

Committee Agenda



Epping Forest District Council

Area Planning Subcommittee East Wednesday, 18th September, 2013

You are invited to attend the next meeting of **Area Planning Subcommittee East**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 18th September, 2013
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Gary Woodhall - The Office of the Chief Executive
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564470

Members:

Councillors Mrs S Jones (Chairman), P Keska (Vice-Chairman), K Avey, W Breare-Hall, A Boyce, Mrs H Brady, T Church, P Gode, Mrs A Grigg, D Jacobs, 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/FILMING 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. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

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.

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 or otherwise indicate to the Chairman before the start of the

meeting.

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 (or filmed) and will be capable of repeated viewing (or another use by such third parties).

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 - 26)

To confirm the minutes of the last meeting of the Sub-Committee, held on 14 August 2013 (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 - 84)

(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. BIRCH FIELD, EPPING LANE, STAPLEFORD TAWNEY - UNAUTHORISED USE AS TRAVELLERS' CARAVAN SITE IN CONTRAVENTION OF AN EXISTING ENFORCEMENT NOTICE AND AN EXISTING INJUNCTION (Pages 85 - 96)

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

9. 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.

10. EXCLUSION OF PUBLIC AND PRESSExclusion

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 2013-14
Members of the Committee:



Cllr Jones	Cllr Keska	Cllr Avey	Cllr Boycel	Cllr Brady
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Cllr Breare-Hall	Cllr Church	Cllr Gode	Cllr Grigg	Cllr Jacobs
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Cllr McEwen	Cllr Morgan	Cllr Philip	Cllr Rolfe	Cllr Stellan
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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:** 14 August 2013

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 10.07 pm

Members Present: P Keska (Vice-Chairman), K Avey, W Breare-Hall, A Boyce, Mrs H Brady, T Church, D Jacobs, Mrs M McEwen, R Morgan, D Stallan, G Waller, Mrs J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: Mrs S Jones, P Gode, Mrs A Grigg, J Philip, B Rolfe and C Whitbread

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

36. 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.

37. 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.

38. VICE CHAIRMAN OF SUB-COMMITTEE

The Chairman had tendered her apologies for the meeting, so the Vice Chairman assumed Chairmanship of the Sub-Committee, the Chairman then sought a nomination for Vice Chairman of the meeting.

RESOLVED:

That Councillor R Morgan be elected Vice Chairman for the duration of the meeting.

39. MINUTES

RESOLVED:

That the minutes of the meeting held on 17 July 2013 be taken as read and signed by the Chairman as a correct record.

40. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M McEwen declared a non pecuniary interest in the following item of the agenda by virtue of living in the vicinity of the application. The Councillor advised that she would remain in the meeting for the duration of the discussion on the item and voting thereon:

- EPF/0434/13 – Maltings Nursery, Chelmsford Road, Norton Heath, Essex CM4 0LN

(b) Pursuant to the Council's Code of Member Conduct, Councillor G Waller declared a non pecuniary interest in the following item of the agenda by virtue of having discussed the report as Portfolio Holder for Safer, Greener and Highways. The Councillor advised that he would remain in the meeting for the duration of the discussion on the item and voting thereon:

- EPF/0311/13 - 51 Hornbeam Road, Theydon Bois, Essex CM16 7JU

(c) Pursuant to the Council's Code of Member Conduct, Councillor P Keska declared a non pecuniary interest in the following items of the agenda by virtue of being the ward member and living in the vicinity. The Councillor advised that he would remain in the meeting for the duration of the discussion on the items and voting thereon:

- EPF/0622/13 – Ongar Bakery, 107 High Street, Ongar, Essex CM5 9DX
- EPF/0623/13 – Ongar Bakery, 107 High Street, Ongar, Essex CM5 9DX

41. ANY OTHER BUSINESS

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

42. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 – 11 be determined as set out in the schedule attached to these minutes.

43. DELEGATED DECISIONS

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

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0311/13
SITE ADDRESS:	51 Hornbeam Road Theydon Bois Epping Essex CM16 7JU
PARISH:	Theydon Bois
WARD:	
DESCRIPTION OF PROPOSAL:	TPO/EPF/04/12 T1 - Oak - Fell
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=545837

Members asked that the welfare of the tree be maintained in the future.

REASON FOR REFUSAL

- 1 The supporting information and site inspection have not demonstrated that removal of the oak will have any significant impact on achieving a solution to the structural issues at 51 Hornbeam Road. In particular the substandard foundation of the conservatory would have made it liable to movement even without the presence of the tree and the damage is likely to be too serious for tree removal to be a solution; the movement to the rear extension is minor, and capable of being resolved through structural strengthening which would be required in any case and the impact of the illegal ring-barking of the tree on its future water uptake has not been properly assessed. The loss of the tree's significant existing and potential visual amenity is therefore contrary to policy LL7 and LL9 of the Council's Adopted Local Plan and Alterations.

Report Item No: 2

APPLICATION No:	EPF/1341/13
SITE ADDRESS:	Elmbridge Hall Fyfield Ongar Essex CM5 0TN
PARISH:	Fyfield
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/98 T34 - Sycamore - Fell T36 - 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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550951

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.
- 2 A replacement tree or trees, of a number, 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.

Report Item No: 3

APPLICATION No:	EPF/0434/13
SITE ADDRESS:	Maltings Nursery Chelmsford Road Norton Heath Essex CM4 0LN
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Use of land for a mixed use comprising a horticultural nursery and outdoor recreation including fishing and tennis together with ancillary camping, retail, cafe and club activity. Alterations to appearance of existing single storey building, involving the addition of 3 new windows and a rear door in connection with ancillary retail use. Construction of a new single storey building. Construction of 6 proprietary camping huts and fishing piers around lake. Alterations to appearance of existing single storey building involving the addition of 2 new windows and a new door in connection with clubhouse and ancillary cafe use. Construction of a new all weather tennis court.
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=546631

Members agreed to grant consent subject to the conditions set out but requested that when the details in respect of condition 4 are submitted they are brought to Area Plans East Committee for approval to ensure that the scale and design of the huts is acceptable.

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: EZB_100 rev B, EZB_101, EZB_102, EZB_103, EZB_104 rev A, EZB_201, EZB_202, EZB_203 and L5660 (sheets 1-4)
- 3 The application site shall only be enclosed by boundary treatment, prior to the first use of the site for the purposes hereby approved, details of which shall be submitted to and approved in writing by the Local Planning Authority.
- 4 The use hereby approved shall not be commenced and no camping/fishing huts and fishing piers erected until details of the design of the camping/fishing huts and fishing piers have been submitted to and approved in writing by the Local Planning Authority. The camping/fishing huts and fishing piers shall be constructed in

accordance with the approved details.

- 5 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.
- 6 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 No tents, marquees or temporary buildings shall be erected on the application site and no caravans or mobile homes shall be stationed on the application site without the prior written consent of the Local Planning Authority.
- 8 No external lighting shall be provided at the application site other than in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The tennis court hereby approved shall not be lit.
- 9 There shall be no amplified sound outside of any building on the application site.
- 10 The car parking area identified on drawing number EZB_100 rev B shall only be used for parking vehicles in connection with the use hereby approved.

Report Item No: 4

APPLICATION No:	EPF/0622/13
SITE ADDRESS:	Ongar Bakery 107 High Street Ongar Essex CM5 9DX
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Grade II listed building application for new external signage
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=547431

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The two existing fascia signs shall be removed within one month of the date of this decision.
- 3 Details of the material and finish of the anchor motifs to be applied to the fascia signs hereby approved shall be submitted to and approved by the local planning authority before they are installed.

Report Item No: 5

APPLICATION No:	EPF/0623/13
SITE ADDRESS:	Ongar Bakery 107 High Street Ongar Essex CM5 9DX
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Advertisement application for 2 externally illuminated fascia signs
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=547432

CONDITIONS

- 1 The two existing fascia signs shall be removed within one month of the date of this decision.
- 2 Details of the material and finish of the anchor motifs to be applied to the fascia signs hereby approved shall be submitted to and approved by the local planning authority before they are installed.
- 3 The illuminance levels of the trough lights hereby approved shall not exceed 80.00 cd/m.
- 4 The signs hereby approved shall be illuminated only from a maximum of 30 minutes before opening time until up to 30 minutes after closing time of the premises and at no time outside of these hours.

Report Item No: 6

APPLICATION No:	EPF/0981/13
SITE ADDRESS:	13 Forest Drive Theydon Bois Essex CM16 7EX
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Retrospective application for retention of rear conservatory store and external wall mounted air conditioning units at the rear.
DECISION:	Refer to District Development Control 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=549391

This application was referred to District Development Control Committee without recommendation but with an instruction that the report be accompanied by a report from Environmental Health with regard to noise issues in relation to the operation of the air conditioning units.

Report Item No: 7

APPLICATION No:	EPF/1234/13
SITE ADDRESS:	13 Forest Drive Theydon Bois Essex CM16 7EX
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Retrospective advertisement consent for canopy, fascia sign and projecting sign.
DECISION:	Split Decision: Canopy & Fascia Signs: Grant Permission (With Conditions) Projecting Sign: 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=550577

The Officer drew Members' attention to a further objection that had been received since the report was written which was from 44 Orchard Drive and objected to the internally illuminated projection box sign.

CANOPY AND FASCIA SIGNS

Members considered that the canopy and fascia sign were acceptable and these were granted subject to the standard advertisement conditions.

PROJECTING SIGN

The internally illuminated box projecting sign however was considered unacceptable and was refused for the following reason:

REASON FOR REFUSAL

- 1 The projecting sign, due to the design and level of internal illumination, is out of keeping with the building and the street scene and harmful to the visual amenity of Forest Drive, contrary to policy DBE13 of the Adopted Local Plan and Alterations.

Report Item No: 8

APPLICATION No:	EPF/1053/13
SITE ADDRESS:	Cloverleaf Pig Meadow King Street High Ongar Essex CM5 9QZ
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Mixed use of existing building for the breeding of fish, the storage of products related to the breeding of fish, the assembly of aquatic filtration systems, and the retail sale of fish and fish related products.
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=549830

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: 3130/1C
- 3 The mixed retail and wholesale fishery use hereby permitted shall not be open to customers / members outside the hours of 7.30am to 6.30pm on Monday to Friday and 8am to 1pm on Saturdays with no opening permitted whatsoever on Sundays and Bank/Public Holidays.
- 4 The premises shall be used solely for retail and wholesale in relation to the fishery onsite and for no other purpose in 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.

Report Item No: 9

APPLICATION No:	EPF/1073/13
SITE ADDRESS:	14 Bury Road Epping Essex CM16 5EU
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow and construction of three storey house.
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=549891

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 drawing no. 1306/02 and the Existing ground floor plan (un-numbered).
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevations and roofslopes 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 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application forms, unless otherwise agreed in writing by the Local Planning Authority.
- 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 first floor rear extensions generally permitted by virtue of Part 1, Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 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 08.00 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.

Report Item No: 10

APPLICATION No:	EPF/1115/13
SITE ADDRESS:	19 Forest Grove Woodside North Weald Bassett Epping Essex CM16 6NS
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Erection of new two-storey, three bedroom house on vacant land adjoining 19 Forest Grove.
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=550070

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 No's: 384_02 and the submitted location and block plan.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Materials to be used for the external finishes of the proposed development, shall match those of the existing house on site, No19 Forest Grove, unless otherwise agreed in writing by the Local Planning Authority.
- 5 The proposed window opening serving the first floor shower room shall be 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.
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the

adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 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 08.00 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.
- 8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved in writing 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 Parking space for two vehicles shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents vehicles thereafter.
- 10 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be provided prior to the commencement of development. The cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 11 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 12 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.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.
- 14 Details of the proposed screen wall or fencing along the side boundary between the site and No19 Forest Grove shall be submitted to the Local Planning Authority for approval. The scheme shall proceed in accordance with the agreed details.

Report Item No: 11

APPLICATION No:	EPF/1162/13
SITE ADDRESS:	Threshers Hastingwood Road Hastingwood North Weald Essex CM17 9JS
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
DESCRIPTION OF PROPOSAL:	Outline application for existing commercial skip site to be redeveloped to 10 dwellings.
DECISION:	Grant Permission (Subject to Legal Agreement)

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=550311

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) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) access; and
 - (v) 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 No development or preliminary groundworks of any kind shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 No development shall take place until details of the landscaping of the site, including retention of trees and boundary vegetation and including the proposed times of proposed planting (linked to the development schedule), have been submitted to

and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at those times.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to occupation of the proposed development, the applicant/developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport to be approved by the Local Planning Authority in liaison with Essex County Council.
- 8 All parking within the development shall accord with the Parking Standards Design & Good Practice September 2009, including visitor provision and bay sizes.
- 9 Prior to the 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 thereafter.
- 10 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 11 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors

2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 13 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]
- 14 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 in writing 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]
- 15 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 in writing 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]

- 16 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification 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 in writing. The approved monitoring and maintenance programme shall be implemented.
- 17 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.

And subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act, (within 3 months of the decision) to secure a contribution of £100,000 towards the provision of affordable housing within the District.

AREA PLANS SUB-COMMITTEE 'EAST'

Date 18 September 2013

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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5	EPF/1226/13	Great Gregories Farm Gregories Lane Theydon Bois Epping Essex CM16 4EJ	Grant Permission (With Conditions)	53
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Report Item No: 1

APPLICATION No:	EPF/1567/13
SITE ADDRESS:	Burwyns The Street Sheering Harlow Essex CM22 7LY
PARISH:	Sheering
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Roy Fletcher
DESCRIPTION OF PROPOSAL:	TPO/EPF/48/08 G2 - Sycamore - Fell
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552054

REASON FOR REFUSAL

- 1 Although it is recognised that G2 sycamore is growing closely with other trees this is not sufficient to justify the loss of its visual and other amenity. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

This application is before this Committee because any application to fell preserved trees falls outside the scope of delegated powers

Description of Site:

The Sycamore stands at the edge of a ditch amongst a boundary screen of mixed native trees, the tallest tree in a closely planted group at around 12 metres high. The three houses are set back from the main road and screened by this road side group.

Description of Proposal:

G2. Sycamore– Fell

Relevant History:

TPO/EPF/48/08 was served to re protect selected trees previously covered by an area Essex order. The re-protection was objected to in respect of G2 and, after careful consideration, resulted in the removal of one poor sycamore from this three tree group, consisting of 2 sycamore and a hawthorn.

Relevant Policies:

LL9: Felling of preserved trees.

'the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree'.

Summary of Representations:

SHEERING PARISH COUNCIL had made no comment at the time of writing this report.

Issues and Considerations:

Introduction

The owner applicant wishes to improve growing conditions for other trees in the area.

Application

The reasons given for this application have been summarised, as follows:

- i) There are four trees growing in very close proximity to each other. The sycamore in G2 is deemed to be having the most detrimental effect on its close neighbours.
- ii) The sycamore has the ability to triple in size
- iii) The sycamore is only 11 metres from the applicant's house and might cause subsidence.
- iv) Removing the sycamore will not detrimentally impact on the local green amenity due to the presence of other trees around it.
- v) The applicant is willing to replace the sycamore with a smaller tree

Key issues and discussion

- i) and ii) The tree is healthy and vigorous with a tall, straight stem. Its uneven crown has developed from close competition but all the trees have coexisted effectively as a group from planting and will continue to do so even with the future growth of the dominant trees, including the sycamore. Its vigour will have impacted on close neighbours but the ash, T4 has also detrimentally affected the form of the sycamore.

The key issue is the visual amenity of the tree, judged important enough to merit preservation in 2008 as part of a prominent group. Hawthorn and elder grow well beneath the three canopy specimens. These in turn rely on each other for shelter as much as they compete for light.

