

**Area Planning Subcommittee East
Wednesday, 11th January, 2012**

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

Time: 7.30 pm

Democratic Services Officer Mark Jenkins - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel: 01992 564532

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

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 7 - 10)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 11 - 26)

To confirm the minutes of the last meeting of the Sub-Committee, held on 7th December 2011 (attached).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

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

7. DEVELOPMENT CONTROL (Pages 27 - 52)

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of

representation received regarding the applications which are summarised on the schedule.

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

8. DELEGATED DECISIONS

(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.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

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

Background Papers

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

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information?

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

Area Planning Subcommittee East 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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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 7 December 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.50 pm

Members Present: A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, Mrs D Collins, P Gode, Mrs A Grigg, 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

Other Councillors: -

Apologies: W Breare-Hall and D Jacobs

Officers Present: J Shingler (Principal Planning Officer), C Neilan (Landscape Officer & Arboriculturist), G J Woodhall (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

55. 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.

56. 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.

57. MINUTES

Resolved:

(1) That the minutes of the meeting held on 9 November 2011 be taken as read and signed by the Chairman as a correct record.

58. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor P Gode declared a personal interest in the following item 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 & Research Park, Fyfield Road, Ongar.

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

- EPF/1603/11 St Johns C of E School, Tower Road, Epping; and
- EPF/1604/11 St Johns C of E School, Tower Road, Epping.

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

- EPF/1603/11 St Johns C of E School, Tower Road, Epping; and
- EPF/1604/11 St Johns C of E School, Tower Road, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in the following items of the agenda, by virtue of his daughter being a pupil at St Johns C of E School. The Councillor had determined that his interest was not prejudicial and would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1603/11 St Johns C of E School, Tower Road, Epping; and
- EPF/1604/11 St Johns C of E School, Tower Road, Epping.

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

- EPF/1603/11 St Johns C of E School, Tower Road, Epping;
- EPF/1604/11 St Johns C of E School, Tower Road, Epping;
- EPF/1675/11 11 Hartland, Epping;
- EPF/2087/11 6 Buttercross Lane, Epping.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs S Jones declared a personal interest in the following item of the agenda by virtue of being a customer of the Kennels. The Councillor had determined that her interest was not prejudicial and would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1655/11 Theydon Mount Kennels, Epping Lane, Stapleford Tawney.

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

- EPF/1975/11 3 Crown Close, Sheering.

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

- EPF/2033/11 2 Elizabeth Drive, Theydon Bois.

59. ANY OTHER BUSINESS

The Sub-Committee noted that there was no other urgent business for consideration.

60. CONFIRMATION OF TREE PRESERVATION ORDER EPF/21/11 - 24 CANNONS LANE, FYFIELD

The Principal Landscape Officer presented a report concerning Tree Preservation Order EPF/21/11 at 24 Cannons Lane in Fyfield.

The Principal Landscape Officer reported that a planning application had been received to demolish the existing dwelling at the site and construct a new dwelling in its stead. The plans had indicated the loss of the majority of the trees at the site with limited replanting, and the Order had sought to protect seven of the more prominent trees on the site. Three objections had been received to the Order, citing that the trees were too large for the current setting, not all the trees were native to the local area, and that the trees did not add value to the local landscape.

Subsequently, discussions had taken place with the Applicant and it had been agreed that a new screen of native trees would be planted along the rear boundary of the site. Consequently, it was felt that this Order did not need to be confirmed, as a landscaping condition for any future planning application would ensure adequate replanting at the site to replace the lost trees.

Resolved:

(1) That Tree Preservation Order EPF/21/11 at 24 Cannons Lane in Fyfield not be confirmed.

61. DEVELOPMENT CONTROL**Resolved:**

(1) That the planning applications numbered 1 – 12 be determined as set out in the schedule attached to these minutes.

62. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2011 TO SEPTEMBER 2011

The Principal Planning Officer presented the biannual Probity in Planning Report for the appeal decisions during the period April to September 2011.

The Sub-Committee was informed that the Council received decisions on 50 appeals during the period, of which 17 were upheld (34%). There was one appeal upheld where the Sub-Committee had resolved contrary to the Planning Officer's recommendation:

(i) EPF/1097/10 – removal of agricultural occupancy condition at Oaklee Farm, Manor Road in Lambourne.

The Sub-Committee was further informed that there were three awards of costs made against the Council during this period; the costs for the Oaklee Farm appeal detailed above had amounted to £6,783.49.

The Principal Planning Officer stated that, although the Council's performance in defending appeals had improved, there should be justifiable reasons in each case

where Members refused planning permission contrary to Officer recommendation which were relevant, necessary, sound and defensible.

The Committee felt that the report should also be submitted to the next available meeting of the Planning Services Scrutiny Panel, where it would receive wider consideration.

Resolved:

(1) That the Planning Appeal decisions for the period April to September 2011 be noted; and

(2) That the report be submitted to the next available meeting of the Planning Services Scrutiny Panel for consideration.

63. DELEGATED DECISIONS

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

CHAIRMAN

Report Item No: 1

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

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531435

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 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.

Report Item No: 2

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

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

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

Report Item No: 3

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

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531925

Officer reported that an objection had been received from the Parish Council

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.

Report Item No: 4

APPLICATION No:	EPF/0207/11
SITE ADDRESS:	Fyfield Business And Research Park Fyfield Road Ongar Essex CM5 0GN
PARISH:	Ongar
WARD:	Shelley
DESCRIPTION OF PROPOSAL:	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 ² . 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.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=525177

REASONS FOR REFUSAL

1. The proposed development is inappropriate development, by definition harmful to the Green Belt. Whilst it is accepted that some redevelopment may be justified due to the history and circumstances of the site, the case put forward by the applicant is not sufficient to outweigh the very real harm to openness that would result from the significant intensification of development proposed within the site. The proposal is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to Government Guidance.
2. The applicant has failed to show that the amount of floorspace envisaged could be achieved without the construction of two storey buildings in a position that would be visually prominent and intrusive when viewed from Fyfield Road. The development would therefore be harmful to the rural character, openness and visual amenity of the area contrary to policies GB7A and LL2 of the Adopted Local Plan and Alterations.

