Parish Councils and to 3 neighbouring properties.

The following representations have been received to date:

THEYDON MOUNT PARISH COUNCIL: Objection: Theydon Mount Parish Council object to the erection of two houses as it is inappropriate development in the Green Belt, but have no objection to the additional five kennels.

### **Issues and Considerations:**

The main issues to be considered are the impacts of the proposed development on the Metropolitan Green Belt, on neighbouring amenities, on the character and appearance of the area.

#### **Green Belt**

There are three key elements to this proposal: the erection of two dwellings; the addition of five kennels; and an extension to the curtilage of the existing dwelling.

Only the extension to the residential curtilage may be considered as appropriate development within the Green Belt, on the basis that it complies with policy GB4 of the Local Plan, in that it would not have an adverse effect on the open character of the landscape, would relate well to the curtilages of existing nearby residential properties and would not be excessive in size. Given the limited length of the garden area that would be created to the rear of the dwelling, it is not considered necessary to withdraw permitted development rights.

With regard to the additional five kennels, although these would constitute inappropriate development within the Green Belt, the proposal is the same as that which was granted planning permission in 2000. However, given the fairly small scale of the building proposed as an extension to the existing business, it is considered that it remains an acceptable addition within the site which will help the business remain viable.

Turning to the proposal to build two additional houses within the site, this would also constitute inappropriate development within the Green Belt. The Applicant contends that there are very special circumstances which would outweigh the harm to the Green Belt and allow planning permission to be granted. The special circumstances relate primarily to the removal from the site of derelict glasshouses (Approximately 1,560m<sup>2</sup> excluding the glasshouses which would be replaced by the kennels) and water/oil tanks. The proposed dwellings would each have a footprint of approximately 96.3m<sup>2</sup> (based on the submitted plans) resulting in an overall reduction in floor space of 1,367.4 m<sup>2</sup>, to only 14% of the existing floor space of the glasshouses.

The loss of glasshouse buildings, which by their nature have a limited impact on the openness of the Green Belt and a limited life span, is not considered acceptable as mitigation for the erection of new and inappropriate buildings within the Green Belt. Accordingly whilst, in this case the reduction of buildings within the site would be considerable, this would not provide sufficient very special circumstances for permitting the inappropriate development within the Green Belt. There are any number of similar disused glasshouse sites in the district and the circumstances cannot therefore be regarded as very special.

In addition to the reduction in built form, the Applicant cites other special circumstances, including the continued viability of the kennel business and the retention of associated employment as a result of the additional kennels building; the elimination of any prospect of the revival of the nursery at an expanded scale – which could have a considerable number of associated movements of large vehicles; the provision of much needed small dwellings within a rural area (proposed to be available for private rent with preference given to key workers); and increased security for the owner of the kennels, who presently resides at Theydon Mount House. It is not considered that sufficient weight can be applied to these circumstances to justify the grant of planning permission. Nor has the applicant provided any means of securing occupation by key workers only.

#### Principle of Residential Development

The application site may not be considered as previously developed, as the nursery use is an agricultural use and such agricultural land is specifically excluded from the Government's definition of previously developed land.

The application site is also poorly located in terms of accessibility to public transport and local services. Policy ST1 of the Local Plan states that new development will be located in places that encourage walking, cycling and the use of public transport. The policy states that proposals not in accordance with this policy, and where the location is considered to be unsustainable, will be refused.

#### Neighbouring Amenity

Although there are neighbouring dwellings to the west of the site and on the other side of the road (and further away to the north), the proposed siting of the additional kennels would be such that there would be no material loss of amenity.

The proposed new dwellings would not reduce the amenities of occupiers of dwellings outside the site. The proposed dwellings would have no first floor rear windows and would not, therefore, overlook Theydon Mount House. Theydon Mount House does have existing rear facing dormer windows at first floor level, which would overlook the rear gardens, particularly of the new dwelling closest to the access road. However, following the proposed extension to the garden of Theydon Mount House the windows would be situated at least 12 metres from the shared boundary. This relationship is considered to be acceptable.

The occupiers of the proposed dwellings would have adequate levels of amenity, in terms of natural light, outlook, and garden space. The private amenity space would be overlooked and there will be some noise disturbance caused by the proximity of the kennels. However, the relationship with the kennels and the overlooking will be quite apparent to future occupiers of the proposed dwellings upon viewing and would allow the occupiers to choose whether or not the setting was appropriate for them. It is not, therefore considered that this matter would justify the withholding of planning permission in this instance.

### Character and Appearance

The proposed kennel buildings would be finished in timber boarding, with tiled roofs. They would appear in keeping with the existing kennel buildings within the site.

The application states that the proposed dwellings would be finished in buff facing bricks, with red tiled roofs. A planning condition may be imposed to ensure that the materials either match or complement those used elsewhere within the site. The proposed dwellings are of simple rural character which would complement both existing buildings within the site and the wider locality. Due to their size and design, they would not appear overly prominent within the site.

### Other Matters

*Limitations on tenure/occupancy of new dwellings* – The application proposes that the new dwellings will be made available for private market rental, with preference being given to future occupiers employed as key workers. However, as there is no planning policy requirement for this, and no details of how this would be achieved, this cannot be given any weight.

*Vehicle Parking* – The planning application proposes the formalisation of car parking within the site, and indicates that 11 car parking spaces would be provided within the site, although these would not conform to the Council's minimum bay sizes. Notwithstanding this, there is adequate space within the site for at least this number of bays to be provided at the required standard. It is therefore considered that there is adequate space within the site to provide suitable car parking.

*Landscaping and Trees* – The application indicates quite considerable landscaping improvements and tree planting within the site. This is considered necessary to soften the impacts of the proposed development, particularly when viewed from surrounding Green Belt land, and could be required by the use of a planning condition.

*Access*– Although the site is not located in a highly sustainable location, the proposed development would be likely to generate fewer vehicle movements than would be associated with a nursery use. There are therefore no objections with regard to the use of the access.

### **Conclusion:**

The proposed residential development would be an inappropriate development within the Green Belt, which is not justified by adequate very special circumstances. It is therefore by definition, harmful and contrary to the objectives of the Green Belt. Whilst the case officer acknowledges that there would be significant visual improvements which would arise from the demolition of the glasshouses, this would not outweigh the harm caused to the Green Belt. Indeed, Government advice specifically states that the visual amenity of a site is not grounds to allow redevelopment as this would encourage dereliction. Furthermore, accepting the argument presented by the applicant and thereby attaching greater weight to their case for special circumstances could set an undesirable precedent applicable to similar sites within the District. The site is, in addition, considered to be an unsustainable location for residential development, contrary to Local Plan policies. For these reasons, it is recommended that planning permission be refused.

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

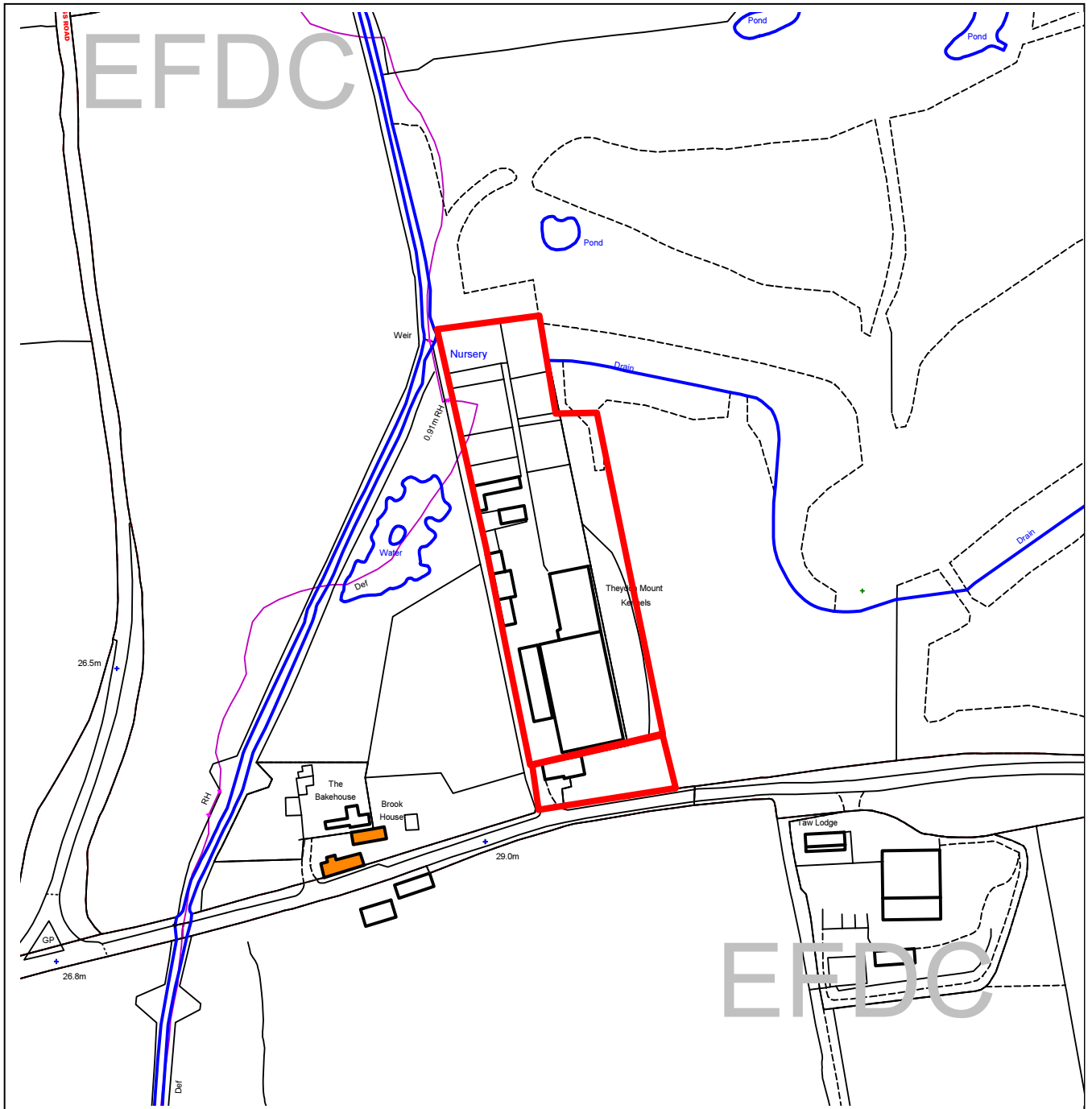
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>7</b>
Application Number:	EPF/1655/11
Site Name:	Theydon Mount Kennels, Epping Lane Stapleford Tawney, RM4 1ST
Scale of Plot:	1/2500