The rationale to remove the sycamore in favour of the ash is flawed given the increasing spread of ash disease, which threatens the future of this species in the medium term. This might well increase the importance of the sycamore in the future, further weakening the justification to remove it.

iii) Risk of subsidence should not arise if proper measures were taken in 1997. No evidence suggests the house is under greater threat from this tree than others nearby. No information relating to tree related subsidence has been submitted.

iv) The tree has high public amenity, is clearly visible from the main street and is prominent from Crown Close opposite. It is the tallest in the group. Therefore, its removal will be a considerable visual loss, not easily mitigated by replacement planting. Additionally, the tree's removal will expose both Larch T5 and Ash T4 to new wind loadings, which may damage them. The larch will look particularly unattractive with its one sided crown, pronounced lean and deviated upper crown development. It is unlikely that the larch's very asymmetrical form will greatly improve by the removal of the sycamore.

v) The applicant has offered a smaller replacement but it would be difficult to replace this tree in such a crowded position.

Conclusion

G2 Sycamore is visually important and contributes significantly to the group effect at this part of The Street. It is, therefore, recommended to refuse permission to fell on the grounds of insufficient justification for the tree's removal. The proposal runs contrary to Local Plan Landscape Policy LL9.

In the event of Members allowing the felling of the tree, it is recommended that the requirement for a replacement planting condition be waived in this instance due to the number of trees already present in this 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:

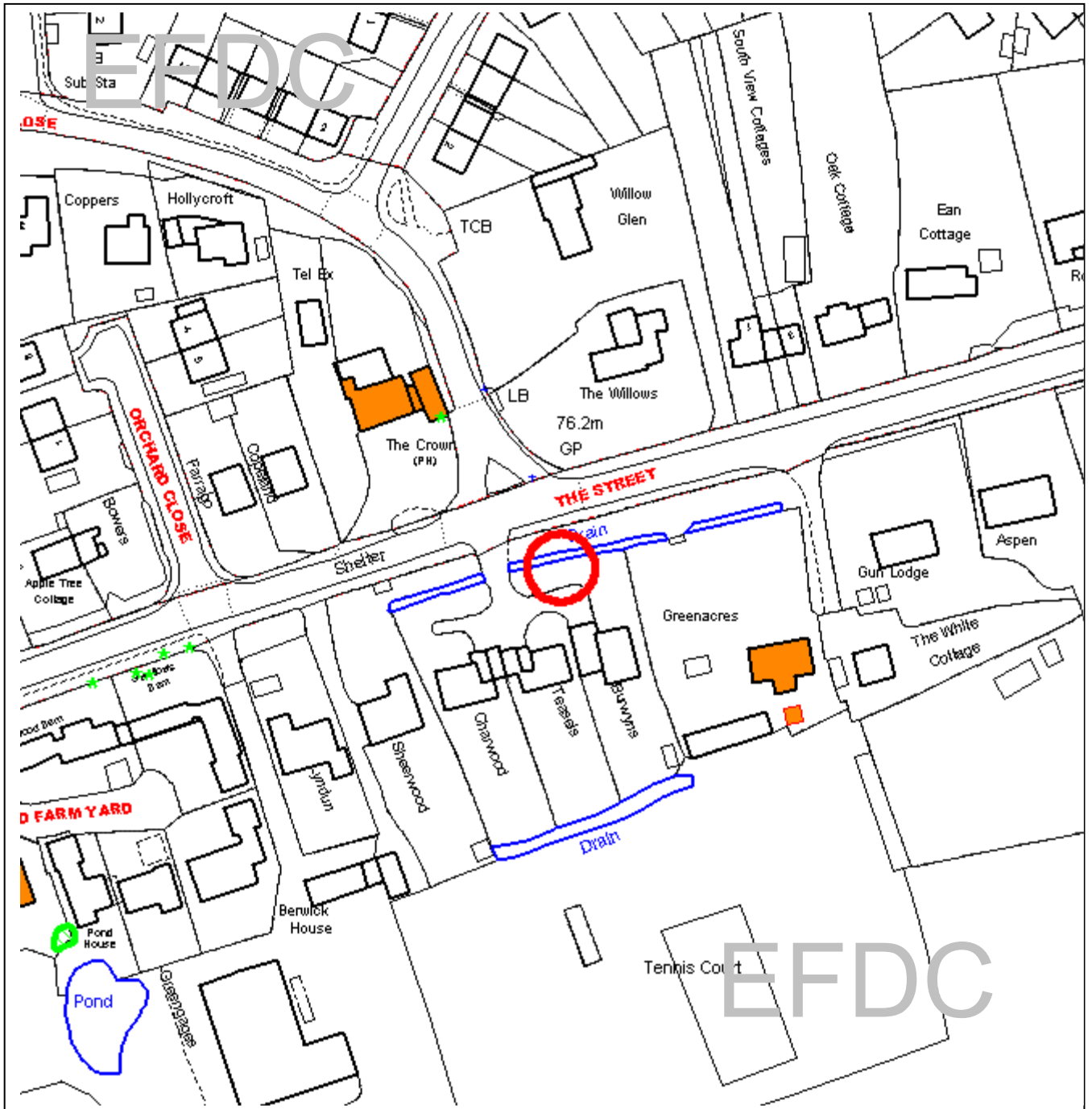
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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/1567/13
Site Name:	Burwyns, The Street, Sheering, CM22 7LY
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1634/13
SITE ADDRESS:	52 Tempest Mead North Weald Bassett Epping Essex CM16 6DY
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Stuart Allen
DESCRIPTION OF PROPOSAL:	TPO/EPF/40/98 T52 - Oak - Fell
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552433

REASON FOR REFUSAL

- 1 Although it is recognised that T52 Oak is causing the problems listed, this is not sufficient to justify the loss of its visual and other amenity. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

This application is before this Committee because any application to fell preserved trees falls outside the scope of delegated powers

Description of Site:

The Oak is one of a line of various native broadleaf trees along a remnant field ditch boundary, incorporated as a feature within this large new residential development now occupying the area of land between the railway line and the village envelope. The estate is successfully obscured from distant views by screens of mixed native trees.

Description of Proposal:

T52. Oak– Fell

Relevant History:

TPO/EPF/40/98 was served to preserve numerous rural hedgerow trees prior to extensive development of the fields into a modern housing estate.

There are no records of previous works to this address but of the five trees originally plotted T51 and T54 Hawthorn are no longer present in the garden.

Relevant Policies:

LL9: Felling of preserved trees.

'the Council will not give consent to fell a tree protected by a TPO unless it is satisfied that this is necessary and justified. Any such consent will be conditional upon appropriate replacement of the tree'.

Summary of Representations

NORTH WEALD PARISH COUNCIL had made no comment at the time of writing this report.

Issues and Considerations:

Introduction

The owner applicant wishes to improve ground conditions on the patio near to the house and abate concerns about the tree's safety.

Application

The reasons given for this application have been summarised, as follows:

- i) The tree leans towards the house and is a worry in high winds.
- ii) Leaf debris fills and blocks gutters.
- iii) Bird mess is a nuisance, hard to remove and germ ridden.
- iv) The tree excessively shades the house.
- v) The applicant has planted 25 conifers and three 20ft acers around the garden edge indicating that replanting has already been undertaken

Key issues and discussion

The tree appears healthy but with an inclined stem base, which straightens with height to a peak of about 10 metres (30ft). Its form is not unusual for a hedgerow tree and it appears to be stable, despite the angle it emerges from the ground and the likely damage to its roots from the installation of hard standing nearby. Safety concerns in windy conditions along with the debris and shade issues, whether plant or avian, might be alleviated by pruning alternatives to felling the tree. The form that the pruning should take would be primarily to the spread of the tree without any significant height reduction. Selective thinning of congested or crossing small diameter branches would be acceptable.

The extensive new planting of 25 cypress and three ornamental acers will enhance and screen the property but will not mitigate for the loss of another of the original native trees that characterise this garden.

These trees were judged important enough to merit preservation in 1998 in adding considerable landscape character to the development and helping to provide privacy between properties. The council value existing landscape features within developments and therefore will resist removal of trees, as per policy.

Consent could result in an undesirable precedent.

Conclusion

T52 Oak is an important landscape asset and contributes significantly to the hedgerow remnant feature at this part of Tempest Mead. It is, therefore, recommended to refuse permission to fell on the grounds of insufficient justification for the tree's removal. The proposal runs contrary to Local Plan Landscape Policy LL9.

In the event of Members allowing the felling of the tree, it is recommended that a replacement planting condition be attached to the decision notice requiring a new tree to be planted at an agreed nearby location prior to the felling.

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:

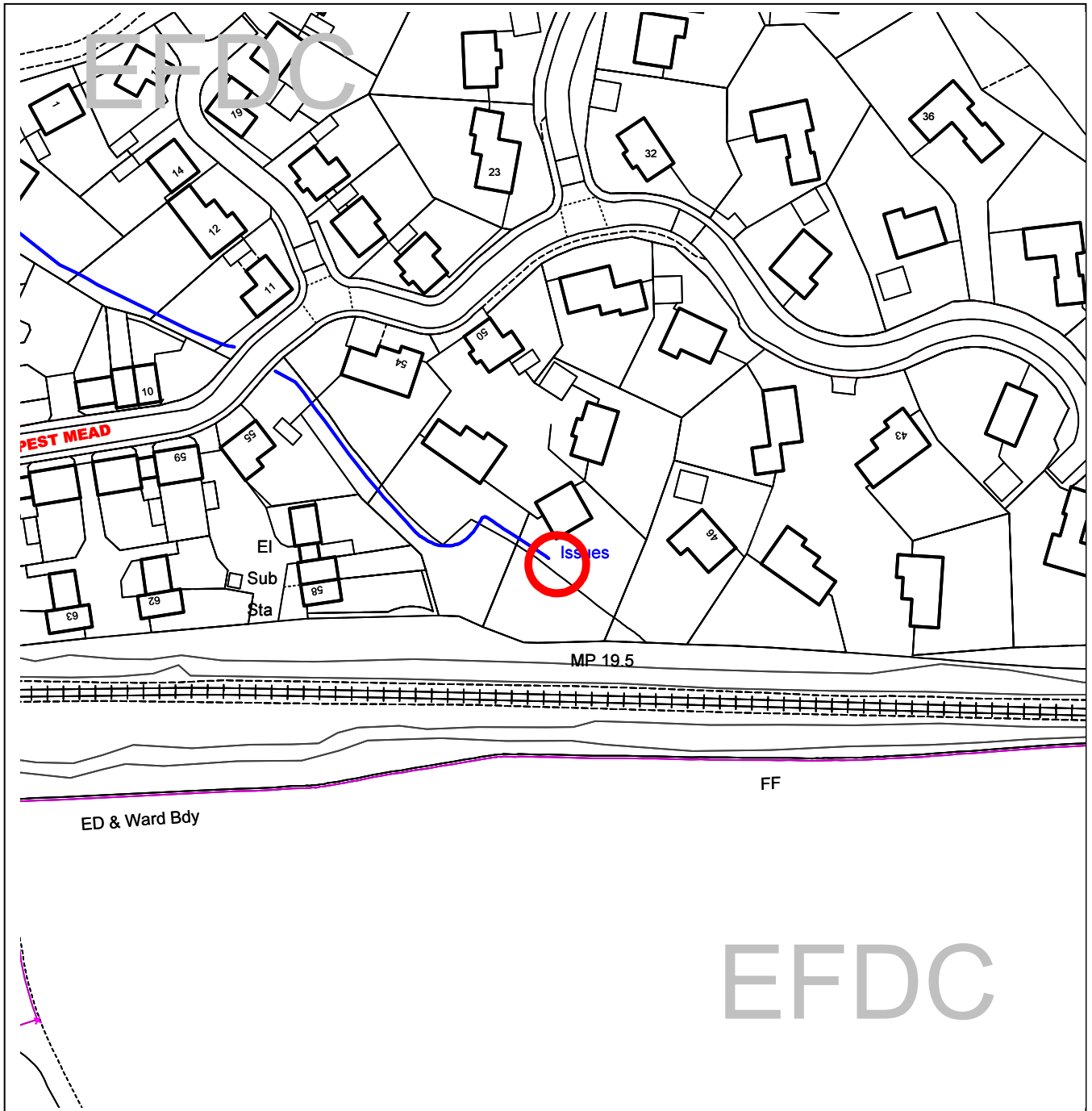
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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/1634/13
Site Name:	52 Tempest Mead, North Weald Bassett, CM16 6DY
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0868/13
SITE ADDRESS:	Marlow High Road Thornwood Epping Essex CM16 6LU
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Timothy Evans
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use of land for storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste together with stationing of related plant and machinery.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548777

REASON FOR REFUSAL

- 1 The proposed development would have a greater impact on the openness of the Green Belt than the authorised use of the site and therefore constitute inappropriate development within the Green Belt. No very special circumstances exist that clearly outweigh the harm from the development and therefore the proposed change of use is contrary to the guidance contained within the National Planning Policy Framework and policies GB2A and CP2 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to the intensification of the use of the site, would increase the existing nuisance suffered by neighbouring residents that results in a loss of amenity, contrary to policies DBE9 and RP5A of the adopted Local Plan and Alterations.
- 3 The proposed development, due to the nature of the use proposed, increases the visual harm that results from the site, detrimental to the appearance and character of the area and contrary to the guidance contained within the National Planning Policy and policies CP2 and GB7A of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The application site constitutes a strip of land to the north of the lawful recycling site located at Marlow, High Road, Thornwood. The area of land subject to the application relates to a strip towards the front (east) of the site measuring 5m in width, and a strip towards the rear (west) measuring 10m in width. Whilst the applicant continues to claim that these strips of land have established use in connection with the adjacent site, the previous use is considered to constitute open pasture (the front section) and woodland (the rear section). The entire site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

Description of Proposal:

Retrospective consent is being sought for the change of use of the strip of land to storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste, together with stationing of related plant and machinery. This would form an extension to the established recycling business at Marlow, High Road, Thornwood.

Relevant History:

CLD/EPF/0164/96 - Application for certificate of lawfulness in respect of part use of site for storage, sorting and distribution of soil, part use of site for stationing and repair of heavy goods vehicles together with ancillary access arrangements – lawful 29/01/97

CLD/EPF/1208/97 - Application for certificate of lawful development for the storage, sale and distribution of sand, gravel, hardcore and concrete, the stationing and repair of heavy goods vehicles and the storage of oil, fuel and vehicle spares – lawful 29/03/99

CLD/EPF/0632/99 - Certificate of lawful development for use of first floor offices ancillary to the commercial use of other parts of the site – lawful 11/06/99

CLD/EPF/0040/01 - Certificate of lawful development for use of land for the storage, sale and distribution and recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste together with the stationing of a recycling machine (crusher) and associated plant – lawful 17/12/04

CLD/EPF/2151/12 - Certificate of lawful development for an existing use of land for Storage and Distribution, concrete crushing, and ancillary operations – not lawful 07/01/13

EPF/0877/13 - Retrospective application for the change of use of existing manege for the parking/storage of vehicles and plant machinery in connection with established recycling business – Currently under consideration

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
RP5A – Adverse environmental impacts
DBE9 – Loss of amenity
LL3 – Edge of settlement
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
U2B – Flood risk assessment zones

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where

they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

25 neighbouring properties were consulted and a Site Notice was displayed on 26/07/13.