Report Item No: 5

APPLICATION No:	EPF/1603/11
SITE ADDRESS:	St Johns C of E School Tower Road Epping Essex CM16 5EN
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	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 7,880m2 to 8,080m2 (specifically to enable provision of a biomass boiler plant building and associated storage on site)
DECISION:	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=530241

This item was deferred to a later meeting for more information regarding the environmental impacts of the Biomass boilers and a request that an Environmental Health Officer attend.

Report Item No: 6

APPLICATION No:	EPF/1604/11
SITE ADDRESS:	St Johns C of E Secondary School Tower Road Epping Essex CM16 5EN
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	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.
DECISION:	Deferred

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

This item was deferred to a later meeting for more information regarding the environmental impacts of the Biomass boilers and a request that an Environmental Health Officer attend.

Report Item No: 7

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

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

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

Report Item No: 8

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

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=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.
2. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
3. 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.
4. 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.

Report Item No: 9

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

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=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.

Report Item No: 10

APPLICATION No:	EPF/1975/11
SITE ADDRESS:	3 Crown Close Sheering Harlow Essex CM22 7NE
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Alteration of existing bungalow to form 2 no. two storey semi-detached cottages and construction of a single two storey detached cottage.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=531579

The Officer reported that an objection had been received from the Parish Council.

REASONS FOR REFUSAL

1. 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.
2. The proposal, due to the inability to provide adequate parking, convenient cycle and bin storage, manoeuvring space and front landscaping, amounts to overdevelopment of the site contrary to policies CP7 and DBE3 of the adopted Local Plan and Alterations.

Report Item No: 11

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

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

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

Report Item No: 12

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

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

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

AREA PLANS SUB-COMMITTEE 'EAST'

11 January 2012

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2161/11	Adj. to 6 Thrifts hall Mews, Thrifts Hall Farm, Abridge Road, Theydon Bois	GRANT	27
2	EPF/2243/11	4 Vicarage Lane, North Weald	GRANT	31
3	EPF/2391/11	1 Garden Fields, Stanford Rivers, Ongar	REFUSE	35
4	EPF/2126/11	Billie Jeans, 26 High Street, Epping	GRANT	40

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Report Item No: 1

APPLICATION No:	EPF/2161/11
SITE ADDRESS:	Adjacent to 6 Thrifts Hall Mews Thrifts Hall Farm Abridge Road Theydon Bois Epping Essex CM16 7NL
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	The Owner/Occupier
DESCRIPTION OF PROPOSAL:	TPO/EPF/41/10 T1 (T4 on TPO) - Cedar of Lebanon - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532172

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.

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 cedar

Description of Site:

This tree is on the southern edge of the property, which is one of a set of re-developed farm outbuildings. It stands on adjacent land that is in separate ownership, with likely distant glimpses from one public footpath.

Relevant History:

The current order is a re-protection order, made to re-protect the more important mature trees in the area, in anticipation of the rescinding of the earlier Essex County Council TPO. However the surveyor was also asked to look for younger trees of potential future importance and this tree would have been included in that category. There are no specific relevant applications.

Relevant Policies:

LL7: Planting, protection and care of trees.
LL9: Felling of preserved trees.

Summary of Representations

THEYDON BOIS PARISH COUNCIL: no objection, subject to the views of the Planning/Tree Officer, and imposition of and compliance with conditions.

THRIFTS HALL FARM: agree that the tree has outgrown its situation, and subject to assurances from the neighbour's insurers would be willing to have it felled.

Issues and Considerations:

Introduction

The application is on the basis of subsidence damage to the dwelling. The report is accompanied by engineering information, including levels monitoring. An independent engineer's report has been commissioned, based on a reading of the application documents supplemented by an accompanied inspection of the site.

The cedar, (probably a Himalayan cedar, rather than a cedar of Lebanon as stated) is an attractive young tree, about 40 years old, and half grown. It is not visible from the village or the adjacent main Abridge Road. It is at the top of the slope to the south east of Thrifts Hall Farmhouse, screened from general view by the many large trees, but probably within sight of walkers on the public footpath from the village across the farmland below and to the south west.

The application is based on the issue of subsidence alone, but it is fair to say that the proximity of the tree to the south of the converted outbuilding is not ideal, and that its retention to maturity would be incompatible with reasonable enjoyment of its small garden.

Issues

The main issues are considered to be the strength of the evidence linking the tree to the damage to the dwelling, and whether there are any special reasons that would justify its retention.

As a converted outbuilding the foundations of the building are not to modern standards. There is evidence that the end wall was underpinned at the time of its conversion to give greater stability. There is now substantial cracking, mostly in a single storey section of the building which is the closest to the tree. The cracking, to the front and rear, is structurally significant, and its pattern fits with the tree being the principal cause, and its removal likely being sufficient to resolve the issues.

The independent engineer's report concludes "it is probable that the cedar is causing the nuisance. Removal of the tree will abate the nuisance and return stability to the building".

If it were retained to full maturity its wider landscape benefit would increase, however its relatively secluded location means that less weight should reasonably be put on that.