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1675/11
<b>SITE ADDRESS:</b>	11 Hartland Road Epping Essex CM16 4PH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Gareth Knight
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of brick wall with wrought iron railing and installation of wrought iron gates to front boundary.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=530440](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=530440)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 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 brickwork of the proposed development, shall match that of the dwelling within the application site in terms of the brick type, colour and bonding, unless otherwise agreed in writing by the Local Planning Authority.
- 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 is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Proposal:**

This application seeks planning permission for the erection of new boundary treatment to the property frontage. The boundary would include 1.7m high wrought iron vehicle and pedestrian gates supported by 1.85m high brick piers. The remainder of the boundary would be 1.75m high – 1.25m high Flemish bond brick wall with 0.5m high wrought iron railings above.

The applicant advises that the front wall would be a partial retaining wall, as it is intended to create a level front lawn. This was evident from the Officer's site visit.

The application refers to an example of a similar wall outside 'Balgownie', 15 Station Road, Epping.

### **Description of Site:**

The application site comprises a two storey detached dwelling, located on the north-western side of Hartland Road. The dwelling occupies an elevated position in relation to the street. Work is presently underway at the property, but these works have not progressed above the height at which they could be undertaken as permitted development. Prior to these works taking place, the property had an in/out drive.

### **Relevant History:**

EPU/0101/72. Erection of garage. Approved 18/07/1972.

### **Policies Applied:**

#### Local Plan

CP2 - Protecting the Quality of the Rural and Built Environment  
DBE 1 – Design  
DBE 2, 9 - Amenity

### **Summary of Representations:**

Notification of this application was sent to Epping Town Council and to 4 neighbouring properties.

The following representations have been received:

EPPING TOWN COUNCIL: Objection. The Committee object to this application and view the height of the wall and wrought iron railing at 6ft to be excessively high and out of keeping with the street scene. It was noted that the proposal in the application gives rise to a wall and railing of very different proportions to those in the photographed example.

### **Issues and Considerations:**

The proposed boundary treatment would not harm the amenities enjoyed by the occupiers of neighbouring dwellings. Therefore, the main issue to be considered is the impact of the boundary treatment on the character and appearance of the area.

#### Character and Appearance

Along this stretch of Hartland Road, boundary treatments around 2 metres in height are common. These include natural (hedge) boundaries and also, more formal, brick boundaries. In particular, nos. 4 and 13 Hartland Road on the opposite side of the street both have solid brick walls.

The boundary treatment proposed through this application would be less solid, the wall would only be approximately 1.25 metres in height and the railings above would soften the impact of the boundary, allowing views through to the house and the landscaping to its front.

It is considered that the detailing of the proposed boundary treatment has been well thought through and would not adversely harm the character and appearance of the locality.

**Conclusion:**

In light of the above appraisal, it is considered that the proposed boundary treatment would have an acceptable design. It is, therefore, recommended that planning permission be granted.

***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: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

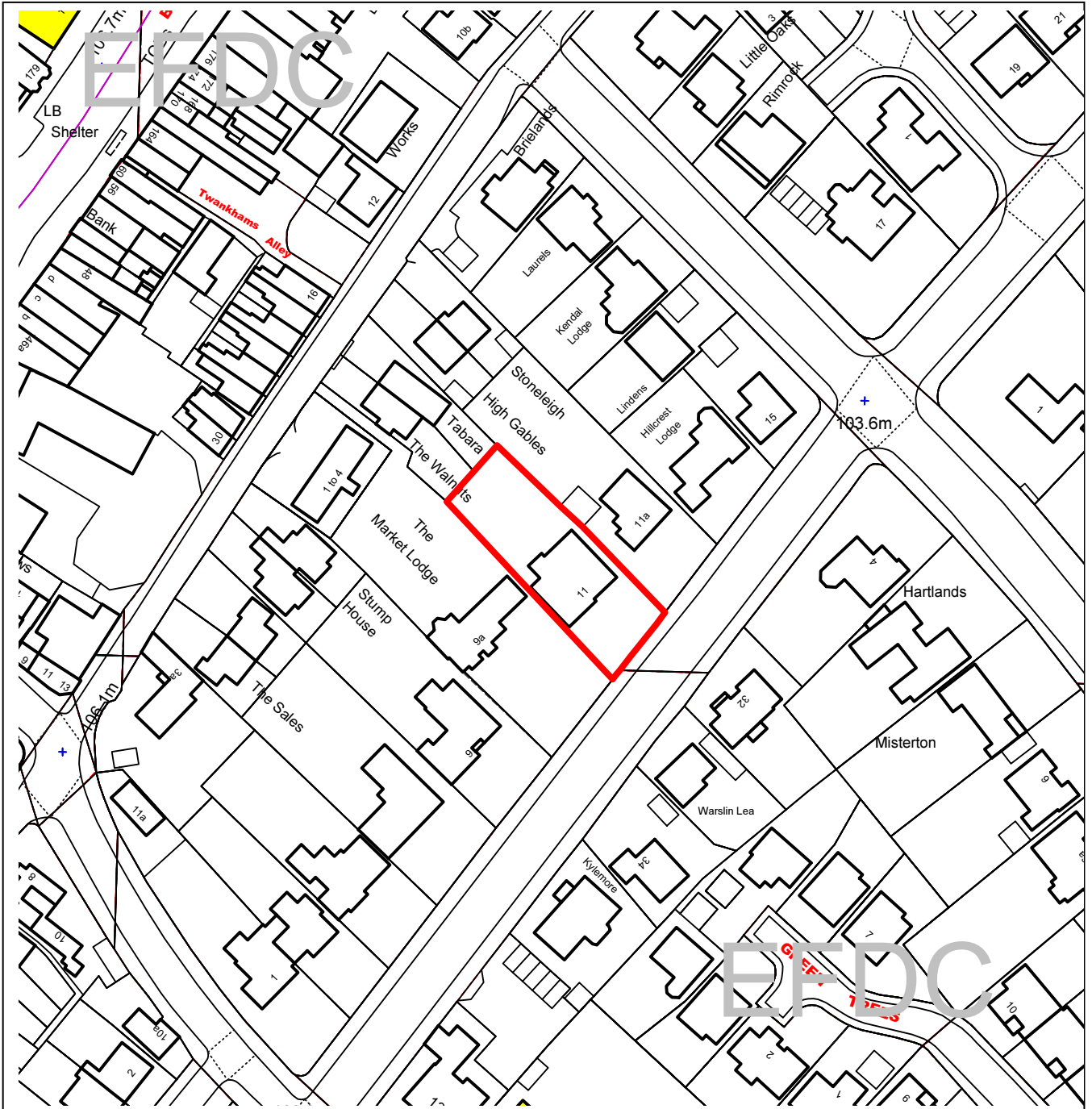
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/1675/11
Site Name:	11 Hartland Road, Epping CM16 4PH
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1925/11
<b>SITE ADDRESS:</b>	Birchfield Mount Road Theydon Mount Epping Essex CM16 7PW
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mrs L Harding
<b>DESCRIPTION OF PROPOSAL:</b>	First floor extension over existing ground floor garage and utility room.
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**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=531360](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531360)

**REASON FOR REFUSAL**

- 1 The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed extensions would represent disproportionate additions over and above the size of the original dwelling. As such, the proposal is inappropriate development and as no very special circumstances have been advanced of sufficient weight to set aside Green Belt policies of restraint, It is considered that the proposal would conflict with policy GB2A of the adopted Local Plan and alterations and are contrary to the advice contained in Planning Policy Guidance Note 2.

*This application is before this Committee since it has been 'called in' by Councillor Mrs Collins (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))*

**Description of Proposal:**

The proposal is for the erection of a first floor side extension above the existing garage.

A new roof will be added above the garage, incorporating Dutch gables to the front, side and rear. The addition will be approximately 10.2 metres deep by 7.5 metres wide (approximately 70 square metres). The overall height will be up to 6.5m this will complement the existing roof.