PARISH COUNCIL – Object on the following grounds (sic):

- Affects local residents by noise impact.
- The noise levels are already at unacceptable levels – Two weeks ago Environmental Services visited a local resident and the environmental officer that noise can be heard through double glazing and over the TV.
- Concrete crushing is not an acceptable activity to take place in the Green Belt. Residents are concerned about any changes to the current boundary will bring the sounds and noise from this site closer to their homes.
- Current application contains no proposals to lessen the noise. The bund actually increases the noise and does not lessen it.
- This Council is concerned with regard to the comments on the first page of the statement, if planning permission is granted it will allow the council to have some control. This is not the case, there does not seem to have been any control over the site.
- We also express concern about the quality of life of people who live in Upland Road and in Thornwood Common.
- Members felt that the applicant continues to put in applications each time he receive a threat of enforcement action from EFDC. The applicant has advised that by putting in a planning application they feel this application will help resolve the long term problem regarding enforcement action. Members felt that this is happening time and time again.

The Parish Council therefore reiterates that it objects to this application and asks the District Council to take immediate enforcement action.

21 UPLAND ROAD – Object as the existing site damages the highway, the site is within the Green Belt and a large area of trees have already been removed, query what the hours of use of the company area, the site is already an eyesore on the landscape, as the site causes major noise nuisance, and as this expansion would be inappropriate development in the Green Belt.

31 UPLAND ROAD – Object due to the existing and increased noise nuisance, the removal of the trees, and regarding the mud that spills out onto the road. Also this is inappropriate development within the Green Belt.

33 UPLAND ROAD – Comment that no mention is made regarding the servicing and maintenance of vehicles, and therefore it is assumed this will not take place on site. Query what arrangements are in place for dealing with contamination and other safety aspects, whether a wheel washer will be installed on site, whether a physical barrier will be installed to stop further encroachment, whether additional planting will be installed, whether repair and maintenance of the access will take place, how the site will be monitored, will the issues of dust pollution be dealt with, and how will opening hours be monitored.

ELMHURST, 37 UPLAND ROAD – Object as the development encroaches into the Green Belt and an area with a tree preservation order, the noise is already a matter of complaint and the encroachment has increased the noise problem, there is airborne pollution from the activities taking place on site, the existing business ruins the footway and roadway, and because the site is detrimental to the overall aspect of the village.

ELM COTTAGE, 39 UPLAND ROAD – Object due to the on-going noise and vibration nuisance and the impact this has on neighbours amenities. There does not appear to be any suitable proposals to mitigate or minimise the noise impacts.

41 SCHOOL GREEN LANE – Object as any noise, light pollution and dust would have an adverse affect on wildlife, the development would create a nuisance to neighbouring residents due to dust and noise, and due to highway safety concerns.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, on neighbouring residents/properties and on the character of the area, and with regards to flood risk and highway safety.

Green Belt:

The application site is located within the Green Belt and is to the north of the Marlow's site, which is an established recycling business. The proposal is to expand this existing business into the previously undeveloped land to the north to a width of between 5m and 10m.

The applicant states that the proposal would not constitute inappropriate development as the NPPF allows for:

- Mineral extraction;
- Engineering operations;
- Local transport infrastructure which can demonstrate a requirement for a Green Belt location.

It is unclear how the proposed change of use of the land falls within any of these categories. Whilst there are some engineering operations involved with the proposed change of use, this is not simply an engineering operation in itself but rather the change of use to a waste and recycling business. Furthermore, the storage, sorting, distribution, and recycling of concrete, hardcore, tarmac and waste, along with the stationing of large plant and machinery would clearly have a greater impact on the openness of the Green Belt than the previous (authorised) use of the site.

The previous use of the application site was as an open paddock and part of a larger woodland, which were both considered to be open and undeveloped land. Although the applicant continues to argue that the use of this strip of land is lawful, Planning Officers do not agree. This can be seen in the decision on the previous application for a Certificate of Lawful Use (CLD/EPF/2151/12), which although related to a larger parcel of land than this application was nonetheless considered not lawful for the following reasons:

The Local Planning Authority has evidence that shows that the application site has not been used for storage and distribution, concrete crushing and ancillary operations in connection with Marlow, High Road, Thornwood for a period of at least ten years prior to the submission of this application. Insufficient evidence has been provided to counter this and show that, on the balance of probability, such a use has taken place for the required period.

No evidence has been provided to show that any concrete crushing or ancillary operations have taken place on the site for any period of time, or that any storage and distribution has taken place on the former paddock (front section) of the site for a period of at least ten years prior to the submission of this application.

A site visit in December 2012 revealed that storage and distribution, concrete crushing and ancillary operations in association with Marlow, High Road, Thornwood is not currently being undertaken on the extent of land shown outlined in purple of Plan Ref: TE1.

Notwithstanding the applicant's opinion, the proposal clearly constitutes inappropriate development within the Green Belt. The NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".

Despite the applicant's argument that the proposed works are appropriate within the Green Belt they nonetheless put forward the following very special circumstances for the development (along with that proposed under EPF/0877/13):

- *Planning permission would resolve a long-standing problem and would provide certainty to those concerned about potential expansion of the use;*
- *It would allow the applicants to run their business, which employs 12 staff and provides a much needed facility within the District;*
- *It would enable appropriate conditions to be applied which can be more easily enforced than the current planning position, which is unclear.*

The first pointer appears to primarily relate to the issue over the lawfulness of the land. As is clearly evident in the previous decision on CLD/EPF/2151/12, the Council is not convinced that the use of any of this land is lawful for the use proposed here. Should the applicant wish to continue to argue this point then this should be done through the submission of a further CLD, or by appealing any subsequent Enforcement Notice. However it is not considered that this is a material consideration in this planning application.

The vitality and viability of the existing business is a material planning consideration, however there has been no information or evidence submitted to justify the need to expand the business into this area of land. This established recycling business has been operating successfully from this site for at least 20 years yet there has been no viability appraisal, business plan, or any other justification for the need to expand into this otherwise undeveloped area to the north.

Given that the recycling business obtained planning consent by way of a Certificate of Lawful Use there are very few planning restrictions on the site. Although this application would give opportunity to impose conditions on the site, it is not considered that these would be sufficient to outweigh the harm from the proposed inappropriate development. The biggest concern with this site is the on-going noise nuisance to surrounding neighbours. To successfully reduce this nuisance there would need to be a suitable noise mitigation measure installed, such as an earth bund or an acoustic fence. However for this to be effective any such measure would need to be to a height of approximately 6m, which would be visually intrusive and inappropriate in this location. Furthermore any intensification of the site (such as that which has occurred from both this application and that being considered under EPF/0877/13) would increase the noise, and other, nuisance from this site and would bring it closer to the neighbouring residents in Upland Road.

The imposition of hours of use of the site could assist in reducing nuisance to neighbours, however no suggested hours have been put forward by the applicant and therefore it is unknown what would allow for the business to remain viable. Any unneighbourly use of the site at unsociable hours can be suitably controlled by Environmental Health, however it is more difficult to enforce this during working hours. As such, the imposition of planning conditions during unsociable times would not be sufficient to outweigh the harm that occurs from the use during working hours. Several complaints have been received from nearby residents with regards to excessive noise nuisance, along with issues with vibrations and dust, which has intensified with this development (along with that under EPF/0877/13).

Due to the above it is not considered that there are sufficient very special circumstances to clearly outweigh the harm to the openness of the Green Belt, and therefore this proposal constitutes inappropriate development that is contrary to the NPPF and Local Plan policies.

Impact on amenities:

The recycling business is considered a nuisance site that has drawn complaints from nearby residents, primarily due to noise nuisance but also as a result of dust and vibration. It is stated that the extension/intensification of the site has increased the problems, and the existing earth bund has not reduced or mitigated the harm from this. As stated above, it is not considered that the imposition of conditions would suitably overcome the harm from the development.

Character of the area:

The applicant has cleared a large area of trees within the land to the north, which had aided in screening a large portion of the site from view. The extension of the established site into this now undeveloped and largely untreed land, as well as into the open and undeveloped field to the west, would increase the visual presence and dominance of this site. Whilst the established recycling business is an unsightly and incongruous feature in the landscape, this does not mean that the unacceptable use should be further extended to the detriment of the character and appearance of the area.

Whilst additional screening could be added along the boundaries of the extended site, given the intensity of the use and the size of the vehicles and machinery on site any landscaping would need to be quite substantial in order to successfully screen the proposal. Due to the above, it is considered that the retention of this use would intensify and exacerbate the existing visual harm that results from the established recycling business and is unlikely to be suitably mitigated by additional landscaping.

Flood Risk:

The application site lies within an EFDC flood risk assessment zone. The applicant is proposing to dispose of surface water by soakaway, however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. As such, details of a more appropriate drainage system (for both foul and surface water) should be submitted and agreed, which can be imposed by way of a condition.

Highway safety:

The extended site would continue to utilise the existing access to the site, which is well known for depositing mud and water onto the highway. As this application is to intensify the use of the site it would be justified to impose conditions regarding the existing access (which is within the applicant's ownership and outlined in blue on the Location Plan). These conditions should relate to details regarding means to prevent the discharge of water into the highway and ensuring that no unbound materials are used within the first 10m of the access road.

Conclusion:

The proposed change of use to extend the established recycling business into the previously undeveloped land to the north would constitute inappropriate development that would clearly have a greater impact on the openness of the Green Belt than the authorised use of the site. As such, this proposal constitutes inappropriate development within the Green Belt. Furthermore, there are long standing and on-going nuisance issues with the site which have been exacerbated as a result

of the extension/intensification of use of the site, and the extension of the business would exacerbate the already visually intrusive nature of the site to the detriment of the character and appearance of the area.

Whilst the granting of planning permission would allow for restrictive conditions to be imposed on the site, which would be of some benefit, it is not considered that these would be sufficient to outweigh the harm from the proposed development. As such there are insufficient very special circumstances to clearly outweigh the above identified harm and therefore this proposal is contrary to the NPPF and Local Plan policies and is recommended for refusal.

Is There a Way Forward?

The application constitutes inappropriate development within the Green Belt. As such, very special circumstances must exist to clearly outweigh the identified harm from the development. In the absence of such circumstances it is not considered that there is a way forward.

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

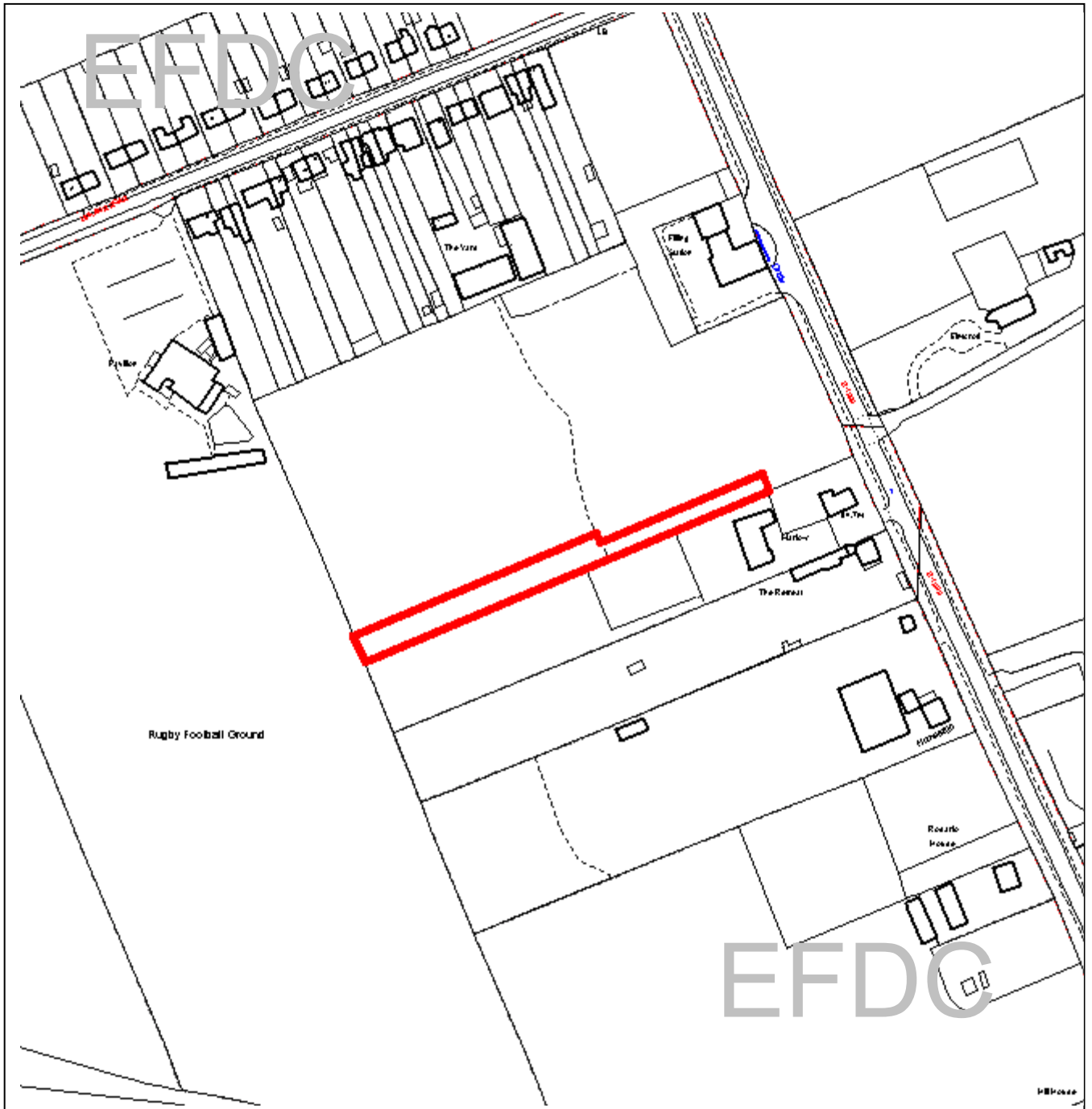
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0868/13
Site Name:	Marlow, High Road Thornwood, CM16 6LU
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0877/13
SITE ADDRESS:	Marlow High Road Thornwood North Weald Bassett Epping Essex CM16 6LU
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Timothy Evans
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use of existing manege for the parking/storage of vehicles and plant machinery in connection with established recycling business.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548833

REASON FOR REFUSAL

- 1 The proposed development would have a greater impact on the openness of the Green Belt than the authorised use of the site and therefore constitute inappropriate development within the Green Belt. No very special circumstances exist that clearly outweigh the harm from the development and therefore the proposed change of use is contrary to the guidance contained within the National Planning Policy Framework and policies GB2A and CP2 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to the intensification of the use of the site, would increase the existing nuisance suffered by neighbouring residents that results in a loss of amenity, contrary to policies DBE9 and RP5A of the adopted Local Plan and Alterations.
- 3 The proposed development, due to the nature of the use proposed, increases the visual harm that results from the site, detrimental to the appearance and character of the area and contrary to the guidance contained within the National Planning Policy and policies CP2 and GB7A of the adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The application site is a former horse exercise area which has become surrounded by the lawful recycling site located at Marlow, High Road, Thornwood. The area of land subject to the application relates to an area measuring 20m by 15m and is currently being used for parking/storage of machinery. The entire site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

Description of Proposal:

Retrospective consent is being sought for the change of use of the horse exercise area (manege) to parking/storage of vehicles and plant machinery in connection with the established recycling business.

Relevant History:

CLD/EPF/0164/96 - Application for certificate of lawfulness in respect of part use of site for storage, sorting and distribution of soil, part use of site for stationing and repair of heavy goods vehicles together with ancillary access arrangements – lawful 29/01/97

CLD/EPF/1208/97 - Application for certificate of lawful development for the storage, sale and distribution of sand, gravel, hardcore and concrete, the stationing and repair of heavy goods vehicles and the storage of oil, fuel and vehicle spares – lawful 29/03/99

CLD/EPF/0632/99 - Certificate of lawful development for use of first floor offices ancillary to the commercial use of other parts of the site – lawful 11/06/99

CLD/EPF/0040/01 - Certificate of lawful development for use of land for the storage, sale and distribution and recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste together with the stationing of a recycling machine (crusher) and associated plant – lawful 17/12/04

CLD/EPF/2151/12 - Certificate of lawful development for an existing use of land for Storage and Distribution, concrete crushing, and ancillary operations – not lawful 07/01/13

EPF/0868/13 - Retrospective application for the change of use of land for storage, sorting, distribution, recycling (crushing and screening) of concrete, hardcore, tarmac and screen waste together with stationing of related plant and machinery – Currently under consideration

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
RP5A – Adverse environmental impacts
DBE9 – Loss of amenity
LL3 – Edge of settlement
LL11 – Landscaping schemes
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood risk assessment zones

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

28 neighbouring properties were consulted and a Site Notice was displayed on 21/06/13.