Conclusion

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

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***

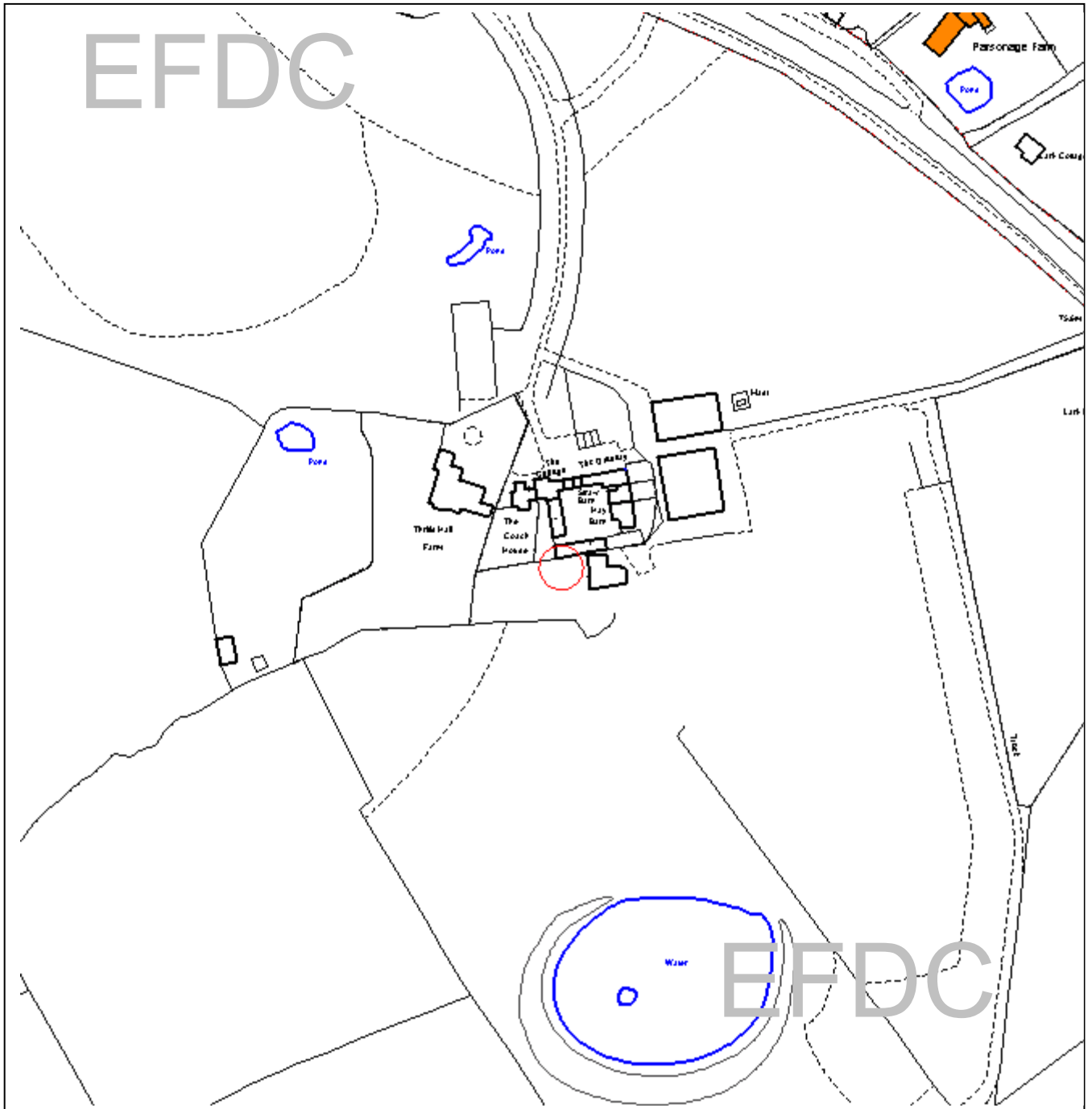
or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/2161/11
Site Name:	Adjacent to 6 Thrifts Hall Mews, Thrifts Hall Farm, Abridge Road, Theydon Bois, CM16 7NL
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/2243/11
SITE ADDRESS:	4 Vicarage Lane North Weald Essex CM16 6ET
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Brett Singh
DESCRIPTION OF PROPOSAL:	Single storey rear and side extensions and roof conversion. (Revised Application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532492

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 openings in both the side facing dormer windows 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 The flat roof of the entire rear and side single-storey additions to the house shall not be used as a balcony and no furniture, including tables and chairs shall be placed on the roof.

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

Description of Site:

4 Vicarage Lane is a detached bungalow, part of a row of similarly designed bungalows within a small built up area on the edge of North Weald. This is not within the Green Belt or a Conservation Area.

Description of Proposal:

This is a revised scheme for a single storey rear and side extension and loft conversion. The side extension measures 2.5m extending to the side boundary, with the rear extension 2m deep creating an 'L' shaped extension around the existing rear flat roofed extension. The loft conversion incorporates a hip to gable extension at the rear along with two flat roof side facing dormers and a pitched roof dormer to the front elevation. The proposal has been revised since the previous submission with the depth of the side extension now reduced. It is now set back from the main front wall by 8.1m rather than the previous scheme which was set back by 7.1m. The overall depth of the side element is 6.8m.

Relevant History:

EPF/1136/11 – Single storey rear and side extensions and loft conversion – Refused
The reason for refusal was:

'The proposed side and rear extension, due to its position and depth, would result in unacceptable loss of light to side windows of neighbouring number 3 Vicarage Lane causing significant harm to residential amenity contrary to policy DBE9 of the adopted Local Plan and Alterations'

EPF/0844/86 – Extension – Approved

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

Summary of Representations:

NORTH WEALD PARISH COUNCIL – The Parish Council continues to Object to this application on the following grounds: Visual impact on the neighbouring property, the window is overlooking on to the neighbouring property, the property continues to be built on to the boundary line, overdevelopment.

NEIGHBOURS

4 neighbours were consulted and the following response was received:

3 VICARAGE LANE – Concern with regard to ambiguity of location of side extension, overlooking windows should be obscure glass, access will not be given to finish side wall to match existing, side extension should be positioned a minimum of 600-900mm from boundary.

Issues and Considerations:

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

- Design Issues
- Impact on Neighbouring Amenity

Design Issues

The revised scheme, as with the previous submission, is generally acceptable and although there is a large area of flat roof for the single storey side/rear extension it is at the rear and would not be visible from the street. The visible part of the side extension has a false pitched roof and this would appear appropriate within the streetscene. Although built up to the side boundary, since it

would be single-storey and set back well beyond the front elevation, the existing visual gap between the flank of the house and boundary with the adjacent property would be maintained. This arrangement is considered acceptable.

The front dormer is similar to the dormer approved and currently being built at No. 8 Vicarage Lane and is considered acceptable and well placed within the existing roof slope.

The side dormers, although visible from the street are to be placed low enough within the roof slope to avoid a bulky, top heavy appearance. Members are advised the side dormers and rear hip to gable element could be completed as permitted development and therefore planning permission is not required for this part of the proposal.

Having regard to the sympathetic relationship of the proposal as a whole to the design of the existing house, it would complement the appearance of the house and therefore have an acceptable appearance. It would comply with planning policy relating to design and, contrary to the assessment of the Parish Council, would not appear as an overdevelopment of the site.

Amenity

The proposal is generally acceptable in terms of impact on neighbouring amenity. The side dormers are shown to have obscure glass and this can be conditioned to ensure that this is implemented with fixed frames up to a height of 1.7m. This would minimise any perception of loss of privacy to neighbouring properties.