**Description of Site:**

The application site lies in a remote position within the small hamlet of Theydon Mount, which is in the Metropolitan Green Belt. The site accommodates a detached chalet bungalow. There are a number of two storey-detached dwellings nearby in a scattered layout but the surrounding area is

rural countryside. The property is set back from the road and is well screened at the front, rear and its southern boundary from its neighbours by mature hedgerow and vegetation.

### **Relevant History**

EPO/387/68 Detached garage

EPF/2240/04: Formation of rooms in roof with gable ends and dormers; and ground floor infill extension (revised application). Approved.

Planning permission was refused in 2004 and 2005 for extension to the bungalow because of its impact on the MGB. These decisions were based on policies GB2 and GB14.

EPF/1789/04: Formation of rooms in roof with gable ends and dormers, and ground floor infill extension. Refused.

Reason: The proposed extensions would represent disproportionate additions, over and above the size of the original house. Moreover, although the existing accommodation at the house is modest, the extensions are not reasonably necessary to provide contemporary living standards at the house. Therefore, it is considered that the proposals are contrary to policy GB14 of the adopted Local Plan and inappropriate development in the Green Belt in the context of policy GB2 of that plan.

EPF/1554/05: Amendment to EPF/2240/04 for re-alignment of roof over garage study/snooker room. Refused.

Reason: The proposed extensions would represent disproportionate additions over and above the size of the original house. It is considered that the proposals are contrary to policy GB14 of the adopted Local Plan and inappropriate development in the Green Belt in the context of policy GB2 of that plan.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Extensions to dwellings in the Green belt

DBE9 – Loss of Amenity

DBE10 – Design of Residential Extension

### **SUMMARY OF REPRESENTATIONS:**

5 neighbours were sent letters concerning details of the application and one letter of representation has been received.

BRICKFIELD COTTAGE: We note that although the development is described as 'First floor extension over existing ground floor garage', the drawings show also the sacrifice of that garage for use as a sixth bedroom accessed via a utility room which I suspect would become an en suite bathroom in due course. As a six-bedroom house, this will become the largest dwelling in this hamlet. Our further observation on the proposal is that with only a single garage at the rear of the site, remote from the house, surely the next application must be for a two car, minimum, size garage on the south end of the house. A house of such a size surely demands it with no public transport links available.

THEYDON MOUNT PARISH COUNCIL: Birchfield was subject to a large redevelopment by the previous owner, the new building significantly exceeds the dwelling it replaced. This new proposal seems unnecessary.

The Council therefore objects to this application.

### **Issues and Considerations:**

The main issues are the appropriateness of the development in the green belt, its impact on its openness and character, and its effect on the amenities of neighbouring residential properties.

#### **Design and appearance**

The overall design and appearance of the extension will complement the existing building. It will be well proportioned in relation to the extended roof and will not adversely affect the visual amenity of the area.

#### **Impact on Neighbour Amenity/ Design and Appearance of Area**

The proposal will not result in harm upon the amount of daylight, privacy or the outlook enjoyed by the immediate neighbours.

The proposal is not visible from the road or surrounding area because the property is well set back from the road, and it is well screened by trees. In these circumstances, the development will not impact upon the amenities of the immediate neighbours or the wider area.

#### **Residential extensions in the Green Belt**

The property has previously been extended from a modest detached bungalow. It has had approval for a detached double garage and additions with rooms in the roof. It has also been extended by way of the covered link between the original dwelling and the detached double garage approved in 1968.

Given the original dwelling size the previous additions, combined with the proposed first floor additions above the double garage will more than double the size of the original dwelling. The extensions proposed are of significant bulk, and are therefore considered to be disproportionate additions over and above the size of the original dwelling.

This is therefore not a limited extension to the dwelling and fails to comply with the Green Belt policies of restraint. No very special circumstances are apparent that would outweigh the harm from the development.

### **Conclusion:**

Having regard to the factors discussed above, the proposal is not acceptable because it does not represent a limited extension to the original dwelling house and the provisions of the relevant Local Plan policy GB2A are not met. On this basis, a refusal is recommended.

***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:***

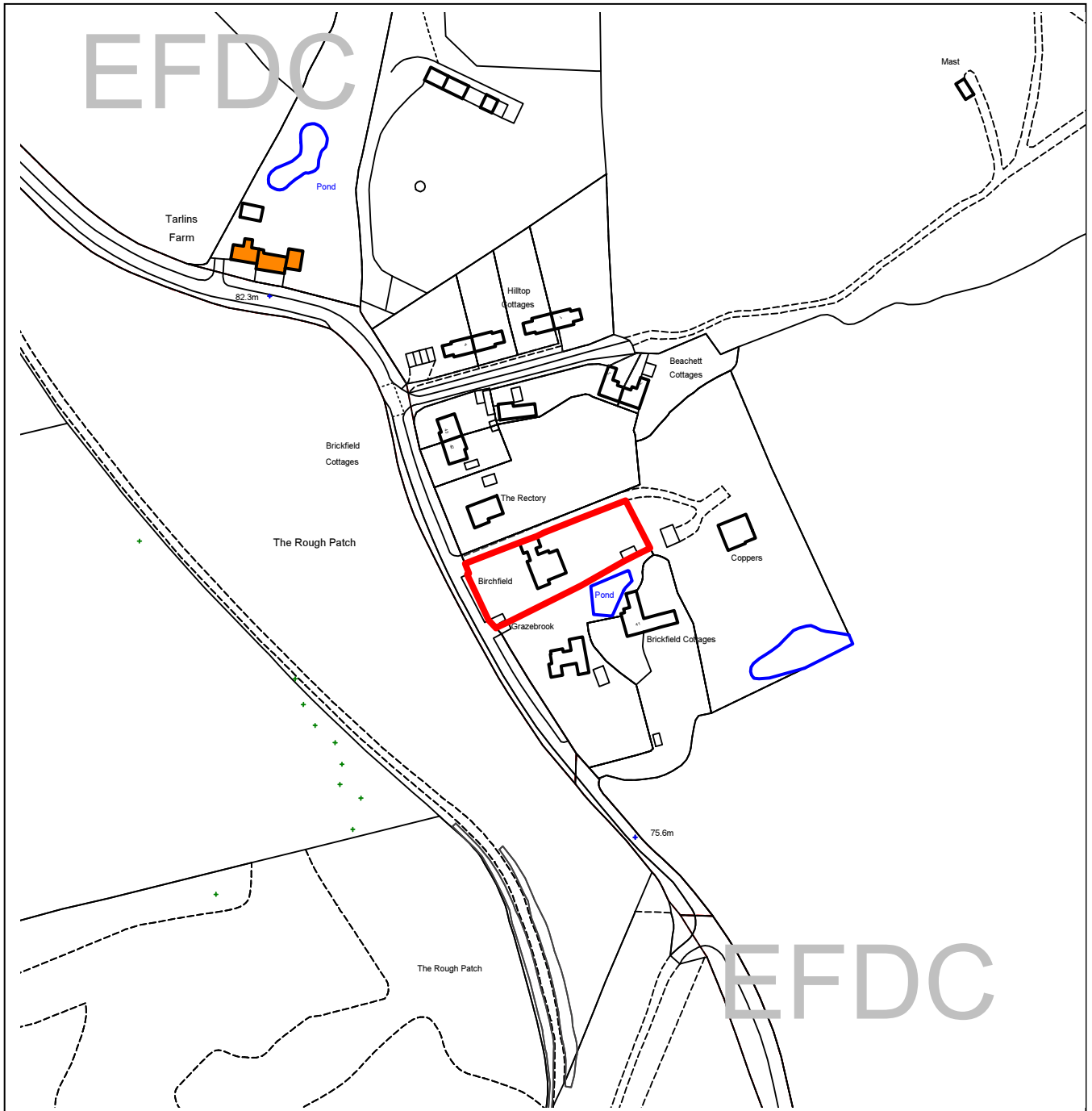
***Planning Application Case Officer: Ms Paula Onyia  
Direct Line Telephone Number: (01992) 564103***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/1925/11
Site Name:	Birchfield, Mount Road Theydon Mount, CM16 7PW
Scale of Plot:	1/2500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1975/11
<b>SITE ADDRESS:</b>	3 Crown Close Sheering Harlow Essex CM22 7NE
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mrs Jane Sweet
<b>DESCRIPTION OF PROPOSAL:</b>	Alteration of existing bungalow to form 2 no. two storey semi-detached cottages and construction of a single two storey detached cottage.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531579](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531579)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 02, 03, 04, 05, 06, 07, 08
- 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.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission 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 and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 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.
- 8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 9 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.
- 10 No development shall take place until details of levels 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.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f)).*

**Description of Proposal:**

Revised application for the alteration and extension of the existing detached bungalow to form 2 no. two-storey semi-detached dwellings and the erection of a single detached two storey dwelling.

The extensions to the existing bungalow would consist of two rear additions at ground floor level, and a first floor extension over the entire footprint of the extended ground floor. This would result in

a pair of semi detached houses with a maximum depth of 13.3m (although this incorporates the front and rear projections) and a combined width of 11.4m. They would have predominantly hip ended pitched roofs with a ridge height of around 7.65m and would have the appearance of being one large detached dwelling as the unit known as 3A would have a side entrance and a gable ended front protrusion not seen on unit 3B.