PARISH COUNCIL – Object on the following grounds (sic):

- The application form is insufficiently/incorrectly completed.
- If the building work started in 2010 – why has it taken 3 years for a planning application to be submitted.
- There are no details with regard to new or altered access from the Highway as it traverses the footway, with the number of vehicles specified there needs to be details of access arrangements.
- Concern regarding the trees and hedges – there were trees and hedges surrounding the site – these were removed but there are still some surrounding it.
- Hours of opening – why is this not stated and simply put down as not known – the hours of operation need to be more specific.
- Site area – what happens to the water that runs off of such a large area 1130 sq metres how is this being treated is a flood risk necessary.
- Vehicle parking – this just refers to lorries it should be noted that the majority of these are 8 wheeler tipper lorries.
- Flood risk – is a soakaway sufficient for the water that runs off such a large area 1130 sq metres, is this suitable for heavy rainfall. This needs to be checked.
- Details of foul sewerage should be detailed better than unknown.
- Site layout plan (promap) & aerial photograph (promap) are incorrect they are both old photographs they do not reflect the site as it is now.

EPPING SOCIETY – Object as the land is in the Green Belt and the application contains a lack of detail. The photographs appear to be out of date, the hours of operation are not stated, and no details are supplied for sewerage, access and protection for trees and hedges.

33 UPLAND ROAD – Comment that the site is in the Green Belt, there is risk of contamination of land/water, query whether the bunding retention is the safety bund around the manege or the ineffective mound adjacent to neighbours boundaries? Also the access road requires improvements.

ELMHURST, 37 UPLAND ROAD – Object as the existing business ruins the highway and a new pedestrian and vehicle access would be required to the public highway, due to flooding concerns, as trees and hedges have recently been cleared, as there are no hours of opening proposed, and as the site is visible from the public road. Also comment that the works on the site are always done prior to obtaining consent, the site is within the Green Belt, and as this has a detrimental impact on the amenities of neighbours.

ELM COTTAGE, 39 UPLAND ROAD – Object as the site is visible from the public road, is located in the Green Belt, and for several years the entire site has been the source of loud, persistent and intrusive noise and vibration. Only changes that would reduce this should be approved.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, on neighbouring residents/properties and on the character of the area, and with regards to flood risk and highway safety.

Green Belt:

The application site is located within the Green Belt and forms part of the larger Marlow's site, which is an established recycling business. Whilst waste recycling use constitutes inappropriate development within the Green Belt the NPPF does allow for "*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*".

Given the location of the application site, which is surrounded on three sides by the established recycling business, it is considered that this would constitute a 'limited infill' to a previously developed site. However, the additional consideration in this is whether the proposed development would have "*a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development*".

The previous use of the application site was as a horse exercise area and therefore would have been open and undeveloped land and an appropriate Green Belt use. The current (proposed) use is for the parking and storage of large vehicles and plant machinery, which clearly has a greater impact on openness than the lawful use. As such, despite this being a limited infill, the proposal nonetheless constitutes inappropriate development within the Green Belt. The NPPF clearly states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".

Whilst the applicant argues that the proposed works are appropriate within the Green Belt, they still put forward the following very special circumstances for the development (along with that proposed under EPF/0868/13):

- *Planning permission would resolve a long-standing problem and would provide certainty to those concerned about potential expansion of the use;*
- *It would allow the applicants to run their business, which employs 12 staff and provides a much needed facility within the District;*
- *It would enable appropriate conditions to be applied which can be more easily enforced than the current planning position, which is unclear.*

Part of the argument put forward by the applicant relates to the potential lawful use of the area to the north of the site. This is what the first pointer primarily relates to and is not part of this proposed application, which is purely for the change of use of the manege. This is therefore not relevant to this application.

The vitality and viability of the existing business is a material planning consideration, however there has been no information or evidence submitted to justify how the use of this parcel of land is essential for the running of the business. This established recycling business has been operating from this site for at least 20 years without the application site being required for parking/storage purposes, which was only undertaken in 2010.

Given that the recycling business obtained planning consent by way of a Certificate of Lawful Use there are very few planning restrictions on the site. Although this application would give opportunity to impose conditions on the site, it is not considered that these would be sufficient to outweigh the harm from the proposed inappropriate development. The biggest concern with this site is the on-going noise nuisance to surrounding neighbours. To successfully reduce this nuisance there would need to be a suitable noise mitigation measure installed, such as an earth bund or an acoustic fence. However for this to be effective any such measure would need to be to a height of approximately 6m, which would be visually intrusive and inappropriate in this location.

Furthermore any intensification of the site (such as that which has occurred from both this application and that being considered under EPF/0868/13) would increase the noise, and other, nuisance from this site and therefore would necessitate more extreme mitigation measures.

The imposition of hours of use of the site could assist in reducing nuisance to neighbours, however no suggested hours have been put forward by the applicant and therefore it is unknown what would allow for the business to remain viable. Any unneighbourly use of the site at unsociable hours can be suitably controlled by the Environmental Health, however it is more difficult to enforce this during working hours. As such, the imposition of planning conditions during unsociable times would not be sufficient to outweigh the harm that occurs from the use during working hours. Several complaints have been received from nearby residents with regards to excessive noise nuisance, along with issues with vibrations and dust, which has intensified with this development (along with that under EPF/0868/13).

Due to the above it is not considered that there are sufficient very special circumstances to clearly outweigh the harm to the openness of the Green Belt, and therefore this proposal constitutes inappropriate development that is contrary to the NPPF and Local Plan policies.

Impact on amenities:

The recycling business is considered a nuisance site that has drawn complaints from nearby residents, primarily due to noise nuisance but also as a result of dust and vibration. It is stated that the extension/intensification of the site has increased the problems, and the existing earth bund has not reduced or mitigated the harm from this. As stated above, it is not considered that the imposition of conditions would suitably overcome the harm from the development.

Character of the area:

The parking and storage of vehicles and plant machinery in place of a horse exercise area alters the visual characteristics of the application site, particularly when considering the size and type of vehicles and machinery stored on the land. Whilst the site is surrounded on three sides by the established recycling business, and is therefore viewed within the context of the established recycling business, the site can be seen from the north. Furthermore, whilst the established recycling business is an unsightly and incongruous feature in the landscape, this does not mean that the visual impact should be allowed to encroach further.

There is some vegetation along the northern boundary of the application site, however this is not sufficient to successfully screen the use. Although additional screening could be added, given the size of the vehicles and machinery parked/stored on site it would be many years, if ever, for this to fully screen the proposal. Due to the above, it is considered that the retention of this use would intensify and exacerbate the existing visual harm that results from the established recycling business and is unlikely to be suitably mitigated by additional landscaping.

Flood Risk:

The application site lies within an EFDC flood risk assessment zone but would only result in a negligible increase in surface water runoff. Notwithstanding this, the applicant is proposing to dispose of surface water by soakaway, however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. As such, details of a more appropriate drainage system (for both foul and surface water) should be submitted and agreed, which can be imposed by way of a condition.

Highway safety:

The application site utilises the existing access to the site, which is well known for depositing mud and water onto the highway. As this application is to provide additional space for the parking and storage of vehicles in relation to the established site, it is considered justified should consent be granted to impose conditions regarding the existing access (which is within the applicant's ownership and outlined in blue on the Location Plan). These conditions should relate to details regarding means to prevent the discharge of water into the highway and ensuring that no unbound materials are used within the first 10m of the access road.

Other matters:

Comments have been received about insufficient/incomplete application forms being submitted, particularly from the Parish Council. Within their comments they raise the following concerns regarding accuracy:

- *There are no details with regard to new or altered access from the Highway as it traverses the footway, with the number of vehicles specified there needs to be details of access arrangements.*

There are no new or altered access arrangements proposed for the development, as is clearly stated on the submitted application form. This site would be served by the existing access and used in connection with the wider, established recycling business.

- *Hours of opening – why is this not stated and simply put down as not known – the hours of operation need to be more specific.*

Given that the existing business obtained planning consent by way of a Certificate of Lawful Use, there are no restrictions on the hours of use of the site (from a planning point of view). However, if the LPA were to impose conditions regarding the hours of operation, then such hours that would ensure the business remains viable should be put forward by the applicant.

- *Vehicle parking – this just refers to lorries it should be noted that the majority of these are 8 wheeler tipper lorries.*

The application form clearly refers to the parking of lorries and it is not considered that this section of the form needs to specify what type of lorries are being parked.

- *Details of foul sewerage should be detailed better than unknown.*

Details of foul water drainage can be dealt with by way of a planning condition.

- *Site layout plan (promap) & aerial photograph (promap) are incorrect they are both old photographs they do not reflect the site as it is now.*

The site layout plan appears to be based on an ordnance survey map and the aerial photograph appears to be the latest available (dated 2013). Whilst these do not correctly show the works that have recently taken place, particularly the removal of a large area of trees and encroachment onto the northern part of the site, these works have only taken place fairly recently and have not yet been identified on ordnance survey maps or the latest aerial photographs (as the Council's maps and aerial photographs show the same as those submitted). Although this is unfortunate it does not impair the assessment of the application.

Conclusion:

The proposed change of use is a relatively balanced case because, given the location of the application site, the proposed retention of parking/storage of vehicles and plant machinery in connection with the established recycling business would constitute the 'limited infilling' of this brownfield site. However, this use clearly has a greater impact on the openness of the Green Belt. As such, this proposal constitutes inappropriate development within the Green Belt. Furthermore, there are long standing and on-going nuisance issues with the site which have been exacerbated as a result of the extension/intensification of use of the site, and the storage of large vehicles and plant machinery exacerbates the already visually intrusive nature of the site to the detriment of the character and appearance of the area.

Whilst the granting of planning permission would allow for restrictive conditions to be imposed on the site, which would be of some benefit, it is not considered that these would be sufficient to outweigh the harm from the proposed development. As such there are insufficient very special circumstances to clearly outweigh the above identified harm and therefore this proposal is contrary to the NPPF and Local Plan policies and is recommended for refusal.

Is There a Way Forward?

The application constitutes inappropriate development within the Green Belt. As such, very special circumstances must exist to clearly outweigh the identified harm from the development. In the absence of such circumstances, it is not considered that there is a way forward.

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

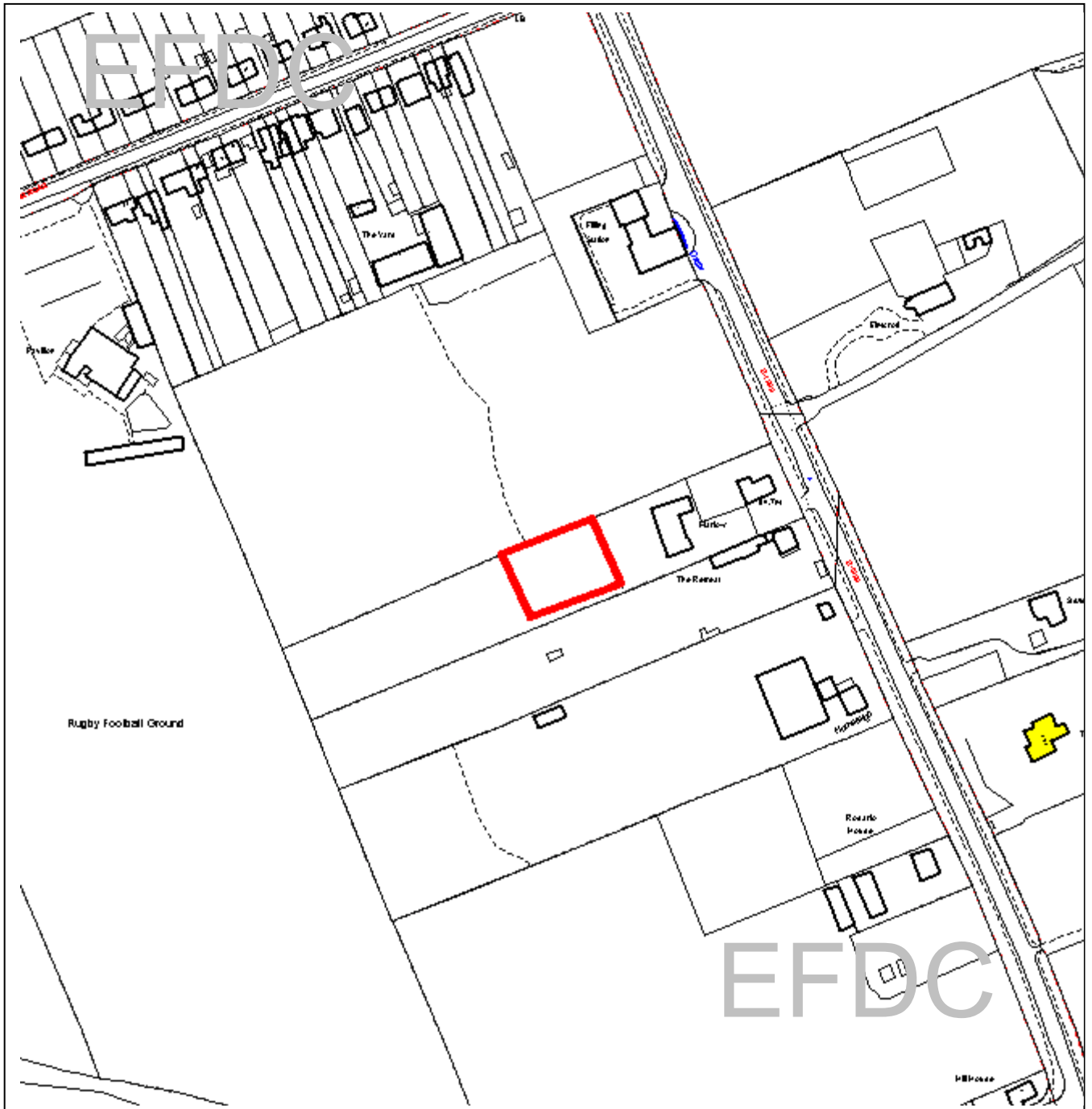
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0877/13
Site Name:	Marlow, High Road Thornwood, CM16 6LU
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/1226/13
SITE ADDRESS:	Great Gregories Farm Gregories Lane Theydon Bois Epping Essex CM16 4EJ
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	City of London, Epping Forest Open Spaces Department
DESCRIPTION OF PROPOSAL:	Provision of out-wintering cattle facility including shelter.
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=550555

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: 200-01 Rev A, 200-02, 200-04 Rev A, 200-05 Rev A, 200-10 Rev A, 200-15 and 200-20 Rev A
- 3 Materials to be used for the external finishes of the proposed development, shall match those as outlined on the planning application forms and submitted plans, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 5 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by

another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

- 6 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.
- 7 Prior to the occupation by livestock of the development hereby approved, a management plan shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall include details relating to the protection of water, soil and air, including odour control and management techniques and means of assessment and review. The out-wintering facility shall thereafter be operated in accordance with the approved plan.
- 8 Prior to commencement of development a reptile mitigate strategy shall be submitted to and agreed in writing by the Local Planning Authority and any mitigation carried out in accordance with such agreed 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).)