Although the single-storey addition would extend to the boundary, this element has been revised to be set back 1m further from the main front wall and therefore avoids extending past the side windows of No.3. It is therefore not considered to result in such a significant loss of light to the neighbouring property at No. 3 to justify a refusal. A revised plan has since been received showing the set back from the front wall clearly dimensioned. This is considered to avoid any ambiguity on the position of the side extension and considered to overcome the concerns of No. 3 Vicarage Lane.

As a whole, the proposal would not cause excessive harm to the amenities of either neighbouring property and therefore complies with planning policy relating to that matter.

Conclusion:

The revised scheme is considered generally acceptable and to generally comply with the relevant policies, overcoming the previous reason for refusal and therefore approval 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:

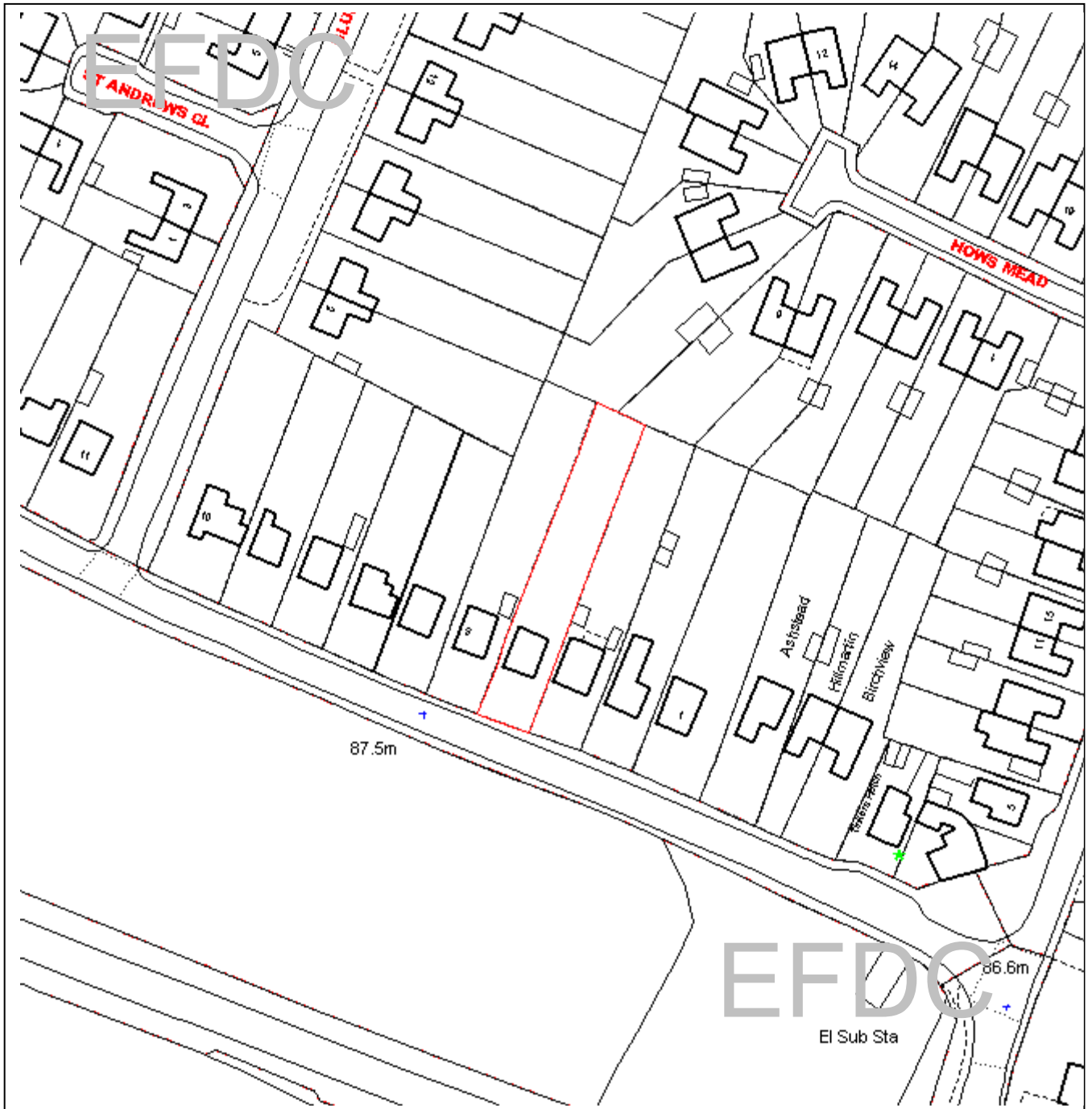
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/2243/11
Site Name:	4 Vicarage Lane, North Weald CM16 6ET
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2391/11
SITE ADDRESS:	1 Garden Fields Stanford Rivers Ongar Essex CM5 9PL
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Ms Sandra Hoyle
DESCRIPTION OF PROPOSAL:	Single storey side and rear extension. (Revised application)
RECOMMENDED DECISION:	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=533055

REASON FOR REFUSAL

- 1 The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice Planning Policy Guidance Note 2 and policies of the adopted Local Plan, in that it would be a disproportionate enlargement to an existing dwelling and by reason of its layout and provision of a separate entrance door, would, in effect, be forming a new dwelling. Consequently, the proposed extension would harm the objectives of the Metropolitan Green Belt. The proposal is therefore contrary to policies GB2A of the adopted Local Plan and Alterations

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

Description of Site:

The application site accommodates an end terrace dwelling that forms part of a block of 3 bungalows. The property is finished in red facing brick with a gable end plain tiled roof.

The road is in a narrow cul-de-sac and is accessed from London Road. The surrounding area is a mix of dwelling styles with generous gardens. The property and the wider area is within the constraints of the Metropolitan Green Belt.

Description of Proposal:

Permission is sought to erect a single storey side extension to the existing bungalow with first floor accommodation within the roof.

The rear wall of the extension will be 5.3 metres wide and the front wall 4.3 metres with an additional 1.0 metre wide x 2.8 metres deep projection on its flank. It will be 9.2 metres deep and its ridge height will match the existing building at 5.3 metres and eaves 2.6 metres.