The proposed detached house would replace an existing single storey detached garage and would be 10m deep and 4.8m wide. This would have a hip ended pitched roof to a ridge height of 7m.

### **Description of Site:**

Detached bungalow and garage building located on the southern side of Crown Close, within the small built-up village of Sheering. The site backs on to the side boundary of No. 3 Orchard Close to the south and is located within a residential estate containing a mix of detached, semi-detached and terrace properties that includes bungalows, chalet-bungalows and two storey dwellings. To the front of the site is a large grass highway verge. The site lies within a Flood Risk Assessment zone and the bungalow is set some 14 metres back from the highway edge.

The application site is not located within a designated conservation area or the Metropolitan Green Belt, and the property is not listed.

### **Relevant History:**

EPF/1822/10 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage – refused 05/11/10

EPF/0940/11 - Alteration of existing bungalow to form 2 No. two storey semi-detached cottages plus construction of a single two storey detached cottage (Revised application) – withdrawn 17/08/11

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban form and quality  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
DBE10 – Residential extensions  
DBE11 – Sub-division of properties  
LL10 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood Risk Assessment zones

### **Consultation Carried Out and Summary of Representations received:**

13 neighbours were consulted.

PARISH COUNCIL – None received at time of writing report.



3 ORCHARD CLOSE – Object due to overlooking and loss of privacy, increase in noise, overdevelopment of the site, and due to the visual impact and precedent this would set.

9 CROWN CLOSE – Object as the development is detrimental to the character and appearance of the area, it constitutes overdevelopment, would set a precedent for similar development along the south side of Crown Close, it will result in overlooking, due to highway safety concerns as cars would have to reverse off of the site, and there would be a dominance of car parking to the front with insufficient space for adequate screening.

ON BEHALF OF NO'S 3 ORCHARD CLOSE AND 9 CROWN CLOSE – Object to the principal of the development in this unsustainable location, the inappropriate design, the unsustainable nature of the development, ecological concerns, impact on neighbouring amenities, insufficient landscaping, poor access, and insufficient parking.

FARRAGO, THE STREET – Object as the development would be detrimental to the character of the neighbouring properties, would result in overlooking, the proposal is a high density development out of scale with other properties, car parking would dominate the street scene, there are highway safety concerns and worries that Orchard Close could become busier if a rear gate access is made available.

### **Issues and Considerations:**

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, highway and parking concerns, and with regards to impact on landscaping. EPF/1822/10 was refused for the following reasons:

*The proposal, due to the bulk, design and location of the dwellings and over-dominance of car parking, would result in an incongruous and unacceptable development detrimental to the character and appearance of the street scene, contrary to policies CP2, CP7, DBE1, DBE6, DBE10 and ST6 of the adopted Local Plan and Alterations.*

*The proposal, due to the inability to provide adequate parking, convenient cycle and bin storage, manoeuvring space and front landscaping, and due to the proximity of the detached dwelling with the side boundaries, amounts to overdevelopment of the site contrary to policies CP7 and DBE3 of the adopted Local Plan and Alterations.*

The previous revised application was withdrawn by the applicant as it was highlighted by a neighbouring resident that the proposed frontage of the application site extended further than the land within the applicant's ownership, and as such the previously proposed parking and landscaping would have encroached onto highway land. This issue has been remedied within this latest application and the parking and landscaped areas have been set further into the site.

### **Suitability of site:**

The application site is located within the village of Sheering, which is outside of the designated Green Belt, on a site currently occupied by a detached bungalow. The village of Sheering is a relatively small built up area with limited local amenities and public transport and is located approximately 1.1 mile from Sawbridgeworth and 2 miles from Harlow. Whilst the site is not particularly sustainable it is within an existing urban area and as such it is not considered that the principle of intensifying the use of this site would be unacceptable on sustainability grounds.

Although PPS3 has now removed residential curtilage from constituting 'Previously Developed Land', this does not mean that they are necessarily inappropriate for further development or that the site is classified as 'greenfield land' as claimed by the Planning Consultant acting on behalf of

the residents of No's 3 Orchard Close and 9 Crown Close. Notwithstanding the declassification of residential curtilage from Previously Developed Land, PPS3 does promote more efficient use of land and states that "*density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form*". Due to this, the key consideration in developments such as this is whether the site can accommodate the number of proposed dwellings whilst meeting all other requirements (i.e. amenity space, distance from neighbouring properties, parking provision, etc.). Should these factors be met then generally such proposals would not constitute 'overdevelopment' of a site.

#### Amenity considerations:

The proposed development would extend the existing bungalow on site so that two dwellings can be formed, and a further detached dwelling would be erected to replace the single storey garage. The first floor extension on the existing bungalow would increase the overall height of the existing building from 6.45m to around 7.65m and would incorporate a relatively shallow roof with predominantly hip ends. The existing detached garage is currently 2.7m in height with a flat roof, and would be replaced with a dwelling to a height of 7m with a larger footprint. Whilst the proposed development would have more impact on neighbouring residents and the street scene than existing, the extended bungalow is 3m from the shared boundary at its closest point and some 11.9m from the flank wall of the neighbour to the east known as Coppers. Whilst Coppers is a chalet bungalow style property some 1.3m lower in height than the proposal it is felt that, given the distances involved, the proposed development would not result in an unduly detrimental loss of light or visual impact to this neighbour. The only first floor flank window proposed serves a bathroom and would therefore be obscure glazed, so no loss of privacy would result from the development.

The proposed detached dwelling would be located 1m to the shared boundary with No. 5 Crown Close, however the neighbouring house is separated from the proposed dwelling by a large detached garage and is some 12m from the flank wall of the new dwelling. As such, whilst there would be some impact on this neighbour, it is considered that this would not be detrimental enough to warrant refusal. The only first floor flank window overlooking this neighbour would serve a bathroom and would therefore be obscure glazed.

An objection has been received from No. 3 Orchard Close, which shares its side boundary with the rear of the application site. This refers to overlooking of their site and loss of visual amenity. The dwellings are located 15m from the shared boundary with No. 3 Orchard Close at their closest points, which is in line with the requirements of the Essex Design Guide, and as such any resulting overlooking would be to an acceptable level. Similarly, the distances involved would ensure that there would be minimal visual impact to this neighbouring resident as a result of this development.

The increased activity through the introduction of two additional properties on this site would not result in an excessive increase in noise pollution over and above the existing residential use. However, should excessive noise nuisance occur from any future residents then there are means of dealing with this through Environmental Services.

The proposed dwellings would each have private amenity space exceeding the required 60 sq. m. in accordance with DBE8 and the Essex Design Guide. These would be located to the rear of the dwellings and would benefit from the same level of privacy enjoyed by the surrounding properties.

#### Design:

To the north of the application site are large areas of residential estates, where there is a dominant design to the dwellings, however the southern section of Crown Close where the site is located, contains detached properties in a mix of style and sizes. The neighbours to the west consist of two

storey detached houses, the adjacent neighbour to the east is a chalet bungalow, with a two storey detached house beyond this. To the south is a mix of detached and semi-detached two storey houses, and to the north are semi-detached and terrace two storey houses.

The design of the previously proposed dwellings (EPF/1822/10) was very bland and uninspired and had large expanses of roof slopes and a considerably higher and more dominant roof form than surrounding dwellings. Furthermore, the narrow width and high roof to the detached dwelling resulted in a top heavy design contrary to the appearance of the area.

With regards to the design of the proposed dwellings in this application, the extended bungalow has been specifically designed to imitate the appearance of a single large detached dwelling, which would be similar in size and not out of character with the surrounding area.

Whilst the single detached dwelling would still have a slightly more unusual design, being long and narrow, the lower roof height and slacker pitch is an improvement over the previous scheme. Furthermore, given the set back of the proposed dwellings from the edge of the carriageway and the existing screening both in this site and adjoining sites, this proposal is not considered to be unduly detrimental to the appearance of the street scene and is not considered to warrant refusal.

The shallow pitched roof and overall height of the proposed dwellings would not exceed the highest point of the neighbouring chalet bungalow (Coppers), and would be considerably lower than No. 5 Crown Close to the west. Due to this the revised application has sufficiently overcome the previous impact on the street scene and is now considered acceptable.

The proposed development would retain at least 1m between the flank walls of the dwellings and the side boundaries, with 2m between the extended bungalow and the new detached dwelling. This would ensure that the properties do not appear cramped or have a detrimental terracing effect within this street of largely detached properties.

By removing the previously proposed front extension and reducing the size of the new detached dwelling the revised scheme has been able to alter the front garden arrangement to reduce the previously unacceptable dominance of cars. It is now proposed to have two tandem parking spaces to the side of unit 3A, and two off-street parking bays for each of units 3B and 3C. These would be located further into the site and would allow for an, albeit small, manoeuvring area, space for landscaping, and dedicated areas for bin storage. This reduction in size of the proposed dwellings therefore allows enough space to overcome the previous reason for refusal regarding overdevelopment of the site and will allow for additional landscaping to be planted within the front garden to help soften this development.