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))

Description of Site:

The application site is a farm complex situated at the end of Great Gregories Lane. It is located to the edge of a small built up enclave of residential properties which lie to the south of Bell Common. The M25 is located to the east of the site, with Theydon Bois Golf Club and on to the built up area of Theydon Bois to the south. There is a public footpath which runs along the east, west and south boundary of the farm complex. The site slopes down from north to south. There are existing barns on the site, which at the time of the Officer site visit were used for storage and the housing of cattle and also external wood chip storage. There is also a large amount of young trees on the site, planted as a result of a previous landscape scheme. The site is within the Metropolitan Green Belt but not a Conservation Area.

Description of Proposal:

The application seeks consent for the extension and improvement of the existing cattle facilities at the farm to enable a larger number of cattle to overwinter at the site. The proposals include the erection of a cattle shelter for calving which measures 95 metres in length and 9 metres wide with a ridge height of 6.1 metres. And the creation of a concrete out wintering pad. The impermeable concrete pad would measure 130m by 30m and will be subdivided by stock fences into smaller pens. The application has been revised during the course of the application process and the initially proposed slurry store has been removed from the application following neighbour objections.

The out-wintering pad is in effect a large straw pen and will include a tractor passage to the south side. The shelter will be within this penned area on the north side. The area of the straw pen will be levelled to create a flat area for the facility

Relevant History:

Various planning applications the most relevant of which:

EPF/0361/07 - Construction of cattle housing yard and use of existing storage building – App/Con
EPF/0551/10 - Extension of time limit on EPF/0361/07(Construction of cattle housing yard and use of existing storage building) – App/Con. This application has not been implemented and expired in April this year. This previously approved application included a building with a footprint of some 765m².

Representations Received:

THE FOLLOWING RESPONSES WERE RECEIVED FOLLOWING THE FIRST CONSULTATION WHICH AT THAT TIME INCLUDED THE PROVISION OF AN OPEN SLURRY STORE:

THEYDON BOIS PARISH COUNCIL: Objection

Our concern with this proposal relates to the proposed open slurry lagoon and its potential impact upon the amenity of the residential properties in the vicinity of the site.

We note the contents of the Design and Access and Planning Support Statement but feel that it contains insufficient information regarding the impact of the cattle waste upon the neighbouring properties. This Statement also lacks any assessment of alternative waste solutions which may present a more suitable outcome. For example, we are aware that other options include silos or covered outdoor waste facilities which would arguably minimise odours and other environmental hazards.

We are not presently satisfied therefore that adequate emphasis has been placed upon minimising the impact of the accumulated cattle waste upon the adjacent residential properties and in its current form the application is thus unacceptable.

We would also comment that the proposed slurry lagoon would be in close proximity to a relatively unsecured public footpath and whilst technically not a planning matter we also have real concerns about the risks/health and safety impact of this proposal.

10 Neighbours were consulted and a site notice erected: The following responses were received:
ROSE COTTAGE, GREAT GREGORIES LANE – Strong Objection – environmental impact from fumes with far reaching consequences.

EPPING HOUSE, THEYDON ROAD – Strong Objection – detrimental impact, fumes will be harmful, dangerous due to proximity to public footpaths.

BOWLANDS MEADOW, THEYDON ROAD – Strong Objection – very close to residential area and public footpath, already have pollution from the M25, and now noxious fatal odours, cost efficiency should not come before health and well being of residents.

THEYDON BOIS GOLF CLUB – Objection – concern with regards to physical and environmental impact to members and visitors of the golf course.

GREENWAYS, THEYDON ROAD – Objection potential smell from slurry lagoon could be overpowering

GREAT GREGORIES HOUSE – Objection – damage to amenity, highway issues due to number of movements, not a sustainable scheme, noxious odours from slurry lagoon, increase in flies carrying infection, slurry lagoon too close to local school, smell will prevent residents from enjoying their properties.

BEECHWOOD, THEYDON ROAD – Objection – open sewer close to residential properties, smells, flies and vermin, impact on amenity of neighbours

WOODLANDS, THEYDON ROAD – Strong Objection – slurry store will be a permanent blight, with dangerous gases threatening health of residents, previous fly and smell nuisance from the farm, smell from woodchips, slurry pit inadequate for number of cows, and no information on public health (two press articles were also attached to objection)

THE SPINNEY, THEYDON ROAD – Objection support comments made by owners of Woodlands and Great Gregories House – smells, gases, loss of vista and amenity, increased traffic movements

SLADE CLOSE, THEYDON ROAD – Objection – far reaching smells, previous smell problems at the site

FOLLOWING RECONSULTATION AFTER THE SLURRY LAGOON WAS REMOVED FROM THE APPLICATION THE FOLLOWING RESPONSE WAS RECEIVED:

WOODLANDS, THEYDON ROAD – Pleased slurry lagoon has been removed, but retain other objections - still concerns with regards to alternative sites, open storage of straw and manure for spreading at Great Gregories, smells and flies associated with this

The Parish Council meeting to discuss the revised scheme will be held prior to the Committee and comments from this meeting will be reported verbally at the Committee.

Policies Applied:

National Planning Policy

National Planning Policy Framework (NPPF)

Local Planning Policies of the Adopted Local Plan and Alterations in conformity to the NPPF

CP2 – Protecting the Quality of the Built and Natural Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development within the Green Belt

GB11 – Agricultural Buildings in the Green Belt

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Development in the Green Belt

LL1 – Rural Landscape

LL11 – Landscaping Schemes

RP6 – Hazardous substances and installations

RP5 – Adverse environmental impact

ST4 – Road Safety

Local Planning Policies of the Adopted Local Plan and Alteration not compliant with the NPPF

NC4 – Protection of established habitat – However there is a duty on Local Authorities to take into account habitat issues, particularly that of protected species

Issues and Considerations:

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

- Impact on the Green Belt
- Agricultural need for the proposal
- Impact on amenity

- Design
- Impact on existing habitats
- Highway Safety

Green Belt

Policy GB2A outlines specific uses that are deemed appropriate within the Green Belt and agriculture falls within this. The proposed out-wintering facility is clearly for an agricultural purpose, and is within an existing farmyard and therefore will be viewed within the landscape context of the existing farm buildings. The building is quite large in the extent of the length of the shelter and as it is uphill from the Theydon Bois Golf Club and from the public footpath will be visible from public viewpoints. However, agricultural buildings are commonplace within Green Belt locations and as this is within an established farm yard is therefore not considered detrimental to the character and openness of this part of the Metropolitan Green Belt.

In addition, the Tree and Landscape Officer has no objections to the proposal as it is not considered the proposal will have a detrimental impact on the wider landscape. As the proposal is close to a public footpath, the Tree and Landscape Officer has requested a condition requiring details of soft landscaping, however the removal of the slurry lagoon from the application has resulted in the development being further away from the footpath to the south, which will be partly screened in any event by the existing (and retained) bank, however the addition of a landscaping condition is considered reasonable. The removal of the slurry lagoon has resulted in more of the existing young trees on the site being retained, particularly those to the south of the out-wintering pad and as already in situ will result in an eventual natural screen. To protect these trees during construction the Tree and Landscape Officer has also requested a tree protection condition which again is considered reasonable.

Agricultural Need

Policy GB11 sets out a list of criteria for permitting agricultural buildings within the Green Belt. The first of these is that any proposal is demonstrably necessary for the purposes of agriculture. The application has been submitted by the Corporation of London as the Conservators of Epping Forest, and the existing site is used for the housing of cattle albeit at a lower intensity (since 2005), along with the storage of wood chip in association with the applicant's land management responsibilities. The application was accompanied by a statement outlining the need for the facility and this is not a new enterprise but rather an expansion in the size of the enterprise.

The reason for this application is due to the grazing of cattle forming an essential element in the management of Epping Forest's natural aspect which is protected under the Epping Forest Act. Grazing of forest land is a traditional management practice and one that has been used for over 1000 years within Epping Forest. Grazing is the most cost effective way to maintain the 'favourable condition' of the Site of Special Scientific Interest (SSSI) as an ancient wood-pasture site.

A grazing strategy has been developed by the Corporation of London (following public consultation and a public inquiry) and this proposes an expansion of the grazing area and grazing period with a larger herd of up to 200 animals. As a background to the grazing strategy other works have been installed including new cattle grids around the forest and livestock fencing and the cattle are currently grazing in various locations around the forest.

To support this grazing strategy, improved wintering and calving facilities are required and therefore as Great Gregories Farm is currently used for this purpose it is proposed to update the facilities at this site. The cattle as well as improving the forest by their grazing are, of course, slaughtered for meat. Given the justification provided it is considered that the proposal is required

in connection with an existing genuine agricultural activity which is to be expanded and therefore the need for the proposal has been successfully demonstrated.

Amenity

Policy GB11 also specifically refers to impact on neighbouring amenity as do policies DBE2 and RP5A. The neighbour objections from the first consultation and the original Parish Council comments have objected specifically to the slurry lagoon which has now been removed from the application. The neighbour comments received following the re-consultation have still objected to the scheme and as with the original objections the intensification of the use of the site appears to be a wider concern to neighbours regardless of the removal of the slurry lagoon. Particular concern relates to odours (and associated nuisances) and traffic movements (traffic movements discussed in greater detail below).

In addition several neighbours have commented with regards to 'cordon sanitaire'. This is a principle where applications involving buildings for livestock that are within 400m of residential dwellings are more critically assessed with regards to amenity. As with any planning application the impact on amenity is normally a significant issue and the impact on neighbouring amenity is assessed below.

It is appreciated that there are residential properties within close proximity to the site, with two properties almost directly adjacent to the site; however it is not considered that the proposal will result in any impact on light, outlook or privacy given the distance to the proposed works. Therefore it is considered that odour is the main amenity issue. However, the application site is within a relatively rural area on the edge of Theydon Bois, where farming activities including keeping of cattle already exist. Several neighbours have also commented that other farm sites within the Corporation of London's ownership would be more suitable than Great Gregories but the Corporation has discounted these options for various reasons and Great Gregories has been used in the past for the housing of cattle and therefore it is the Corporation's choice of location.

The Great Gregories farm site has been used for the housing of cattle since 2005, and there are no recorded complaints to the Council with regard to odours from the site. It is appreciated that this proposal will increase the number of animals kept at the site, however, it is not the intention for cattle to be kept at the site all year round, as the purpose of the cattle is for grazing management within the wider forest.

In addition the occupation of the site by cattle will, in the main be in the winter months when use of gardens and open windows at the surrounding properties will be limited. The prevailing wind is also to the northeast towards the M25 and therefore given the location where such farming practices are not out of place, it is not considered that smells from the site will be a continuous or significant issue.

The out-wintering pad is designed to provide an impermeable base with raised edges that will contain a layer of straw bedding. All animal defecation will be retained on the bedding and any rainfall on the pad will be absorbed by the straw and contained within the sump area. There will be no run off from the pad at all. The principle of the proposal is to minimise the potential pollution created by the livestock. Soiled hay will be removed not less than every 6 weeks and these loads will be deposited in temporary field heaps on the 17 acres of grassland at the farm until conditions allow for incorporation into the grassland.

The Public Health Team were consulted on the revised plans with regard to odour concerns. It is appreciated that it is unrealistic that smells can be completely prevented from the proposed activities, smell can however be minimised with the application of effective management controls. The Public Health team have suggested that should the application be approved a condition is imposed requesting a detailed management plan to be agreed and put into place for the protection

of water, soil and air, including odour control and management techniques and this is considered an appropriate condition. The management plan can require a review and amendment to practices should problems arise.

In addition to the submission of a management plan, farming practices, particularly those involving animal waste are tightly controlled by both the Environment Agency and by the Department for Environment, Food and Rural Affairs (DEFRA) and these control both the storage and spreading of waste.

It is further noted that this is an established farm, with a long history of agricultural practices, where agricultural activities can take place without the need for planning permission within the existing buildings/yard. In this case, as a new shelter and pen area is required therefore planning permission is also required.

Design

The proposed shelter is of a standard, utilitarian, agricultural design commonplace in farm complexes and the Green Belt and the surrounding 'pad' will be viewed as a pen with stock fencing around the boundary. As discussed above it is not considered to have a detrimental impact on the landscape and is considered an acceptable design approach for the required purpose.

Habitat

The application was accompanied by an ecological appraisal and reptile survey for the site and the Countrycare Manager is satisfied by the assessment provided. The recommendations within the appraisal are for a thorough reptile mitigation strategy to be developed and any mitigation necessary taken place and the Countrycare Manager has requested this is conditioned to ensure it takes place and this is considered reasonable.

Highway

The proposal will result in a reduction in traffic movements to the existing. The largest number of existing traffic movements are made by either the stockman or grazier but other woodchip/green waste related traffic movements will cease at the site. The Essex County Council Highways Officer has no objection to the scheme as the proposal will decrease vehicular movement to Great Gregories Farm which is considered to be a highway safety gain.

Conclusion:

The proposal is considered an acceptable development within the Green Belt, of an acceptable design, with limited impact on surrounding highways or habitat. The proposal does raise amenity issues with regards to odour control, however given the location of the site, the nature of the proposal, the disposal of waste and other factors including the prevailing wind the proposal is considered on balance an acceptable scheme. Approval with conditions is therefore 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:

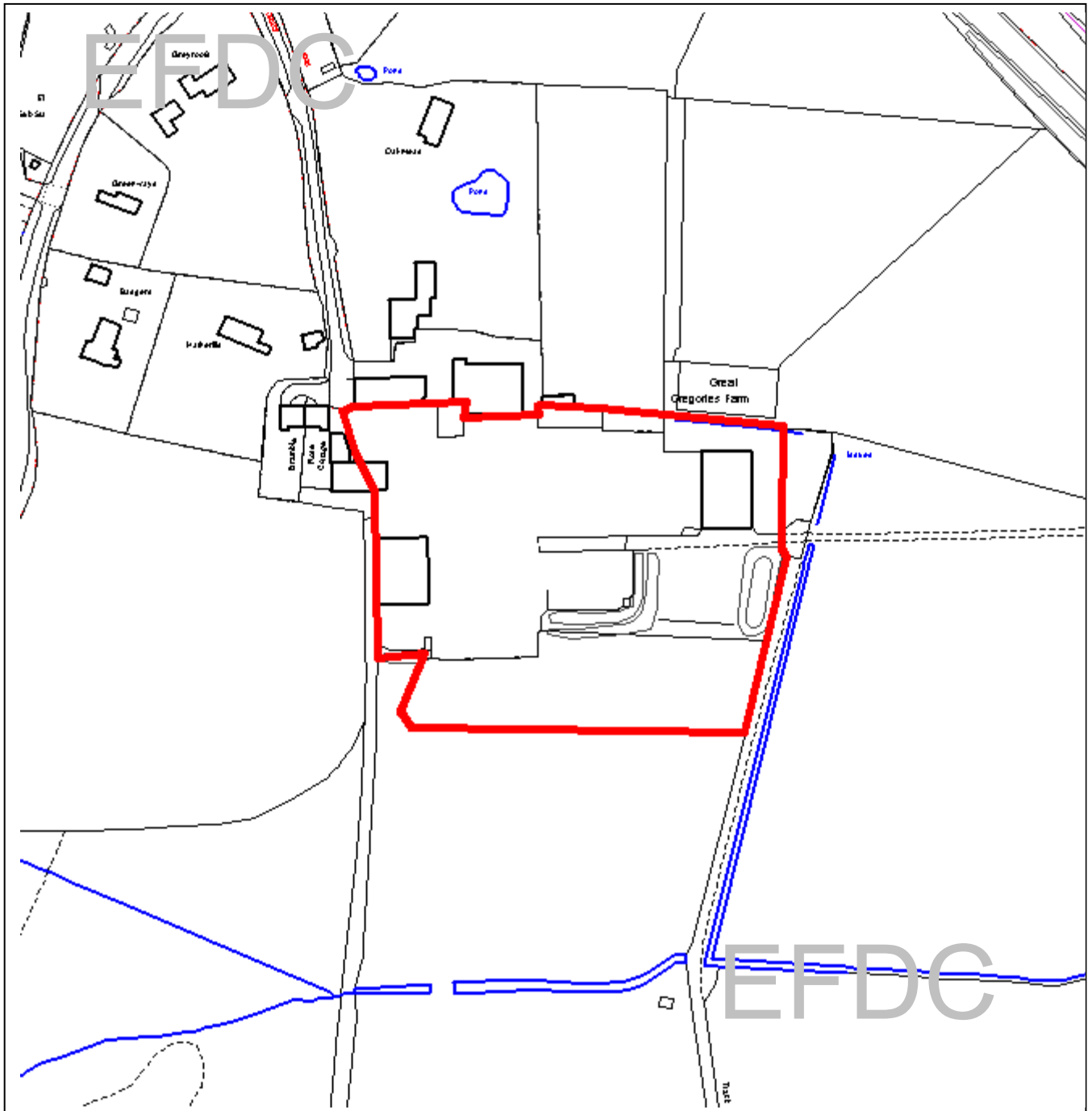
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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:	5
Application Number:	EPF/1226/13
Site Name:	Great Gregories Farm, Gregories Lane Theydon Bois, CM16 4EJ
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/1270/13
SITE ADDRESS:	Auction House Market Place Lambourne Romford Essex RM4 1UA
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr David Blackledge
DESCRIPTION OF PROPOSAL:	Infilling of remaining 'covered space' below existing first floor offices to create additional office floor area, overall car parking spaces maintained within forecourt area/space.
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=550655

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 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 staff and visitors vehicles.
- 4 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

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:

An 'L' shaped detached office block in the centre of Abridge, to the north of The Limes. The whole site is within the Abridge Conservation Area.