Relevant History:

EPF/1735/11 - Single storey side and rear extension. Refused

Reason: The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice Planning Policy Guidance Note 2 and policies of the adopted Local Plan, in that it would be a disproportionate enlargement to an existing dwelling and by reason of its layout and provision of a separate entrance door, would, in effect, be forming a new dwelling. Consequently, the proposed extension would harm the objectives of the Metropolitan Green Belt

Policies Applied:

GB2A – Extensions to residential properties in the Green Belt.
CP2 – Protecting the quality of the built and natural environment
DBE4 – Design in the green belt
DBE9 – Amenity considerations.
DBE10 – Extension design criteria.

Summary of Representations:

6 neighbours were notified of this application and the following responses have been received.

2 GARDEN FIELDS – Objects on grounds that loft will overlook neighbours gardens. Hedging has been removed and trees cut down. Concern regarding right of way at shared boundary.

THE OLD POST OFFICE, 31 LONDON ROAD – Objects on grounds the building encroachment with high ridge line across our sight line at the end of our garden will effect natural light and be unsightly and imposing upon us. There is also still no amended reference to the size of the willow tree in the rear garden of number 29 London Road, Stanford Rivers which is still excessively larger than drawn. There is also an omission of a hawthorn tree to the rear of our own property, number 31; we note that as per section 7 of the planning application any tree within falling distance should be noted. There is also concern that the proposed extension looks to be more like an attempt to create a further dwelling where once completed can easily be divided by bricking up the doorway to be formed between bedroom 1 and the proposed new kitchen, this will create 2no. self-contained independent properties, thus being out of keeping with the adjoining dwellings.

STANFORD RIVERS PARISH COUNCIL: STRONG OBJECTION.

From local knowledge the proposals will block off by means of an extension the existing right of way from adjoining property, defined when all the properties were Council owned. Overdevelopment and materializing to a terracing effect. Way in excess of the 50% rule, in fact nearly 100% coverage.

Issues and Considerations:

The main issues and considerations in relation to this application are the design, appearance, amenity of neighbouring properties and whether this can be classed as appropriate development in the Green Belt.

Design

- The extension adopts a similar height and style that will replicate the original dwelling.

- The size, height and overall design and appearance of the extension with matching materials, would be acceptable.

Neighbours amenity

- This property is an end terrace dwelling located in a cul-de-sac and backs onto the rear gardens of properties that front London Road to the north of the site.
- The only building that directly abuts onto the site's northern boundary is a detached garage. The only immediate property to the subject site is the adjoining No. 2 Garden Fields. The proposal will be sited some 6.5 metres away from the nearest window of this property. For this reason, there will be no loss of light, outlook or privacy to the occupier.
- The immediate occupiers and the Parish Council have raised a number of objections on grounds of loss of outlook, loss of light and concern regarding drains and also the proposal will block off an existing right of way. Whilst these have been noted, they are not however planning considerations.
- It is therefore considered that there will be no harm to the amenity enjoyed by neighbouring occupiers as a result of this proposal.

Greenbelt

- The letter that accompanies this application states the extension will serve as an annex for an elderly relative. In addition, that the proposed extension is modest in area, it will be hidden to a large extent from surrounding areas. The existing property is also small and not up to contemporary living standards.
- Advice contained in Planning Policy Guidance 2 and Adopted Local Plan Policy GB2A (vii) is that extensions to an existing dwelling should only be allowed if they are classed as limited extensions.
- The applicant argues this proposal as a limited extension however, it will create an annex to the bungalow, or this could be more aptly described as a new one-bedroom, end terrace dwelling. In the street context, because of its close proximity to the detached garage on the site's northern boundary, the proposal will reduce the visual gap thus giving a more urban appearance to the character of the street.
- The new area covered by the proposal will be approximately 45 square metres. The original building covers an area of only 42 square metres. For this reason, the size of the extension is disproportionate to the original building and therefore it cannot be classed as a 'limited' extension.
- The applicant argues that the site is not clearly visible from public footpaths, or adjoining fields, however; there is some dispute from neighbours regarding a public right of way access through the site.
- In addition, with respect to the fall back position, because this property has not previously been extended, without removing Permitted Development rights, it will be possible to further extend rearwards.
- Notwithstanding, even if a restriction prevents further extensions to the building, the present proposal is classed as a disproportionate increase to this modest bungalow within a row of other similarly sized bungalows. It would also set a precedent for other properties to extend to a similar size.
- On the basis of its cumulative impact, the proposal will impair the open character and appearance of the Green Belt. It is considered inappropriate development in the Green Belt and there are no very special circumstances that would outweigh the harm to the Green Belt.

Conclusion

For the reasons stated above this application fails to accord with Green Belt policies and as such it is recommended for refusal on this basis.