#### Highways and parking issues:

The proposed dwellings would be served by six off-street parking spaces, which is in accordance with the requirements of the Essex County Council Vehicle Parking Standards (2009) of 2 spaces per 2+ bedroom house, however this does not include any visitor parking space (a further 2 spaces). Notwithstanding this, whilst this would impinge on the manoeuvring area and would block the resident parking spaces, there is sufficient space behind the proposed parking areas to provide informal parking for at least two visitor cars.

Although there is a small manoeuvring area on the plans, this would only really serve unit 3C (although could be used by unit 3B), and there is no such turning area for the parking spaces serving unit 3A. Furthermore, as stated above, this area may at times serve as informal visitor parking and therefore would not at these times serve this purpose. However given the nature of Crown Close, which is a residential road, it is not considered that reversing in to or out of the site would be unduly detrimental to highway safety as few driveways in such areas provide turning space.

The introduction of two additional houses on this site is not considered sufficient to result in an unacceptable increase in traffic generation, nor would its use be detrimental to neighbouring amenities due to increased noise or activity.

Landscaping:

This revised scheme has adequate space within the front garden for additional landscaping that would help to soften the impact from this development. Such landscaping can be controlled by condition.

Other matters:

The application site lies within a designated Flood Risk Assessment zone and is of a size where it is necessary to avoid generating additional runoff and to improve existing surface water runoff. As such a Flood Risk Assessment is required which can be secured by condition.

Comments on representations received:

The majority of issues raised by neighbouring residents are covered within the above assessment (i.e. suitability of the site, design and impact on neighbouring amenities), however other matters have been raised by local residents, which are assessed below.

Concerns have been raised by neighbouring residents that this proposal, if approved, would set a precedent for further development on this side of Crown Close. This is partially born out of recent planning applications on surrounding sites (such as No. 7 Crown Close). Each application is assessed on its own merits and the approval of this development would not necessarily allow for similar redevelopment on surrounding sites.

One neighbour has raised concerns that parking and pedestrian/vehicle movements within Orchard Close could increase if a rear access was provided between Orchard Close and the application site. However, as the application site does not border the highway on Orchard Close the only way to provide access to this road would be over privately owned land (which is owned by one of the objectors, so consent for this is unlikely to be forthcoming).

The letter received on behalf of the residents of No. 3 Orchard Close and No. 9 Crown Close makes reference to a pond on the site of No. 3 Crown Close and the belief that Great Crested Newts and reptiles originate from here. This is an assumption made by the Planning Consultant and this issue has not been raised by any neighbour within the previous two applications. Newts and their habitat are protected by other legislation. In this instance, as the area of new build is largely already developed (hardsurface or garage) it is not considered necessary to require a survey to be carried out as any impact on habitat would be minimal.

**Conclusion:**

In light of the above, the revised development is considered a far more acceptable and appropriate design than the previously refused scheme and has overcome the previous concerns with regards to overdevelopment. There would be no detrimental impact on neighbouring residents in terms of loss of light, privacy or visual amenity, and adequate parking provision would be provided. The design is more in keeping with the street scene than the previous scheme and is not considered harmful to the overall character or appearance of the area. As such the proposed development complies with the relevant Local Plan policies and is therefore recommended for approval.

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

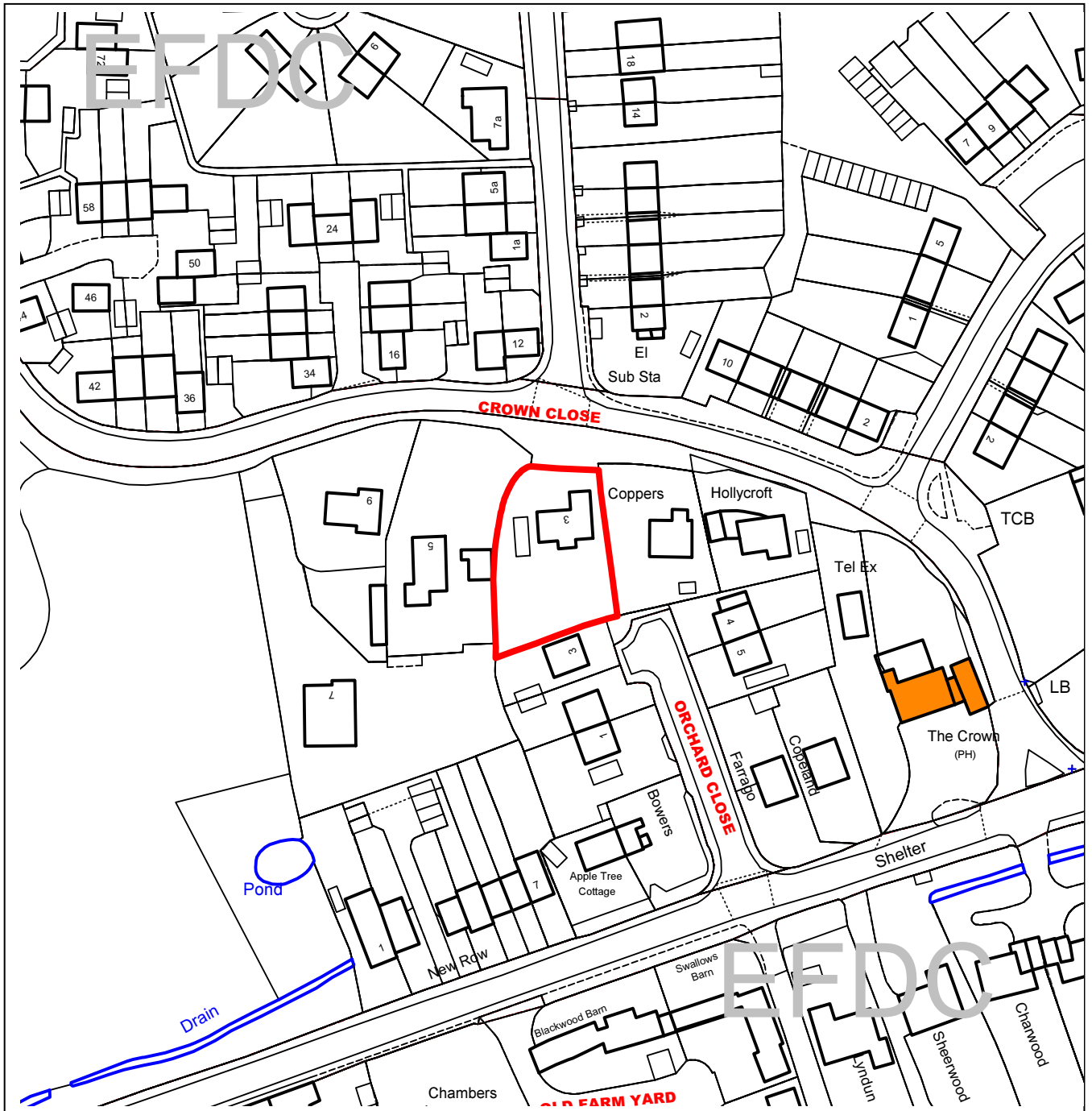
**Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228**

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/1975/11
Site Name:	3 Crown Close, Sheering CM22 7NE
Scale of Plot:	1/1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2033/11
<b>SITE ADDRESS:</b>	2 Elizabeth Drive Theydon Bois Epping Essex CM16 7HJ
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Miss Caroline Lowe
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed ground floor/side extension to replace existing garage and front porch.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531749](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531749)

**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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 A gap of at least 150mm shall be retained between the top of the lead flashing of the approved extension and the cill height of the first floor window above, as shown on the front elevation of the approved plan DRG. No.1 6FF 4.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Proposal:**

This application seeks planning permission for the erection of a ground floor side and front extension, which would replace the existing garage. The side extension would have a faux pitched roof to the front, which would extend around the front of the dwelling as a lean-to style roof. The extension would be finished in brick and tile to match the existing dwelling. The forward projecting element of the extension would extend level with the existing front bay.

### **Description of Site:**

The application site comprises a two storey semi detached dwelling located on the northern side of Elizabeth Drive, close to its junction with Forest Drive. The dwelling has an existing side addition, which accommodates a single garage.

There are several examples of similar extensions within the immediate vicinity of the site.

### **Relevant History:**

Two applications for extensions approved in 1972.

### **Policies Applied:**

#### Local Plan

CP2 - Protecting the Quality of the Rural and Built Environment

DBE 2, 9 - Amenity

DBE 10 – Design

### **Summary of Representations:**

Notification of this application was sent to Theydon Bois Parish Council and to 4 neighbouring properties.

The following representations have been received to date:

THEYDON BOIS PARISH COUNCIL. Objection. Whilst we do not in fact object to this proposal in principle and in outline, we do feel that a relatively simple alteration in the design would significantly improve the appearance of the development and how it will fit within the street scene. Our concern is in relation to the roofline of the side front extension where we feel that a hipped roofline would be far more aesthetically pleasing and cohesive than the current application shows in relation to this roof line.

### **Issues and Considerations:**

The main issues to be considered are the impacts of the proposed development on neighbouring amenities, on the character and appearance of the area.

#### Neighbouring Amenity

The scale and position of the proposed extension is such that it would not give rise to any material impact on the amenities enjoyed by the occupiers of neighbouring dwellings.

#### Character and Appearance

The design of the proposed extension would be very similar to others within the immediate vicinity of the site. Whilst the Parish Council's comments regarding the roof design are noted, existing extensions to other dwellings include both hipped and gabled examples and it is considered that either is an acceptable finish.