Description of proposal:

Infilling of remaining 'covered space' below existing first floor offices to create additional office floor area, overall car parking spaces maintained within forecourt area/space.

Relevant History:

Extensive including:

EPF/0797/90 – Two storey office building and associated car parking accommodation (amended application) – Approved

EPF/0365/06 - Change of use of ground floor from storage to offices – Approved

EPF/2265/06 - Change of use of ground floor covered parking into offices – Refused on the grounds that:

The proposal fails to provide adequate car parking associated with the development and will in fact reduce on site parking, due to its insufficient parking arrangement. In addition vehicles using the car park when full will have to reverse from the site onto a busy main road. The scheme is likely to result in unacceptable harm to vehicle parking and road hazard contrary to policies ST4 and ST6 of the Adopted Local Plan.

EPF/0803/08 Partial infilling of covered space to create new enclosure for access to first floor offices over. (Revised application) – Approved

EPF/0762/13 - Infilling of remaining 'covered space' to create additional office floor area – Withdrawn

Polices Applied:

HC6 Character, Appearance and setting of Conservation Areas

HC7 Development within Conservation Areas

DBE1 Design of New Buildings

DBE2 Effect on Neighbouring Properties

ST4 Road Safety

ST6 Vehicle Parking

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 7

Site notice posted: No, not required

Responses received: None

PARISH COUNCIL: Objection on the grounds that:

The addition of more office space would result in more staff that would require car parking spaces. The fact that the applicant has considered where staff will park in his application shows that they are expecting an increase in cars requiring spaces.

Whilst the application states that this infill would not create a reduction in the existing car spaces, from local knowledge, and if you look on google maps, you can see that the piece of land they are requesting to infill is currently used for parking 2no. cars.

The probable increase in staff parking needs plus the loss of these two car spaces would suggest that more cars would need to park in surrounding streets. The Market Place and Hoe Lane already suffer with parking issues as the car spaces are very limited, we feel that this proposal would only add to an existing problem.

Issues and Considerations:

The main issues are the impact of this proposal on the character and appearance of the building and the Conservation Area, impact on neighbouring occupiers living conditions and issues of highway safety and parking.

Effect on Character and Appearance

The scheme would result in a two space parking area under the first floor return of the scheme bricked in to convert it to office accommodation. The design is considered acceptable and integrates well into the existing property. Materials will match the existing building and the Council's Conservation Officer has raised no objections to this scheme, as she considers that there would be no adverse effect on the Conservation Area.

Living Conditions

The works would not have any adverse impact on any neighbouring occupiers.

Highway Issues

Approval was granted in 2008 for a partial infilling of this area, which removed one space. This application would relocate two.

Although the Parish Council have objected that the proposal would negatively impact on the parking situation within the surrounding streets, Essex County Council Highways do not object to the loss of the parking spaces and do not consider that the scheme would have a detrimental effect outside of the site.

The Applicant states that although the existing undercroft area would become additional office space, this would accommodate the existing staff and there is to be no additional recruitment. However, this is not something that could be reasonably conditioned.

Under EPF/0365/06 the approval for the ground floor of the building to be converted from storage to offices showed 9 parking spaces including the two being lost here.

The now submitted plan shows a marked out parking area with 9 parking spaces being accommodated within the site which includes relocating the two from the undercroft to the southern boundary of the site. Under the above approval this area was designated as landscaping. The applicant argues due to this rearrangement there would be no loss of parking.

Previously, the application refused for the same proposal under EPF/2265/06 failed to demonstrate to the satisfaction of the Local Planning Authority that there would be no net loss of parking and was therefore refused. However, no objections were raised by the Highways Authority at that time.

Although no accurate floor plans have been included, Building Regulation plans have been viewed and Officer's estimate that there is a total of approximately 200 sqm of office space. Current Parking standards seek 1 space per 30sqm, so the proposal would more than meet this standard. It should be noted that this is a Maximum standard as policy is still to limit policy at workplaces to encourage use of alternative means of transport.

However it is noted that the parking spaces do appear tight in places and turning of vehicles may not be easy. Notwithstanding this, given that the building is occupied by only one company, other cars could be moved by colleagues to allow easier egress.

Even if the building was occupied in the future by more than one company, given the size of the building the likelihood is that employees of the different businesses would know each other and this practice could continue.

Therefore, notwithstanding the objection from the Parish Council, given that there are no objections from the Highways Authority and that the parking would continue to exceed maximum adopted standards, the proposal would comply with policies ST4 and ST6 of the Local Plan.

Conclusion

For the reasons above the scheme is recommended for approval.

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

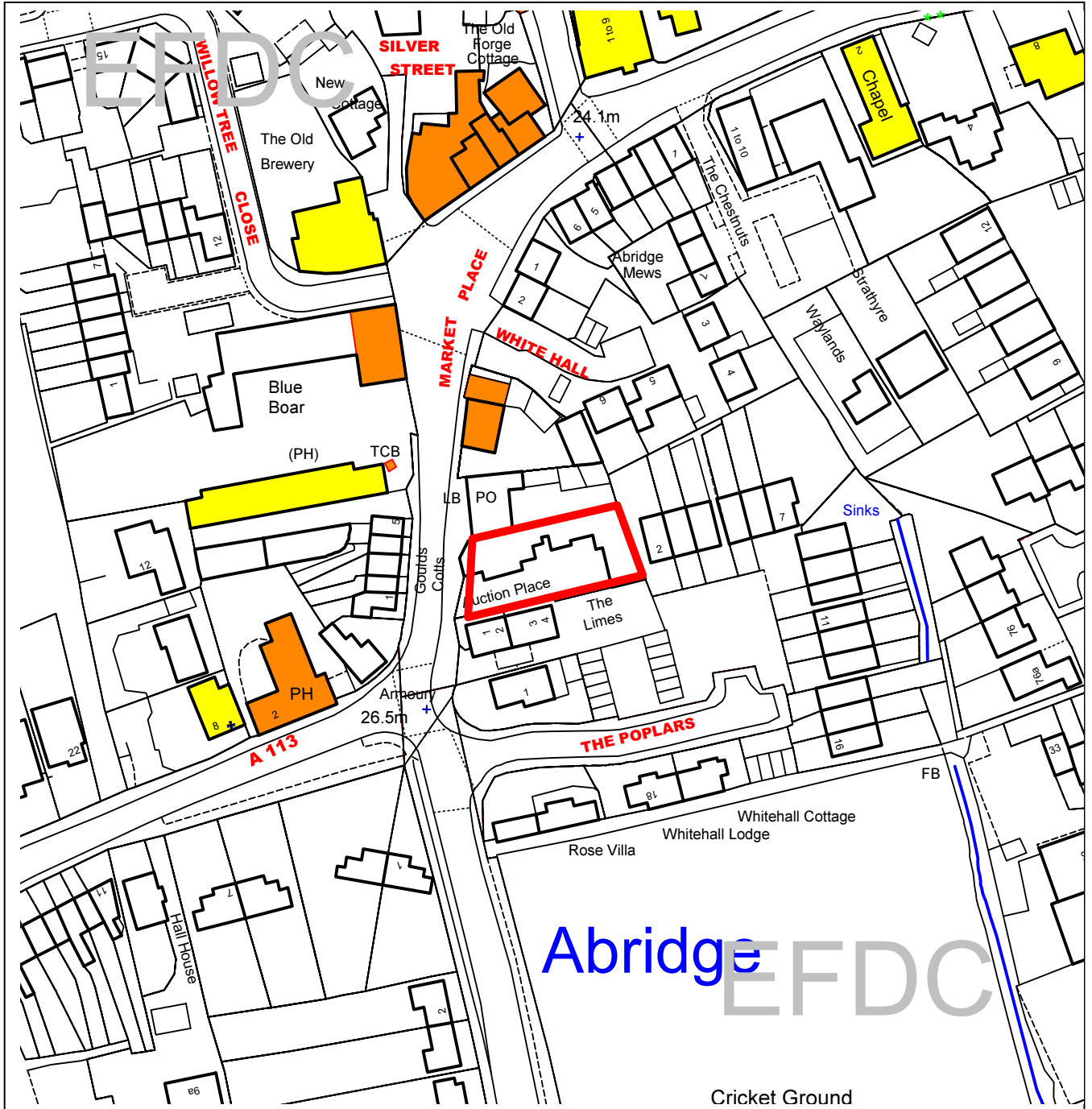
***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564109***

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:	6
Application Number:	EPF/1270/13
Site Name:	Auction House, Market Place Lambourne, RM4 1UA
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/1290/13
SITE ADDRESS:	46 London Road Lambourne Romford Essex RM4 1UX
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Daluit Aujla
DESCRIPTION OF PROPOSAL:	Erection of a single storey side/rear extension, part single, part two-storey rear extension, pitched roof over existing flat roofed two-storey extension, formation of loft conversion in resulting enlarged roofspace and partial demolition of existing outbuilding.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550756

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: 46/LR/01, 46/LR/02B, 46/LR/03 (Revision B) and 46/LR/04.
- 3 The development hereby approved shall not be commenced until the southern 1.5m of the outbuilding on the site boundary with 44 London Road has been demolished as indicated on drawing nos 46/LR/02B and 46/LR/03 (revision B). No building or roof shall subsequently be erected on the land between the outbuilding and the rear elevation of the single-storey side/rear extension hereby approved.
- 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.
- 5 Prior to first occupation of the development hereby approved, the proposed window openings in the flank roofslopes shall be entirely fitted with obscured glass to a height of 1.7 metres above the floor of the room in which the windows are installed and shall be permanently retained in that condition.

- 6 Access to the flat roofs of the extensions hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a seating area, roof garden, terrace, patio or similar amenity area. No furniture, including tables and chairs, shall be placed on the flat roofs.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no outbuilding generally permitted by virtue of Class E of Part 1, Schedule 2 to the Order shall be undertaken within 10m of the rear elevations of the enlarged house without the prior written permission of 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 Site:

The application site comprises a two-storey detached house situated on the north side of London Road within the built up area of Abridge. It has a flat roofed two-storey side/rear extension on the boundary with 46 London Road that projects 2.5m beyond the original rear wall of the house.

The locality is characterised by predominantly detached and semi-detached houses fronting London Road. The immediate neighbouring houses are both two-storey detached houses. The western flank of no 44 London Road is set on the boundary with the application site while the western flank of no 46 is set on the boundary with 48 London Road. A distance of between 1.5m and 2m separates the flank walls of each house.

No 44 London Road is set some 300mm below the level of the application site while no 48 is set at slightly higher level. No 44 has a single storey rear extension that projects some 3m and no 48 has had various extensions. The original rear walls of nos. 44 and 46 London Road are on the same alignment.

A narrow detached outbuilding (originally a garage) with a tall gabled roof is sited in the rear garden on the boundary with 44 approximately 3m beyond the rear wall of the extension to no 44.

To the north of the application site and its neighbours are open fields that are within the Green Belt

Description of Proposal:

It is proposed to erect a single storey side/rear extension to the site boundary with 44 London Road together with a part single, part two storey rear extension and to form a pitched roof over the existing flat roofed two-storey rear projection. It is also proposed to form a room in the roof utilising the resulting enlarged internal loft area. The forward 1.5m depth of the existing outbuilding would be demolished in order that the rear elevation of the single-storey rear addition could be accessed from the rear garden.

The single-storey side/rear addition would wrap around the first 0.5m of the rear elevation and project 1m beyond the rear wall of the adjacent rear addition to no 44 London Road. Since no. 44 is set on the boundary with the application site the side/rear addition would abut the flank of no. 44. It would have a false pitch to the front elevation but otherwise would have a flat roof.

The two-storey part of the proposed rear extension would predominantly infill an area between the original rear wall and the flank of the existing two-storey rear projection on the site boundary with 48 London Road. It would project 3m and be set 2.8m from the boundary with no 44. A flat roofed single-storey addition would project a further 3.3m beyond it.

Relevant History:

EPF/0603/74 Two-storey rear extension. Approved

EPF/0449/75 Erection of garage. Approved

EPF/0429/13 Erection of a two storey side extension (and single storey part rear) associated extension of roof incorporating a loft room for storage. Single storey rear extension, link to garden room, removal of existing pitched roof of garden room and replace by flat roof. Withdrawn by applicant following Officer advice

Policies Applied:

The National Planning Policy Framework forms the primary policy context for the assessment of this proposal. The following Local Plan and Alterations policies, which are consistent with the framework, are applicable to the proposals assessment.

CP2 Quality of Rural and Built Environment

DBE9 Loss of Amenity

DBE10 Residential Extensions

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 6

Site notice posted: No, not required

Responses received: The occupant of 44 London Road has raised objections to the proposal which are summarised as follows:

1. The proposal would cause an excessive loss of light to the whole rear of my property. The shadow cast would exacerbate the harmful impact of shadow cast by the existing detached garage building in the rear garden on the site boundary.
2. Since 46 is built on higher ground the proposal would be intrusive to my privacy, particularly in terms of views from a roof level window enclosed by a Juliet balcony.
3. The works, which would have substantial foundations, could undermine my property.
4. The flat roofs of the single-storey additions, if accessed generally, would cause a loss of privacy therefore, if consent is given it should include a condition requiring access be for maintenance only.
5. The degree of enlargement of the house would not be appropriate to the village environment of Abridge.

LAMBOURNE PARISH COUNCIL:

“The Parish Council have discussed the above application and OBJECT.

Because the resulting building would go from one boundary to the other, the development would create an overbearing and overcrowded appearance. There would be no access from the front of the building to the rear and therefore would result in a cramped, terraced appearance, totally out of keeping with the immediate and surrounding area.

We believe that the proposed side extension would also jeopardise the stability of the neighbouring property and could present a significant safety issue for them. It could also prevent any development opportunity they may wish to take in the future.

Should EFDC have a mind to grant permission, we would expect building control/enforcement to ensure that not 1 part of the property overhangs the boundaries either side.”