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

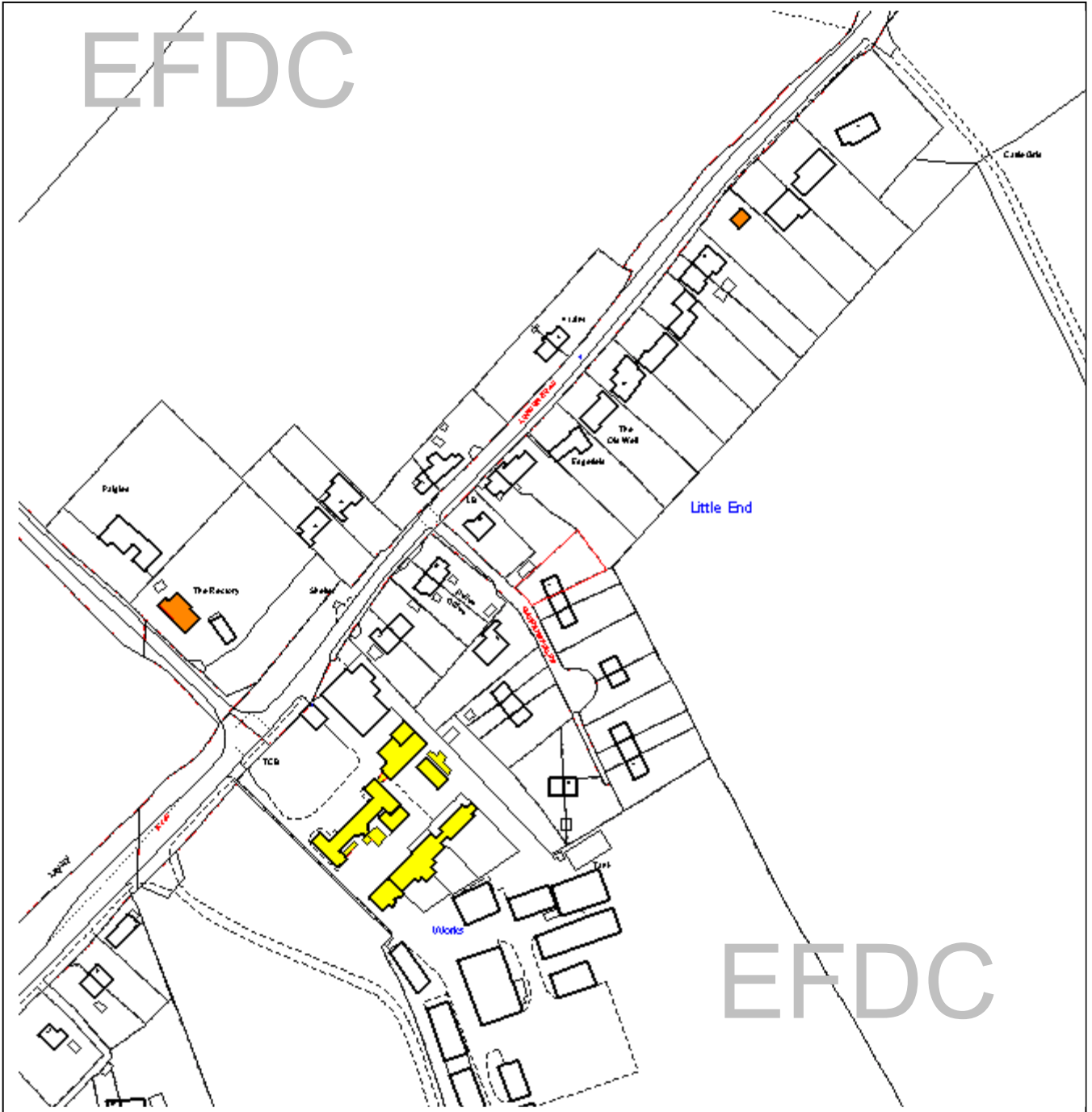
**Planning Application Case Officer: Paula Onya
Direct Line Telephone Number: 01992 564103**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/2391/11
Site Name:	1 Garden Fields, Stanford Rivers CM5 9PL
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/2126/11
SITE ADDRESS:	Billie Jeans 26 High Street Epping Essex CM16 4AE
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Kiko Ventures Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing bar and replacement with a mixed use development, comprising retail/food and drink use (Classes A1 and A3) at ground level and 12 residential units at first and second floors together with 16 car parking spaces , access and landscaping.
RECOMMENDED DECISION:	Grant Permission (Subject to S106)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=532058

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: 2768 L01-1A, 2768 PL04D, 2768 PL05D, 2768 PL06B, 2768 PL07B, 2768 PL10D, 2768 PL10-1D, 2768 PL10-2D, 2768 PL10-3D, 2768 PL10-4D and 2768 PL11-1A.
- 3 No development, including demolition or preliminary groundwork's of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 4 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.
- 5 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 6 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.
- 7 The use hereby permitted shall not be open for customers / members to enter outside the hours of 0700 to 2330 on Monday to Saturday and 0800 to 2300 on Sundays and Bank/Public Holidays.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 9 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.
- 10 Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for the permanent closure of the redundant vehicular access onto the High Street and to include:
 - The construction of a footway with kerbing to replace the redundant lay-by/vehicular access across the site frontage,
 - Position and type/design of bollards on the new footway.
 - The provision of two dropped kerb crossing points with tactile paving across Half Moon Lane at its junction with the High StreetThe approved details shall be implemented prior to first occupation and use of the development.
- 11 There should be no obstruction above ground level within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway of Half Moon Lane. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.
- 13 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.

- 14 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 15 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.
- 16 No deliveries shall take place at the site outside the hours of 0700 to 2100 on Monday to Saturday and 0800 to 1800 on Sundays and Bank/Public Holidays.
- 17 Notwithstanding the details shown on the approved drawings submitted with this planning application, prior to commencement of works, details of waste storage shall be submitted to and agreed in writing by the local planning authority and shall be implemented and maintained in accordance with the approved details.
- 18 Equipment shall be installed to suppress and disperse cooking/food preparation fumes and smells to a minimum. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to first commencement of use or occupation.

And subject to a S106 legal agreement to be completed within 6 months requiring the developer to pay an education contribution to Essex County Council of £11,944 (index linked).

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d))

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).)

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 Site:

This 0.09 hectare application site consists of a two storey detached contemporary drinking bar/late-night club building with a front forecourt area and enclosed rear yard with vehicular access. The outside walls of this building are a striking painted pink. There is a block of recently

built residential flats to the rear of the site, a petrol filling station immediately to the west and the Duke of Wellington Pub to the east located on the other side of a narrow side road, Half Moon Lane. The site has a frontage to the east on this side road, but its main frontage is north onto the High Street.

The site is at the south-western end of the commercial High Street, within the defined town centre of Epping. The character of the area is a mix of commercial and residential properties.

Description of Proposal:

Consent is being sought for the demolition of the existing buildings on the site to be replaced by a new building consisting of an A1 Retail/ A3 Restaurant use on the ground floor and two floors of residential over, comprising of four x 1-bed and eight x 2-bed flats, each served by a balcony amenity area. 16 off street parking spaces would be located to the side and the rear of the building. The building would be up to the front boundary of the site adjacent to the back-edge of the pavement.

Relevant History:

EPF/0167/77 – Alterations and extension including change of use of attached cottage and extension to car park – granted 1977

EPF/1310/04 – Side Conservatory – granted 2004

EPF/1311/04 – Single storey side bar extension – granted

EPF/0178/08 – Retention of elevation changes - Allowed on Appeal

EPF/1013/11 – Use of outside forecourt area for display of garden furniture – Refused 2011

Summary of Representations:

40 neighbouring properties were consulted and site notices were erected in Hemnall Street and the High Street.