There is an inaccuracy between the proposed front elevation and section on the submitted plans, regarding the detailing above the lean-to roof. The front elevation indicated that above the roof would be a section of lead flashing, above which a gap of approximately 150mm would be retained before the cill of the first floor window. However, the section plan indicates that the gap between



the top of the roof and the window would be filled with lead flashing. If the development were constructed in accordance with the section plan, then it is considered that the extension would result in the front elevation having a cramped and cluttered appearance that would harm the character and appearance of the street scene. The Applicant's agent has confirmed that it is intended that there will be a gap between the lead flashing and the window cill, as is the case at other dwellings which have been extended in a similar way. Having regard to the importance of retaining this gap, it is considered necessary to impose a planning condition, requiring that a gap of at least 150mm is retained.

#### Other Matters

*Land Drainage/Flood Risk* – The Council's Land Drainage section has been consulted on this planning application. They have confirmed that the site does lie within an EFDC flood risk assessment zone. However, as the development will cause only a negligible increase in surface water, they do not require that any further details are secured by planning condition.

#### **Conclusion:**

In light of the above appraisal, it is considered that the proposed extension would be an acceptable form of development, subject to the imposition of the planning condition requiring the retention of a gap between its roof and the cill level of the first floor window. It is, therefore recommended that planning permission be granted.

***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:***

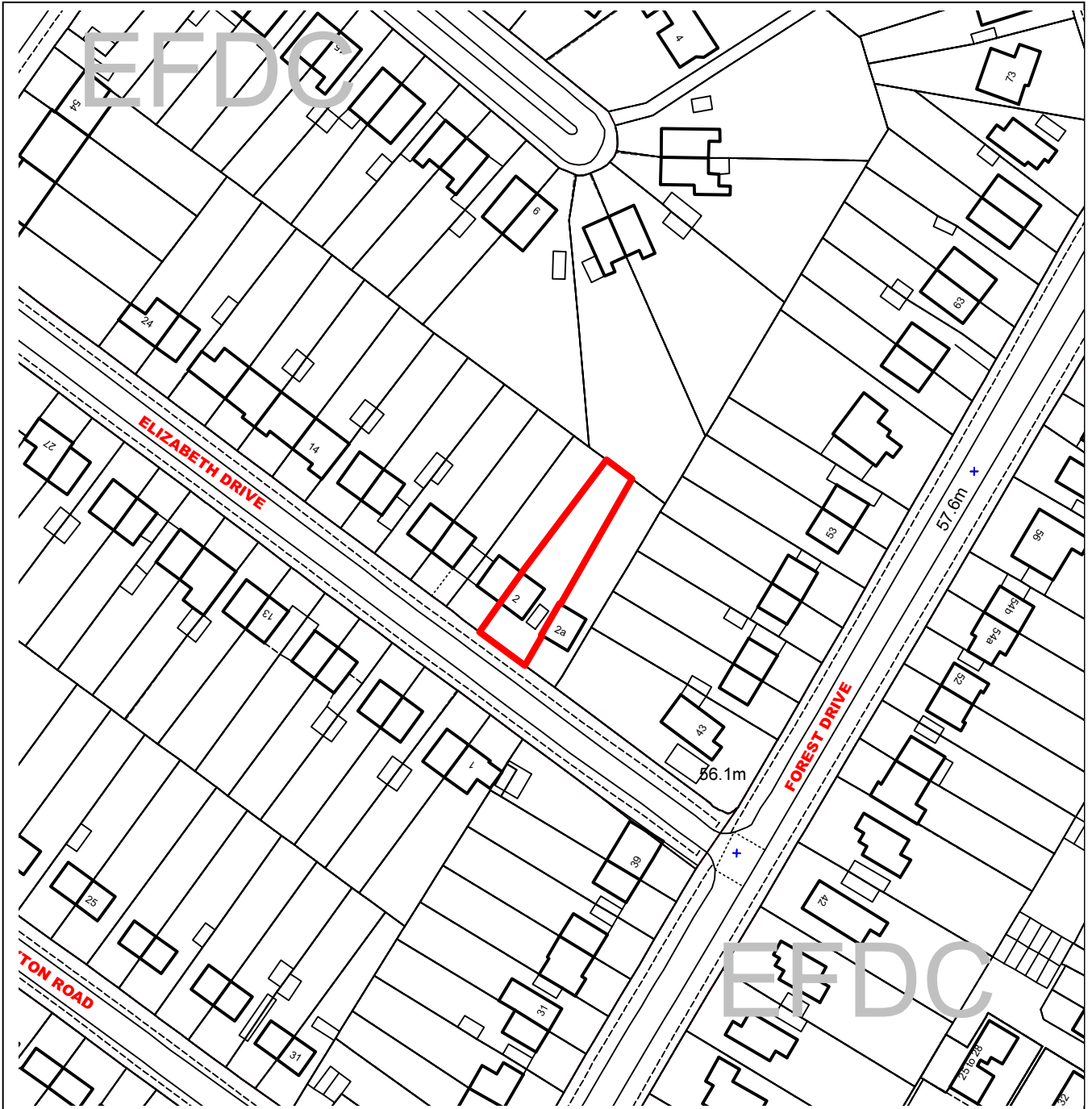
***Planning Application Case Officer: Mrs Katie Smith  
Direct Line Telephone Number: (01992) 564109***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>11</b>
Application Number:	EPF/2033/11
Site Name:	2 Elizabeth Drive, Theydon Bois CM16 7HJ
Scale of Plot:	1/1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2087/11
<b>SITE ADDRESS:</b>	6 Buttercross Lane Epping Essex CM16 5AA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs Elizabeth Izzard
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage store and erection of two storey side extension with integral garage.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=531987](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531987)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening in the north flank elevation facing No. 8 Buttercross Lane shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 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.
- 5 Prior to commencement of development details shall be submitted setting out where contractors vehicles will park and materials deposited throughout the construction process to ensure that Buttercross Lane will not be unduly disrupted. The agreed plan will then be complied with throughout the construction period.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Proposal:**

Demolition of existing garage store and erection of two storey side extension with integral garage. The side extension has a staggered wall due to the angled boundary and has a maximum width of 4.3m and depth of 9.3m. The proposal is set behind the main front wall by 0.6m and extends beyond the main rear wall by 1.5m. The first floor element is set in by 1m at the front of the site and has a maximum width of 3.3m.

**Description of Site:**

6 Buttercross Lane is a detached two storey property with single storey garage located on the eastern side of the Lane. The rear garden is enclosed by a brick wall. The property is within the built up area of Epping and is not within the Conservation Area or Green Belt. Buttercross Lane is a dead end road with access from the High Street characterised by detached properties.

**Relevant History:**

Various applications none relevant

**Policies Applied:**

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 - Impact on amenity

DBE10 – Residential Extensions

**Summary of Representations:**

EPPING TOWN COUNCIL – Committee object to this application because neighbouring householders have raised a number of technical aspects relating to the boundary wall and damage to nearby property. Committee recommend that district council take careful account of these technical objections in dealing with this matter.

NEIGHBOURS

5 neighbours were consulted

8 BUTTERCROSS LANE – Concern with regards to future maintenance and possible damage to wall, close proximity to garage, access issues within Buttercross Lane from builder vans or construction materials, noise from radios during construction

4 BUTTERCROSS LANE – Concern proposal will damage garage or garage foundations, obstruction of garage during building works.

**Issues and Considerations:**

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

- Impact on Neighbouring Amenity
- Appropriateness of Design

### Impact on Neighbouring Amenity

The proposal is not considered to have a significant impact on neighbouring amenity in terms of loss of light, outlook or privacy as only the rear 1.5m projection of the proposal will be visible to No. 4, and No. 8 is some 12m away from the proposal. Although there is a side facing first floor window proposed it is marked as obscured glass and can be conditioned as such to prevent any perception of, or actual overlooking.

### Appropriateness of Design

The design is considered appropriate to the surrounding area and is considered to complement the existing property. The extension has been set back from the main front building line and set in from the boundary at first floor level which creates a suitable addition to this property. It is not considered that the proposal disrupts the appearance of the streetscene in this location.

### Other Matters

Newts are known to be found locally, however the protection of newts is covered by the Wildlife and Countryside Act 1981 and it is considered that an informative alerting the applicant to their duty of care is suitable in this case.

### Comments on representations received

Damage to structures or future maintenance are not covered specifically by planning legislation and therefore cannot be assessed as part of the planning merits of this case. With regards to parking within Buttercross Lane for contractors and storage of building materials, it is noted that Buttercross Lane is narrow and therefore a condition can be added to any permission granted ensuring details of such parking and storage are submitted to ensure access to Buttercross Lane is not unduly disrupted. An 'hours of construction' condition can also be added to ensure no building work is carried out during unsocialable hours to protect the amenities of the surrounding properties.

### **Conclusion:**

Neighbour and Parish Council objections have been received regarding the proximity to the garage and wall however these are not matters assessed under planning legislation and other neighbour concerns are considered to be able to be overcome via condition. Therefore approval with conditions is recommended.