Main Issues and Considerations:

Since the proposal is for additions to a house outside of the Green Belt the question of whether the development proposed would result in a proportionate enlargement of the dwelling can only be considered in design terms. The matter of whether the proposal is acceptable in those terms and its consequences for the living conditions of neighbours, particularly no 44 London Road, are the main issues to consider when assessing this proposal.

Design:

Only the proposed single-storey side extension and a single rooflight in the front roof slope would be visible at the front elevation. That part of the side addition that is off the original flank wall of the house would accord with the limitations on a permitted development side extension and its visual impact on the appearance of the front elevation would be identical. It would abut no 44 since that house is built on the site boundary but since it is confined to ground floor level it would not result in any terracing effect that could be harmful to the character and appearance of the locality. Moreover, existing planting in the front garden would obscure views of it, although only limited weight can be given to that since it could be removed without the need for consent. The proposed single roof light is of no consequence in design terms.

Having regard to the above assessment, it is clear that the proposal would have little effect on the street scene. The main works proposed are to the rear of the house and would improve its appearance by providing a pitched roof over an existing flat roofed rear addition. Elsewhere the proposal would complement the design of the existing house, especially at upper floor level where the existing gable feature in the rear elevation would be reproduced on a slightly smaller scale. The flat roofed single-storey elements of the proposal would be a sympathetic solution that minimises their bulk.

Overall, the proposal would be a well proportioned enlargement of the existing house that would complement its design while having very little consequence for the street scene. On that basis it is found to be acceptable in design terms.

The concerns of the Parish Council in relation to the potential for a terracing effect are recognised, but as explained above, it is only the single-storey side extension that would be visible when seen from the street. Its visual impact is very modest and would not result in a terracing effect.

Living Conditions:

The relationship of the proposal to 48 London Road is such that the bulk of the proposed pitched roof over the existing rear projection would abut the boundary. It would not appear overbearing when seen from no 48. Proposed roof lights in the side roof slope would be set significantly forward of the rear elevation of no 48 such that they would not give rise to any potential for excessive overlooking. In any event, the applicant proposes they are obscure glazed.

Similarly, roof lights in the flank roof slope facing 44 London Road would be set forward of the original rear wall of that house and would not give rise to any potential for excessive overlooking. They are also proposed to be obscure glazed.

The proposed gable window in the rear elevation of the two-storey rear addition would not give rise to any more overlooking of neighbours than existing first floor windows. While it would have a greater field of view, any views to ground level would be restricted by the angle of view. No excessive overlooking of the most private areas of neighbours gardens would arise from the proposal and any views that would exist would not be materially different to those that presently exist. On that basis it is concluded the proposal would not cause any excessive overlooking for neighbours.

As pointed out by the neighbour at 44, abuse of the flat roof areas of proposed single-storey elements of the development could give rise to excessive overlooking. It is necessary to prevent this and an enforceable planning condition can reasonably be imposed on any consent given in order to deal with this matter.

The bulk of the proposal would be too remote from no 48 London Road to appear overbearing. The relationship to no 44 requires more detailed assessment.

The proposal has been designed to ensure the single-storey elements of the proposal are set within a 45 degree line taken from the nearest edge of the window in the rear extension to 44 London Road. They would consequently cause no excessive harm to light or outlook from no 44. While the application site is on a somewhat higher level than no 44, it is not of sufficient height to result in the proposed single-storey additions appearing excessively overbearing.

Furthermore, in order to facilitate access to the proposal from the rear garden the nearest 1.5m of the existing outbuilding would be demolished. Those demolition works are a modification to the proposal as submitted and would secure an improvement in the amenities of no 44 by reducing the bulk of built form on the boundary visible for 44. It would also prevent a situation arising where unusable outdoor space is created between the extension and outbuilding which would encourage a future proposal to enclose by an extension. The cumulative effect of such a development would appear excessively overbearing therefore it is necessary for any consent given to include a condition requiring the proposed demolition works to be completed prior to the commencement of works on the extension and preventing any future enlargement of the outbuilding. It would also be appropriate to impose a condition removing permitted development rights for the erection of any outbuilding within 10m of the rear elevation of the approved extension.

The proposed two-storey elements of the proposal would be set within a 45 degree line taken from the nearest first floor corner of 44 London Road. Even allowing for the impact of the difference in levels between the two properties, that relationship would prevent the two-storey elements from appearing excessively overbearing when seen from no. 44 London Road.

Subject to the conditions discussed above, therefore, the proposal would safeguard the living conditions of the immediate neighbours.

Conclusion:

The proposal is acceptable in terms of its consequence for the character and appearance of the locality and the living conditions of neighbours. It therefore complies with relevant planning policy and it is recommended that conditional 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:

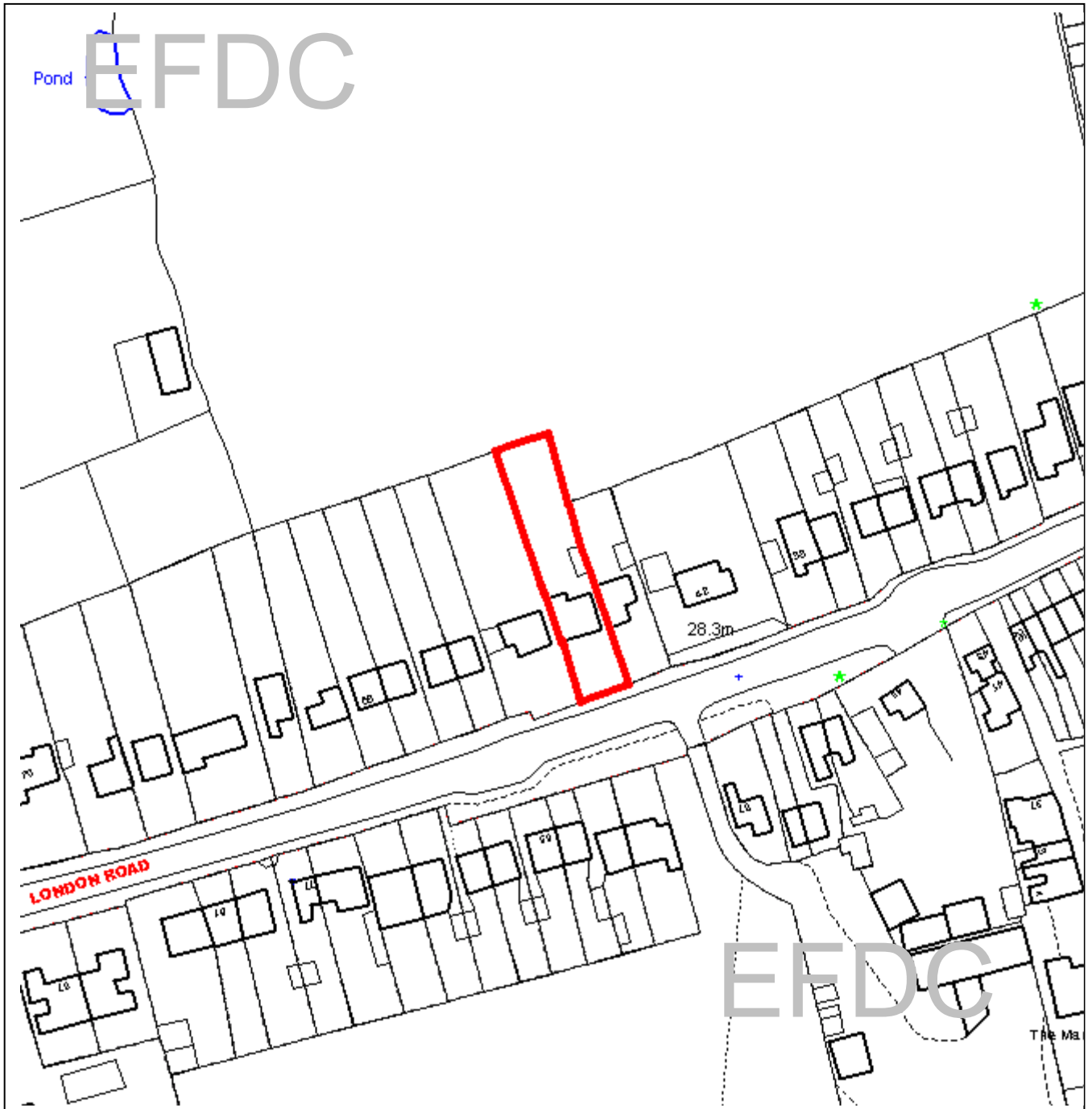
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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:	7
Application Number:	EPF/1290/13
Site Name:	46 London Road, Lambourne RM4 1UX
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1417/13
SITE ADDRESS:	17a Hemnall Street Epping Essex CM16 4LS
PARISH:	Epping
WARD:	
APPLICANT:	Mr Ian A Croxford
DESCRIPTION OF PROPOSAL:	Change of use, extension and conversion of commercial premises to four flats including ancillary works.
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=551410

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: 2873/1, 2873/2, the Location Plan, the Survey Drawing (Ground Floor Plan) and the Survey Drawing (First Floor Plan and Elevations).
- 3 Materials to be used for the external finishes of the proposed development shall match those specified on the planning application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevation of the rear section of building 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 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the

course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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:

The application site is a part two storey/part single storey commercial building that fills almost the entire site. The front single storey element has a ridge height of 5.6m and the two storey flat roofed rear element reaches a height of 5.9m. The building sits between two residential properties, with further dwellings to the rear. The neighbour to the northeast is a single storey bungalow with a front wall roughly in line with the front of the application building. The neighbour to the southwest is a two storey dwelling set considerably further back into their site, being some 17m set back from the road (as opposed to the 5.5m set back of the application building). Two storey dwellings back on to the site at the rear (the southeast), and opposite to the northwest is the Hemnall Social Club and Citizens Advice Bureau. The application site is bordered to the northwest and southwest by the Epping Conservation Area and to the northwest by the designated Epping Town Centre, however the site does not itself lie within either of these designated areas. The previous use of the site was for B1 offices, however this use ceased in June 2010 and the site has been vacant since this time.

Consent has recently been granted by EFDC for the demolition of the building and the erection of two semi-detached dwellings, and by the Planning Inspector for the extension to and conversion of the existing building to form four flats.

Description of Proposal:

Consent is being sought for extensions, alterations and change of use of the commercial premises into four flats, including ancillary works. This application is a revised scheme to a previous application which was granted planning consent on appeal in 2013. The proposed extensions consist of the erection of a first floor extension to the single storey front section of the existing premises. This would result in a full two storey building with a pitched roof to an eaves height of 5m and ridge height of 6.9m. The proposed alterations would involve the removal of the roof over the central section of the building (creating a single storey link), removal of a single storey side projection, the creation of a single storey pitched roof to replace this first floor area, and alterations to doors and windows. These elements are identical to the scheme previously approved on appeal.

The proposed revision on this scheme is that, whereby the previous scheme proposed to remove a 2m section of first floor to the rear of the existing building, this application proposes to retain the existing rear building as it is (albeit with alterations to the windows). The development however would still result in 4 no. four bed flats served by three parking spaces to the front of the site. Whilst there is a small amount of land surrounding the building this would not constitute useable amenity space.

Relevant History:

EPU/0005/51 – Continuation of use of building as motor body repair and sheet metal workshop – approved/conditions 27/03/51
EPU/0021/52 – Use of premises as milk store and retail vehicle garage – refused 11/06/52
EPU/0001/56 – Change of use to repair shop – refused 21/02/56
EPU/0107/56 – Use of premises for storage of thermal insulation materials – approved/conditions 18/09/56
EPU/0044/58 – Change of use to scout headquarters – approved/conditions 18/06/58
EPU/0052/58 – Adaption and use as offices and stores – approved/conditions 18/06/58
EPU/0052A/58 – Conversion of old fire station for use as offices and stores – approved/conditions 19/08/58
EPF/0347/81 – Alterations to existing front elevation – approved 10/04/81
EPF/0370/84 – Side extension – approved 26/04/84
EPF/0020/86 – Pitched roof to two storey extension of existing building – approved/conditions 17/02/86
EPF/0406/12 – Extensions, alterations and change of use of commercial premises to four flats, including ancillary works – withdrawn 24/04/12
EPF/0843/12 – Extensions, alterations and change of use of commercial premises to four flats, including ancillary works (revised application) – refused 06/07/12 (appeal allowed 16/01/13).
EPF/1750/12 – Change of use of commercial premises, demolition and removal of existing buildings and erection of a pair of semi-detached dwellings – approved/conditions 12/11/12

Policies Applied:

CP2 – Protecting the quality of the Rural and Built Environment
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private Amenity Space
DBE9 – Loss of amenity
HC6 – Character, appearance and setting of conservation areas
ST1 – Location of Development
ST6 – Vehicle Parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

12 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – Object because there is no amenity space or parking provided in this location. Committee also view the nature of the development as overdevelopment of the site.

EPPING SOCIETY – Object as this is an overdevelopment of the site, the design is not sympathetic to the street scene, there is insufficient provision for parking, and no amenity space. However there is no objection in principal to the change of use.

14 NICHOLL ROAD – Object due to the impact this would have on the sewer system and wishes to ensure that their boundary hedge remains to screen the works.

Main Issues and Considerations:

The previous application to extend and convert the building into four flats (EPF/0843/12) was refused planning permission at Committee but obtained consent on appeal. The reason for refusal on this previous decision was:

The creation of 4 flats within this restricted site with inadequate parking, refuse and amenity space amounts to overdevelopment of the site, resulting in poor living conditions and potential for additional on street parking in an already congested area, to the detriment of the quality of the urban environment, contrary to the intentions of policies CP7, DBE8 and ST6 of the adopted Local Plan and Alterations.

This decision was however dismissed on appeal. Within the Inspector's decision it was stated that *"I consider that the location of the appeal site close to public transport provision and services and the nature of the development is such that the site characteristics are in accordance with the objectives of the Vehicle Parking Standards as regards an appropriate site for a lower level of off-street parking provision. In my opinion, the provision of just three car parking spaces would not be such as to have any noticeable effect on highway safety and the free flow of traffic"*. With regards to refuse storage, the Inspector stated that *"I consider that the proposed refuse storage arrangements would be satisfactory"*, and with regards to amenity space the Inspector noted *"that the Council has accepted elsewhere that flats in similar urban locations can provide a low level of amenity space. From my observations, due to the proximity of public open space, the urban location of the site and the type of development proposed, I consider that the proposed small amount of outdoor space would be acceptable in this particular instance"*.

The Inspector subsequently concluded that *"for the above reasons, I have found that the proposal would not have an adverse effect on the living conditions of future occupiers or highway safety. Whilst the site is restricted, I consider that there would be satisfactory provision for parking, refuse storage and amenity space. Thus, I conclude that the proposal would not constitute overdevelopment to the detriment of the urban environment"*.

The only revision in this application is that, whereby the previous scheme proposed to remove a 2m section of first floor to the rear of the existing building, this application proposes to retain the existing rear building as it is (albeit with alterations to the windows). The development would still provide four no. 2 bed flats (although the unit 4 would be slightly larger than previously approved) served by three parking spaces and the same refuse storage area and level of amenity space. As such, the only consideration in this application is the impact from this additional retained section of building.

Design and impact on the surrounding area:

The revised application does not alter the previously approved extension to the front of the building. The only difference between this revised application and that previously approved is that this development excludes the removal of the rear section of the existing building. As the difference on this scheme is to the rear and would retain the building as existing, it is not considered that this would have a detrimental impact on the design and the appearance of the street scene over that previously approved.