TOWN COUNCIL – Object. The application brings the building much closer to the road and further forward than any neighbouring property, therefore likely to cause a problem with access and egress from the nearby side road as well as the garage. The loss of this property as a public house is actually the loss of a community asset. Although undesirable, the present use of the building has still been represented as a community function and the conversion of the premises from that function into residential or commercial property represents loss of yet any other community asset on top of the loss of The Globe, The Spotted Dog and others. If a change of use is to be granted, then this factor needs to be taken into account. Committee were also concerned that the building is too tall for its environment although there is a reasonably eclectic mix of heights present in the High Street and High Road, nevertheless, this property outstrips those premises near to it and would look incongruous and overdeveloped. Committee also expressed considerable concern over the inadequate parking provision. The property owner's representative was unable to advise Committee as to whether the parking would be devoted to the residential properties or would be ancillary to the commercial use. Committee was concerned that parking was inadequate for both uses and possibly even inadequate for either use given the dearth of alternative on street or off street parking in the vicinity of this development.

EPPING SOCIETY – Disappointed to see plans for part of our Town's heritage to be demolished. Aware building not listed nor in a conservation area and that its present use or that of former use as a public house is probably not viable, leaving little alternative but redevelopment. Wish to object because site is grossly overdeveloped with the building occupying nearly the whole site; building frontage to the back of pavement should conform to block of shops the other side of the Duke of Wellington public house; design does not follow town's vernacular, use of ground floor as a single unit may entice use as a mini-market on the edge of town to detriment of town centre; flats

are small; balconies are too small to be of practical use and do not have good outlook; parking spaces on side will have to reverse out, and two on rear have no room for manoeuvre; two spaces at front for disabled and loading are too close to light controlled pedestrian crossing. Elevation inconsistency with ground floor plan.

74 MADELLS – Object on basis this was an old building forming part of the beginning of the High Street which the builders ruined and should be forced to reinstate. If not, current building is too big and would be dangerous traffic wise in this busy part of Epping with roads leading off with not enough parking to be provided.

22 HIGH STREET – Aware of lack of footpath at the front and current front car park blocking pedestrian access particularly for disabled and parents with prams, therefore would be an ideal opportunity for the development to provide a dedicated raised footpath to link up with existing either side.

61 HIGH STREET – Strongly support the change of use. Since current Billie Jeans was given permission and changed from a pub to club has been nothing but noise on a Friday and Saturday night (and damage to our cars). Current building is an eye-sore.

3 CHAPEL VIEW, 90A HEMNALL STREET – Just about anything would be an improvement. We are in favour.

Policies Applied:

TC1 - Vitality and viability of shopping centre.
TC2 – Sequential Approach
TC3 – Town Centre Function
CP2 – Protecting the quality of the Rural and Built Environment
CP3 – New development
CF12 – Retention of Community facilities
H2A – Re-use of Previously developed land
H3A – Housing density
H4A – Dwelling mix
E4A – Protection of Employment Sites
E4B – Alternative uses for Employment sites
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
ST1 – Location of Development
ST4 – Road safety
ST6 – Vehicle Parking
I1A – Planning Obligations

Issues and Considerations:

The main issues that arise with this application are:

- Principle of development
- Vitality and Viability of Town Centre
- Loss of the Community facility
- Design, layout and impact on street scene
- Impact to neighbouring amenity
- Parking and highway matters

- Any other Material Planning Matters

Principle of Development - Vitality and Viability of Town Centre

The application site is a former public house located within the town centre of Epping. It is clearly Previously Developed Land (PDL) and, whilst there is no presumption that land that is previously developed is necessarily suitable for housing development, there is a national annual target set out in PPS3 that “at least 60 per cent of new housing should be provided on previously developed land”, which is reflected locally within policy H2A that seeks to deliver “at least 70% of all new housing on previously developed land”. The residential in this case is on the upper floors and is compatible with other similar developments in the High Street at this floor level. The proposal is supported by policy TC3 of the Local Plan, which states that the Council will permit residential developments in town centres, but not at ground floor level.

The proposed ground floor retail or restaurant use is again compatible with other ground floor uses in the town centre. Policy TC1 of the adopted Local Plan confirms that the Council will in principle permit proposals which sustain or improve the vitality and viability of any of the defined shopping centres. The flexibility to bring forward retail and/or restaurant units at ground floor level, as part of this proposal, conforms to this policy. It is outside the key retail frontage but both uses are appropriate to the town centre and benefit the functioning of the centre. In either case, it will strengthen the vitality and viability of the town centre and provide greater employment opportunities than as at present.

In recent years, the current drinking establishment has been a source of disturbance to the detriment of the town centre as well as residential amenity. There are residential properties both opposite and to the immediate rear and Members may well consider that this application provides the opportunity to remove this establishment. Planning permission would then be required to turn it back from an A1 or A3 use to its current A4 use.

Loss of the community facility

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

- i) *The use is no longer needed or no longer viable in its current location; and*
- ii) *The service, if it is still needed, is already, or is to be, provided elsewhere and accessible within the locality to existing and potential users.*

Where planning permission is granted for proposals that will entail the loss of community facility, the Council will consider favourably alternative uses which fulfil other community needs.

This is no longer a public house and harkening back to this former use is now rather historical. Despite the closure of two pubs close to, but outside of, the town centre (The Globe and The Spotted Dog) the town is still well served by public houses (one of which is next door) and bars. The loss of the use is more than compensated for by the proposed use of the ground floor, which in any case could now be converted into retail or a restaurant use without the need for planning permission. The retail and restaurant use would be a suitable alternative community use that is appropriate to a town centre location.

Design, layout and impact to street scene

The proposed building at three storeys will be in keeping with similar scaled buildings that prevail in the townscape. It will be taller than the current two storey building and come further forward, beyond neighbouring properties, but not to the extent that it would appear discordant. A commercial frontage on the front boundary of the site is repeated in many other parts of the town

centre and the mass of this comparatively large building would be broken up by slight projecting gabled roof bay features and balconies. This reflects other High Street buildings and will use a mix of external materials that prevails in the locality, including brickwork broken by glazed frontage to the ground floor front elevation and timber weatherboarding to offer some relief. It is considered that rather than causing visual harm, it will provide an attractive frontage to passing traffic entering the town from the west.

Concerns have been expressed that the building should be set back to align with shops to the east (no.42 onwards), just beyond the Duke of Wellington pub. However, there is no strict defined building line that present buildings conform to and the fronts of buildings generally run in short stretches on both sides of this road in this part of the town centre, such that the proposal would not be out of keeping. It will also prevent on-site parking from appearing so visually unsightly and dominant at the front, which conforms to the principle design requirements of the Essex Design Guide.