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

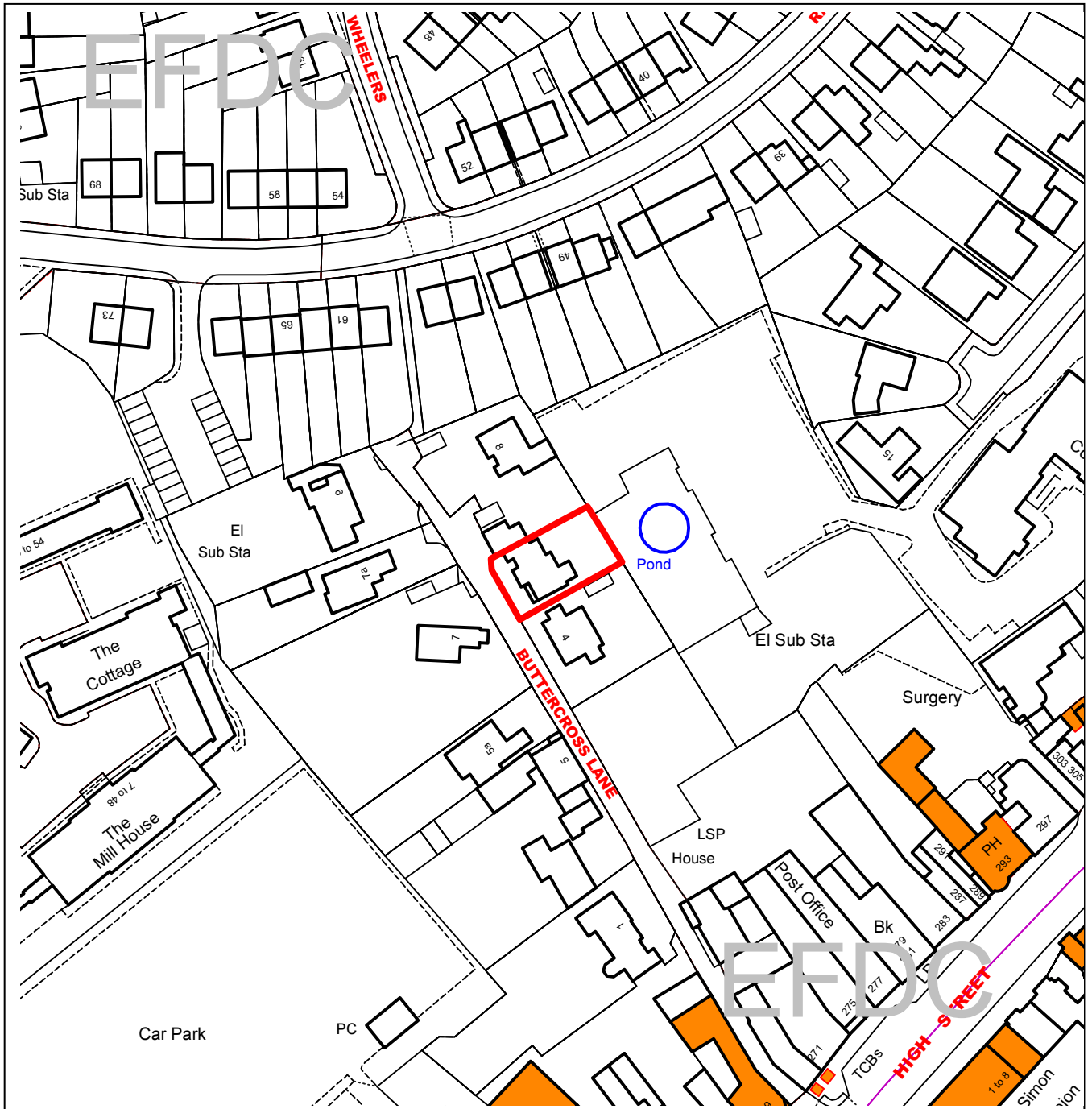
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	12
Application Number:	EPF/2087/11
Site Name:	6 Buttercross Lane, Epping CM16 5AA
Scale of Plot:	1/1250

## ***Report to Area Plans Sub-Committee***

***Date of meeting: 7 December 2011***



**Epping Forest  
District Council**

**Subject: Probity in Planning – Appeal Decisions, April 2011 to September 2011**

**Officer contact for further information: Nigel Richardson (01992 564110).**

**Democratic Services Officer: Gary Woodhall (01992 564470)**

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### **Recommendation:**

**That the Planning Appeal Decisions be noted.**

### **Report:**

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

2. To set the context, a previous Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. The last available figure for the national average for District Councils was 30.9%. That BVPI was scrapped but replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals). That too was dropped as a National Indicator but the Council instead created a Local Performance Indicator (LPI 45). In previous years, this target has been to not exceed 25% of allowed decisions. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09, 30.9% in 2009/10 and 36.6% in 2010/11.

3. For 2011/12, there are now two local indicators, one of which measures planning application appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

### **Performance**

4. Over the six-month period between April 2011 and September 2011, the Council received 50 decisions on appeals (41 of which were planning related appeals – including 1 tree related appeal and 9 were enforcement related). Of these, 17 were allowed (34%).

5. For KPI 54 and KPI 55, which only consider appeals against the refusal of planning related permission (so does not include enforcement, tree-related appeals, nor appeals against conditions), the 6-month performance figure in total is 30% allowed (12 of 40 appeals).

### **Planning Appeals**

6. Out of the 13 planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, 6 were allowed and 7 dismissed. 46.15% of appeals resulting from committee reversals were therefore not allowed on appeal. The Council was not successful in sustaining the committee's objection in the following 6 cases:

#### **Area Cttee South (4 Allowed):**

EPF/1689/10	Demolition of existing dwelling and erection of a replacement detached dwelling house.	Hedgeside 132 High Road Chigwell
EPF/1796/10	Replacement dwelling and relocation of garage. (Amended application from EPF/1832/07 including alterations comprising the inclusion of a balcony, replacement and rear dormers with rooflights and modifications to the garage roof - resubmitted application)	22 Albion Hill Loughton Essex IG10 4RD
EPF/2125/10	Change of use of land for a Golf Teaching Practice Facility. (D1/D2.) Revised application.	Land adjoining Clays Lane/ Junction of Englands Lane Loughton
EPF/0031/11	Erection of double storey rear extension from lower ground floor (basement), front car parking canopy and alteration of roof by removal of existing dormer and insertion of roof light windows.	Broom House Little Plucketts Way Buckhurst Hill

#### **Area Cttee East (1 Allowed):**

EPF/1097/10	Removal of agricultural occupancy condition.	Oaklee Farm Manor Road Lambourne End
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#### **Area Cttee West (1 Allowed):**

EPF/1452/10	Change of use of building to single dwellinghouse and release from S106. agreement	Greenacres Tatsfield Avenue Nazeing
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7. Therefore, the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. This is now highlighted as a separate performance target (KPI 55) and therefore comes under more scrutiny. However, at this 6 month point, the performance (46.15%) is being achieved in that the target of 50% is not being exceeded.

8. In respect of KPI 54, of the 27 planning application decisions made by the Director of Planning & Economic Development under delegated powers or recommended to the Committee for refusal, 6 were allowed (22.22%), slightly in excess of the target of 20%.

9. Out of 9 enforcement notice appeals decided, 4 were allowed and one part allowed/part dismissed as follows:

**Allowed:**

ENF/0652/08 – Mixed use as agriculture and residential by stationing of mobile homes and caravans – Rose Farm, Hamlet Hill, Roydon.

ENF/0010/10 – Two portacabins as ancillary use to Class B8 use of site – Gallmans End Farm, Manor Road, Lambourne.

ENF/0025/10 – Balcony at the rear second floor and rooflights on the rear roof – 22 Albion Hill, Loughton.

ENF/0677/10 – Caravan and Mobile Homes, fencing, hardstanding and use of land for residential purposes (5 year permission) – Auburnville, Carthegena Estate, Nazeing.

**Part Allowed/ Part Dismissed:**

ENF/0294/09 – L-shaped stable block (Dismissed), Log Store (Allowed) – Red Cottage, New Farm Drive, Abridge.

**Costs**

10. During this period, there were 3 successful finalised award of costs made against the council. Circular 03/2009 *Costs Awarded in Appeals and Other Planning Proceedings* advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

11. In the case of Hedgeside, 132 High Road, Chigwell (EPF/1689/10), the Planning Inspector awarded costs on the grounds of lack of realistic and specific evidence about the consequences of the proposed development in the Council's statement. This was a committee reversal case, where the committee had been quite specific over the harm, but this had not been as specific in the officer's written representation appeal statement. The lesson to be learned from this case is that officers are now confirming their statement with the committee presenting planning officer and watching the webcast

before sending off their appeal statement justifying the decision. The cost in this case amounted to £3,179.40.

12. In respect of Oaklee Farm, Manor Road, Lambourne End (EPF/1097/10), also a committee reversal, Members had included a particular reason that the agricultural dwelling had not been sufficiently marketed, (which would have justified the agricultural occupancy condition being removed), which relied on a disagreement about the asking price that should have been set. The Inspector after the hearing concluded that the appellant though had unnecessarily carried out a further period of marketing to support their appeal despite the appellants marketing already adhering to the requirements of the Local Plan. This was unnecessary and he therefore ordered the Council to pay a partial award of costs for this part of work in relation to the second reason for refusal. The costs came to £6,783.49.