The new building will be larger and have a greater footprint than the existing building on the site and those immediately surrounding, but it will still have the appearance of a traditional roof slope and ridge line. Maximising density is suitable for town centre location provided, of course, that it is not at the expense of other material planning considerations. Policy H3A of the Local Plan allows development of higher densities in areas of good public transport and other facilities. The proposed density will be 133 dwellings per hectare which is acceptable in a town centre location. The whole of the site area is not taken up by a building footprint and there is still room for 16 parking spaces together with a delivery and turning area at the rear and the retention of 2 protected trees in the north-east corner of the site. As with many town centre, mixed residential/commercial developments, there is limited scope for private gardens, but all the flats will have balcony areas providing some level of private amenity space. Outlook will be similar to other residential properties in this locality and therefore not a reason to withhold planning permission on this ground. Among objections raised is that this is gross overdevelopment. But, this generally has limited justification in a town centre location if the building scale and parking provision is appropriate with its surroundings and the development makes good use of urban land, as in this case.

Finally, it has been commented in one of the representations received that the current building should be retained. The building may be late nineteenth century, but it does not have any overriding intrinsic merit which would mean that its loss should be resisted. It is neither statutory nor locally listed and indeed would not meet the parameters to justify inclusion given there are no internal original features and externally it has been much altered. It is also well outside the conservation area boundary to the east, such that its loss would not harm its character and appearance.

Impact on neighbouring amenity

There are residential properties on the other side of the High Street to the north and in the recent residential flatted development to the immediate rear. Those houses opposite will be approximately 20 metres away, which across a main road is a reasonable separation distance. The flats to the rear at Forest Court do not have main habitable room windows on their rear elevation and despite the proposed use of balconies, there will be no undue loss of privacy to occupants of neighbouring residential properties. The rear area of these flats is a parking area and access, similar to that proposed at the application site. Compared with the present bar/club late night use, the proposal will result in less disturbance and noise to the benefit of the local area.

Parking and Highway Matters

The proposals would provide 16 off-street parking spaces to the side and rear of the site. The present use has 4 parking spaces accessed directly off the High Street. The plans have been

amended deleting two roadside disabled parking spaces/ loading bays in the High Street adjacent to the front boundary of the site following highway objections. This would have been within the zig-zag road marking of an existing signalised pedestrian crossing and have been in clear conflict with highway safety.

Policy ST4 and ST6 of the Local Plan requires that new development does not harm highway safety and should provide that development should provide parking in accordance with adopted standards.

Essex County Council Highway Officers would accept 12 spaces given its town centre location close to shops and services and proximity to frequent public transport facilities. However, the proposed 16 spaces, whilst a little tight at the rear, does allow one car space for each flat and a further 4 for visitor or for ground floor users. National guidance advises that in implementing parking policies, developers should not be required to provide more parking spaces than they wish, other than in exceptional circumstances. The town centre location prevents there being such circumstances and Half Moon Lane and Hemnall Street to the rear are roads with extensive double yellow lining, thus preventing on road parking from taking place. Similarly, parking is restricted from taking place at the front. Whilst the level of parking would be lower than the maximum level sought by the Essex County Council Vehicle Parking Standards, it would not harm highway safety. A Green Travel Plan is also required and therefore it is reasonable to assume that not all residents would choose to have cars. The parking standards also allow flexibility in town centres well served by public transport. This is such a location and in conclusion, the proposed level of parking provision is satisfactory and refusal in such a sustainable location is extremely unlikely to be supported on appeal.

Access arrangements are acceptable. Whilst the side boundary would be opened up to Half Moon Lane, this is not a heavily trafficked thoroughfare and the parking spaces have sufficient space to enter and leave the site and with good visibility. Similarly at the rear, there is an existing access point to the site and the Forest Court flats which would not result in highway safety conflict.

The development will finance and provide for a pavement to be formed and continue across the public facing frontage to link up with that existing on either side. This is clearly a highway benefit for all pedestrian users in this part of the town centre.

Other matters

The development is of a size where it is necessary to avoid generating additional runoff and provides the opportunity to improve existing surface water runoff. As such a Flood Risk Assessment is required, but this can be controlled by condition.

The layout is considered acceptable with regards to bin storage and collection, but a condition is still required to ensure that adequate space is provided to both serve the residential and ground floor use.

The site lies within the known extent of the built-up area of post-medieval Epping and immediately outside that of the medieval core. Very little archaeological fieldwork has been undertaken within Epping. As a result, little is known of the nature, complexity or preservation of archaeological deposits within the town's historic core. Future excavation of medieval and post medieval archaeological deposits within the town in order to establish its development, trade and distribution networks and social and economic context has been highlighted as a research priority at a regional and national level. An archaeological investigation of the proposed development site is likely to add considerably to our knowledge of the historic and spatial development of the market town of Epping. A full archaeological condition should therefore be imposed on this application, in line with Planning Policy Statement 5: Planning for the Historic Environment (PPS 5)

In addition, a financial contribution of £11,944 is sought for primary education contribution which has been assessed against the requirements of the 2010 Community Infrastructure Regulations. The development would generate an increased demand for additional spaces. The figure is calculated from Essex County Council's formula for education contribution requirements and is an appropriate need in this case.

Conclusion:

The proposal makes good use of previously developed land and brings forward mixed use to a site well served by public transport within a sustainable town centre location. It satisfies national and local plan housing objectives and promotes positive economic development through the provision of retail and restaurant uses, which will add to the vitality and viability of the town centre. The draft National Planning Policy Framework issued in July 2011 is also a material consideration in the determination of planning applications and introduces the presumption in favour of sustainable development, which this clearly is.

The loss of the current late night bar and club, in particular, is welcomed, as is the unsightly appearance of the building. The new building would be more prominent because of its more forward position and scale, but it is well designed and will visually benefit streetscape providing an attractive public facing frontage. It does maximise the density for the site, but it allows for improved parking provision and space for deliveries at the rear, as well as the retention of the two protected trees. Whilst the objections and concerns, particular from the Town Council and Epping Society, have been carefully considered, Officers conclude in this case that the proposal will complement the character and appearance of the area without causing undue harm to neighbouring amenity or highway safety. It 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: Nigel Richardson
Direct Line Telephone Number: 01992 564110***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/2126/11
Site Name:	Billie Jeans, 26 High Street Epping, CM16 4AE
Scale of Plot:	1/1250

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