13. The Planning Inspectorate's quashing of an enforcement appeal resulted in an award of costs of £1711.98 against the Council in respect of Land South of Canes Lane and North of Weald Hall Lane, North Weald, after failing to follow the appeal procedure. This coincided with a sudden absence from work of a staff member responsible for this procedure and deadlines were missed. The appellant had already prepared their appeal and Circular 03/2009 sets out a number of examples of unreasonable behaviour in regard to award of costs, one of which is the failure to provide relevant information within statutory time limits. It is the additional work carried out by the appellant as a result of the failure to comply in time that has incurred the cost of £1711.98.

### **Conclusions**

14. Whilst performance in defending appeals has improved, particularly in respect of committee reversals, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case, must be relevant, necessary, but also sound and defensible. If Members are to disagree with submitted evidence, as in the in Oaklee Farm case, it needs to be substantiated and clear before a decision on the planning application is made and additional reasons beyond a similar previous refusal, where circumstances have not changed, may be seen by the Inspector, as in this case, as being spurious.

15. A full list of decisions over this six month period appears below.

### **Appeal Decisions April 2011 to September 2011**

#### **Planning Appeals Allowed:**

##### **Buckhurst Hill**

1	EPF/0031/11	Erection of double storey rear extension from lower ground floor (basement), front car parking canopy and alteration of roof by removal of existing dormer and insertion of roof light windows.	Broom House Little Plucketts Way Buckhurst Hill
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##### **Chigwell**

2	EPF/0326/11	Part single storey ground floor rear extension.	9 Lodge Close Chigwell
3	EPF/1027/11	Single storey front and rear extensions to	39 Bracken

4	EPF/1689/10	existing bungalow and roof alterations with front and rear dormers. Demolition of existing dwelling and erection of a replacement detached dwelling house.	Drive Chigwell Hedgeside 132 High Road Chigwell
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#### **Lambourne**

5	EPF/1097/10	Removal of agricultural occupancy condition.	Oaklee Farm Manor Road Lambourne End
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#### **Loughton**

6	EPF/0529/11	Ground and first floor rear extension. (Revised application to EPF/2090/10)	27 Algers Road Loughton
7	EPF/1796/10	Replacement dwelling and relocation of garage. (Amended application from EPF/1832/07 including alterations comprising the inclusion of a balcony, replacement and rear dormers with rooflights and modifications to the garage roof - resubmitted application)	22 Albion Hill Loughton Essex IG10 4RD
8	EPF/2125/10	Change of use of land for a Golf Teaching Practice Facility. (D1/D2.) Revised application.	Land adjoining Clays Lane/ Junction of Englands Lane Loughton

#### **Nazeing**

9	EPF/1452/10	Change of use of building to single dwellinghouse and release from S106 agreement.	Greenacres Tatsfield Avenue Nazeing
10	EPF/1510/10	Removal of 1.83 m brick wall and erection of 1.83 m boundary. (Retrospective application)	2 Rochford Avenue Waltham Abbey
11	EPF/2493/10	Variation of condition 2 'timescale' on planning permission EPF/1204/10 (Alteration and retention of existing unauthorised building with reduced floor level and change of pitched roof to flat roof) to allow 12 months for completion.	20 Godwin Close Sewardstone Road Waltham Abbey

#### **Planning Appeals Part Allowed/Part Dismissed**

#### **Epping Upland**

12	EPF/2152/10	Retention of three sets of gates and pillars and new roadway.	Griffins Wood House Copped Hall
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Estate  
High Road  
Epping

### **Planning Appeals Dismissed**

#### **Buckhurst Hill**

- 13 EPF/1690/10 Demolition of existing garages and erection of a detached one bedroom residential dwelling. (Revised application) Land Rear of 11a Loughton Way Buckhurst Hill

#### **Chigwell**

- 14 EPF/0206/11 Two storey side extension and front entrance porch. 45 Coolgardie Avenue Chigwell
- 15 EPF/1406/10 Conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application) Grange Court High Road Chigwell
- 16 EPF/1408/10 Grade II\* listed building application for the conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application) Grange Court High Road Chigwell

#### **Epping**

- 17 EPF/0001/11 Demolition of existing ambulance station and garage. Erection of new two storey station with ambulance shelter. Ambulance Station The Plain Epping
- 18 EPF/2310/10 Two storey rear extension to provide retail storage. 178 High Street Epping
- 19 EPF/2667/10 First floor rear extension, loft conversion and elevation improvements. 10 Lower Bury Lane Epping

#### **High Ongar**

- 20 EPF/0267/11 Single storey front extension. (Revised application) 4 Norton Mandeville Norton Lane High Ongar

#### **Lambourne**

- 21 EPF/1786/10 Retrospective application for placing of two portakabin buildings on land for staff facilities ancillary to the use of buildings G2, G3 and Gallmans End Farm Manor Road

		G4 for class B8 use. (Revised application)	Lambourne
22	EPF/2647/10	Conversion of existing building at rear of site to residential house ancillary to Woodgrange, including erection of new first floor within mansard roof.	Woodgrange 52 Ongar Road Lambourne
<b>Loughton</b>			
23	EPF/0797/11	Single storey front detached garage. (Revised application)	37 Upper Park Loughton
24	EPF/1429/10	Erection of proposed 3 bed, two storey dwelling with walk out basement level to the rear. (Revised application)	12 -18 Pump Hill Loughton
25	EPF/1794/10	Change of use from A1 use class (Retail) to A2 use class (Professional and financial).	Hype Menswear 251 High Road Loughton
26	EPF/1814/10	Erection of single storey house on land to rear.	50 Hanson Drive Loughton
27	EPF/2330/10	TPO/EPF/15/06 T1 - Ginkgo biloba - Fell to ground level and treat stump with herbicide	Dryads Hall Woodbury Hill Loughton
<b>Matching</b>			
28	EPF/0220/11	Conversion of garage and sub-division of existing dwelling to form two, separate, dwellings. (Revised application)	Wyse's Barn Hobbs Cross Road Matching
29	EPF/1994/10	Proposed subdivision of site into 3 separate dwellings, including part demolition and conversion of Threshers House into two dwellings, extension and alterations together with further sub division of cottage. Part demolition of garage, erection of two replacement garages, realignment of drives and boundaries.	Threshers Threshers Bush Nr The Lavers
<b>Moreton, Bobbingworth and the Lavers</b>			
30	EPF/1700/10	Erection of a single dwelling.	Wood Farm Moreton Road Moreton
<b>Nazeing</b>			
31	EPF/1857/09	Change of use of land to a residential gypsy caravan site for 10 pitches and creation of new access, hardstanding and turning head.	Land at The Meadows Carters Mead Waltham Road Nazeing
32	EPF/2289/10	Proposed two storey side extension to provide granny annexe.	CWS Nursery Hoe Lane

			Nazeing
33	EPF/2644/10	Demolition of existing dwelling and erection of replacement 4 bed dwelling.	6 The Mead Nazeing New Road Nazeing

**North Weald Bassett**

34	EPF/0531/11	Erection of garage in the style of a cart lodge.	Popps Mead Harlow Common
35	EPF/1123/10	Retention of permanent residential mobile home site for gypsy and traveller use.	Carisbrook Farm Kiln Road North Weald
36	EPF/1428/10	First floor side extension.	33 Hampden Close North Weald
37	EPF/1428/10	Retrospective application for change of use of buildings to B1, B2, B8 and car repairers.	Chase Farm Vicarage Lane North Weald

**Theydon Bois**

38	EPF/1357/10	Demolition of existing dwelling and garage and erection of a detached chalet style dwelling with integral garage.	Auchinleck Theydon Park Theydon Bois
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**Waltham Abbey**

39	EPF/0084/11	Erection of a detached garage with a studio within the roof space	113 Monkswood Avenue, Waltham Abbey
40	EPF/0212/11	Proposed front and rear dormer windows. (Duplicate application)	Dahmoi Sewardstone Road Waltham Abbey

**Enforcement Appeals Allowed**

ENF/0652/08 – Mixed use as agriculture and residential by stationing of mobile homes and caravans – Rose Farm, Hamlet Hill, Roydon.

ENF/0010/10 – Two portacabins as ancillary use to Class B8 use of site – Gallmans End Farm, Manor Road, Lambourne.

ENF/0025/10 – Balcony at the rear second floor and rooflights on the rear roof – 22 Albion Hill, Loughton.

ENF/0677/10 – Caravan and Mobile Homes, fencing, hardstanding and use of land for residential purposes (5 year permission) – Auburnville, Carthegena Estate, Nazeing.

**Enforcement Appeals Part Allowed/ Part Dismissed:**

ENF/0294/09 – L-shaped stable block (Dismissed), Log Store (Allowed) – Red Cottage, New Farm Drive, Abridge.

**Enforcement Appeals Dismissed**

ENF/0042/08 – Roof alterations and additions, 2-storey and single storey extensions, conservatory and porch at Crumps Farm, Tawney Common, Theydon Mount.

ENF/0453/08 – Hard surface wet weather horse exercise area – Rose Farm, Hamlet Hill, Roydon.

ENF/0606/10 – Change of use from A1 retail shop to sui generis fish pedicure and spa – 169 High Road, Loughton.

ENF/0757/10 – Erection of fence adjacent highway – 210 Nine Ashes Road, High Ongar.

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