Impact to neighbouring amenity:

The existing building is currently two storeys with three first floor flank windows on the south western elevation, four first floor windows on the north eastern elevation, and five first floor windows on the south eastern (rear) elevation. Whilst some of these windows serve toilets and are therefore obscure glazed, the large majority are clear glazed (and the obscure glazed windows are not subject to any form of restriction, so could be replaced with clear glazing). The flank windows

are located just 800mm from the shared boundaries with the neighbouring residents and overlook the rear amenity spaces of the neighbouring dwellings, and the rear windows are located 1.1m from the rear boundary, which overlooks the rear garden of 14 Nicholl Road (and No. 12 to a lesser degree), although this elevation is fairly well screened by high level vegetation located within the rear garden of No. 14 Nicholl Road.

The proposed development would remove the three first floor windows in the south western elevation, would remove the four first floor windows in the north eastern elevation and replace them with two high level windows, and would replace the five first floor rear windows with three new windows. The only difference between this revised application and that previously approved on appeal is that the first floor rear windows would not be set back a further 2m from the shared boundary with No. 14 Nicholl Road, as was previously proposed.

Overall the proposed development would be beneficial to neighbours' amenities as it would remove a number of windows that currently overlook adjacent sites. The key concern however is that the use of the site for residential purposes would introduce activity at more sensitive times (such as evenings and weekends) than the current use. Notwithstanding the exclusion of the removed section of building, and the additional benefits that this would have, it is still considered that the proposed scheme would generally improve the privacy of neighbours over the existing offices on site.

Further to the above, since the previous approved scheme there have been changes to the Town and Country Planning General Permitted Development Order in that the building as existing could be converted to residential use under a Prior Notification approval. Whilst this would not allow for any alterations to the building (including the extension at the front), it would be possible to convert the existing building into three flats. The only issues assessed under the Prior Notification applications are flood risk, contaminated land, and highways impact. As planning permission has previously been granted for the conversion of this building to residential purposes, it is highly likely that Prior Notification would be given for a proposed change of use of this building. In such an instance there would be no control over the retention of the windows or the use of clear glazing, and therefore much greater levels of overlooking could occur. This constitutes a material consideration in this planning application.

Other matters:

The level of amenity space (and lack of) and level of off-street parking spaces is unchanged from that previously considered acceptable by the Planning Inspectorate.

The application site, due to its former use as a Fire Station, Vehicle Repair Garage and Engineering Works, is potentially contaminated. As such, a contaminated land condition should be imposed requiring site investigation.

Comments on Representations Received:

A neighbouring resident has objected to the scheme due to the potential impact this would have on the sewerage system, however this issue would be dealt with at Building Regulations stage and therefore is not considered material to this decision. Furthermore, this would have been considered by the Planning Inspector within the previous application, whereby planning consent was granted. They also comment that they want their hedge to remain to screen the development, however as this boundary hedge is located within their site they are in control of this and the applicant cannot legally remove this. As such, it is not considered that this needs to be conditioned.

Conclusion:

The revised application for the proposed change of use to residential in this location is considered acceptable. The retention of the rear section of the building would weaken the benefits of the previous scheme slightly, however the proposed development would nonetheless still result in an overall benefit to the privacy of neighbouring residents, particularly given the unrestricted change of use that could now be undertaken under permitted development. All other factors are identical to the scheme previously granted consent on appeal and, as such, the proposed development is considered to comply 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:

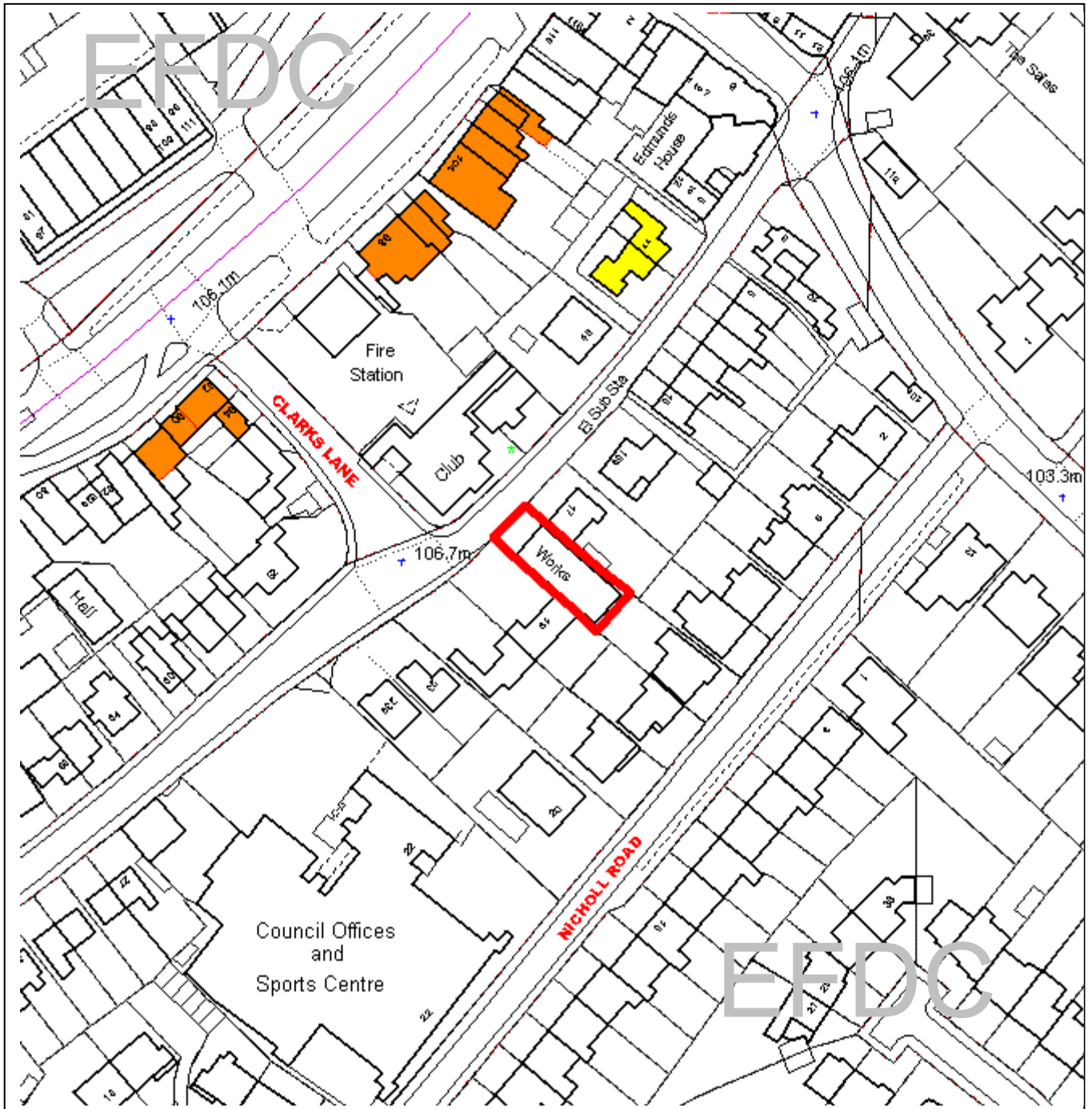
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/1417/13
Site Name:	17a Hemnall Street, Epping CM16 4LS
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1630/13
SITE ADDRESS:	Upper Clapton Rugby Football Club Upland Road Thornwood Epping Essex CM16 6NL
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Merritt Developments Ltd
DESCRIPTION OF PROPOSAL:	Reserved matters application for 8 semi - detached houses.
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=552413

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 22/1, 22/2, 22/3, 22/4, 22/5, 22/6, 22/7, 22/8, 22/9, 22/10, 22/11, 22/12, 22/13, 22/14, 22/15, Tree Constraints Plan 343.12.1A Tree Removal and Protection Plan 343.12.2A and Landscape Proposals 343.12.3 and in accordance with the details set out in the submitted Flood Risk assessment from Ellis & Moore dated 3.07.13 and the soft landscaping specification and maintenance plan by Elizabeth Greenwood Dated June 2013 and the Tree Survey, Arboricultural Impact Assessment and Method Statement by Elizabeth Greenwood as amended 2013

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The application site is a roughly rectangular area of land currently part of the car park for the Upper Clapton Rugby Club, fronting Upland Road. There is a hedgerow along the front boundary and the site is hard surfaced. There are residential properties opposite the site and along Upland Road up until this site.

Description of Proposal:

This is a reserved matters application following approval in outline last year for the redevelopment of this part of the Rugby Club site for the erection of 8 semi detached houses. This application is for approval of access, appearance, landscaping, layout and scale. In addition, as required by condition, a bat and reptile report has been submitted.

The proposals follow closely the indicative plans that were submitted with the outline application and show 8 semi detached traditionally designed three bedroomed properties with hipped pitched roofs sited to follow the established building line of the properties in Upland Road. Each house has two parking spaces within the front garden area and a gap of two metres is retained between the pairs to enable side access to the rear gardens. The rear gardens are about 16.5m deep and 7.5m wide (124 sqm) the houses have a main ridge height of 8.5m and include a front gable feature. The two middle pairs of houses (Plots 3, 4, 5 and 6) have weatherboarding on the upper element of the gables and the two outermost pairs have smooth render on the upper half of the gables. Otherwise the houses are all identical. The houses are to have red tiled roofs and are of yellow stock brick with red soldier course detailing.

The hard and soft landscaping details submitted indicate that the parking spaces are to be of permeable block paving, native hedging is proposed along the sides and rear of the site, ornamental hedging between the pairs of dwellings and 5 new trees are proposed along the front boundary. The existing front boundary hedging is to be removed.

Relevant History:

Outline permission for 8 dwellings on this site was granted earlier this year under a hybrid part outline and part full application for redevelopment of the rugby ground. EPF/ 0817/12 The housing element was considered acceptable, despite the Green Belt designation of the land, as it was required as enabling development to fund the replacement and upgrading of the rugby club facilities. A legal agreement required that all funds from the sale of the land are held by the Council and are only released for the development of the new rugby club facilities. The land with the outline consent has been sold on this basis.

SUMMARY OF REPRESENTATIONS

44 neighbouring properties were consulted and a site notice was erected on 27th August. This report was completed prior to the end of the consultation period, any additional responses received will be reported orally to committee. However, the following comments have so far been received.

PARISH COUNCIL – The parish council has concerns regarding the application and wishes to make the following comments. We would ask that the colours match in with those of the existing and neighbouring properties. The rooflines match in with those of the neighbouring and the surrounding properties. Concern is voiced at the parking of the vehicles in the front of the properties, and the probable need for the vehicle to back on to the busy Upland Road especially as the speed limit is defined as 30mph and this is not enforced. Has adequate drainage been incorporated into the newly formed gully/ditch to take away the run off water? The Parish Council has asked for additional street lighting to be provided for these properties by the developer, there is no street lighting shown anywhere and the current street lighting is not adequate, this needs to be addressed by the developer in this application.

Policies Applied:

Adopted Local Plan and Local Plan Alterations

CP2 Protecting the quality of the Rural and Built Environment
DBE1 –Design of new buildings
DBE2- Effect on neighbouring properties
DBE4 Design in the Green Belt
DBE5 Design and layout of new development
DBE6 Car parking in new development
DBE8 Private amenity space
DBE9 Loss of amenity
LL10 Adequacy of provision for landscape retention
LL11 landscaping schemes
ST4 Road safety
ST6 Vehicle parking
U3B Sustainable Drainage Systems

The above policies form part of the Council's 1998 Local Plan. Following the publication of the National Planning Policy Framework (NPPF), policies of this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the NPPF. The above policies are broadly consistent with the NPPF and are therefore afforded full weight.

Issues and Considerations:

As outline consent has been granted the principle of the development of 8 semi detached houses is not in question, the issues therefore are with regard to the details of access, appearance, landscaping, layout and scale, which will be considered in turn.

Access

The scheme proposes the creation of 4, 12 metre wide vehicular crossovers, each providing access to two properties, with 2 parking spaces for each property. No turning area is proposed within each site so cars will simply drive directly into the spaces. The spaces are set back from the road by 2 metres and clear of a new pedestrian pathway. This part of Upland Road has a 30 mile an hour limit and is straight with good visibility for cars pulling out of the parking spaces. Advice from County Highways Officer is that the proposed accesses are safe and meet requirements.

Appearance

The design and materials of the 8 houses is considered appropriate to the location and they will fit well with the street scene. Whilst the prominence of the off street parking within the front gardens is not ideal, it is similar to that which exists elsewhere within the road and does enable adequate provision without the need to either set the houses much further back within the site or to provide a rear access road that would severely reduce the size of amenity space available. The design is traditional and appropriate to the area and the materials include red roof tiles, cream render, yellow stock brick and weatherboarding which are all part of the local palette of materials. The detailing, including front gables, soldier courses and front canopies, creates visual interest. Whilst the Parish Council have suggested that the colours should match in with adjacent properties, it is not considered reasonable to be so prescriptive in this location which is not a conservation area and already has a variety of house types and materials.

Landscaping

The existing fronting hedge is to be lost to enable access for parking on site, but it is not protected and whilst of significant value at present, as it screens a car park from view, it is not considered appropriate as a front garden boundary, due to its height and thickness. The Council's Landscape Officer has considered the planting proposals and is happy that they soften the frontage and help

the development to fit well within the street. It is not considered appropriate to require detailed planting schemes within the private garden areas of the houses as this will be for the individual householders, but the provision of trees and hedging in the front areas between the parking areas is welcomed and along with the native hedge around the side and rear boundary of the site this will help soften the development

Layout

The proposed layout is simple and logical, following the existing building line and providing the standard 2 metres between dwellings and to the side boundaries of the site in order to prevent a cramped appearance and enable suitable side access to the rear garden areas. The layout does not result in any significant overshadowing of adjacent properties or overlooking of private amenity areas.

Scale

The scale of the proposed houses is again appropriate. A condition on the outline consent required the details to be in general accordance with those submitted with the outline consent (drawing no. 2011/020/03A). The outline consent specified 8, 3 bed, 2 storey semi detached houses and this is what is proposed. The proposed eaves height is 5.1m which is in line with that of the nearest adjacent property, the front gable elements have a ridge height of 6.3m and the hipped roof sloping away from the gables reach ridge heights of 8.5 metres. This main ridge height is higher than the adjacent property No.45 which has a low ridge of just 7.2 metres, but is similar or lower than some other properties in the street. (number 17 for instance has a ridge height of 8.7m). Whilst therefore the proposed dwellings are taller overall than the nearest property, given the gap of 3.5 metres between them, the low level of the fronting gables and the hipped design of the main roof, the new dwellings will not appear out of scale. The depth and width of the properties is similar to other semi detached houses in the street, and it is considered that the development will fit well within the street scene.

Other issues

Bats and Reptiles: A condition on the outline consent required that appropriate bat and reptile surveys be carried out and submitted concurrently with the reserved matters. This has been done and no issues are raised with regard to these species from the proposed housing development.

Flood risk: The existing site is hard surfaced and the proposed development decreases the impermeable area therefore reducing run off and off site impacts are negligible. The site is not within an Environment Agency Flood Zone 2 or 3 therefore and the Council's Land Drainage Section is satisfied that the proposals are compliant with guidelines.

Street Lighting: Although the issue of street lighting was raised by the Parish Council at the outline application stage, this was not made a requirement of any legal agreement when the application was approved by the District Development Control Committee. It is not considered by Essex County highways that such lighting is required and it is not unusual for semi rural locations like this to have no street lighting. Lack of such lighting would not be grounds to refuse the application and therefore its provision cannot reasonably be required by condition.

Conclusion

In conclusion, the development is considered well designed and appropriate to the location and meets current adopted parking and amenity standards. The scheme results in suitable living conditions for future residents and will not adversely impact on the residential amenity of neighbouring occupants. The application is considered to be in compliance with the NPPF and the

appropriate policies of the adopted Local Plan 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:

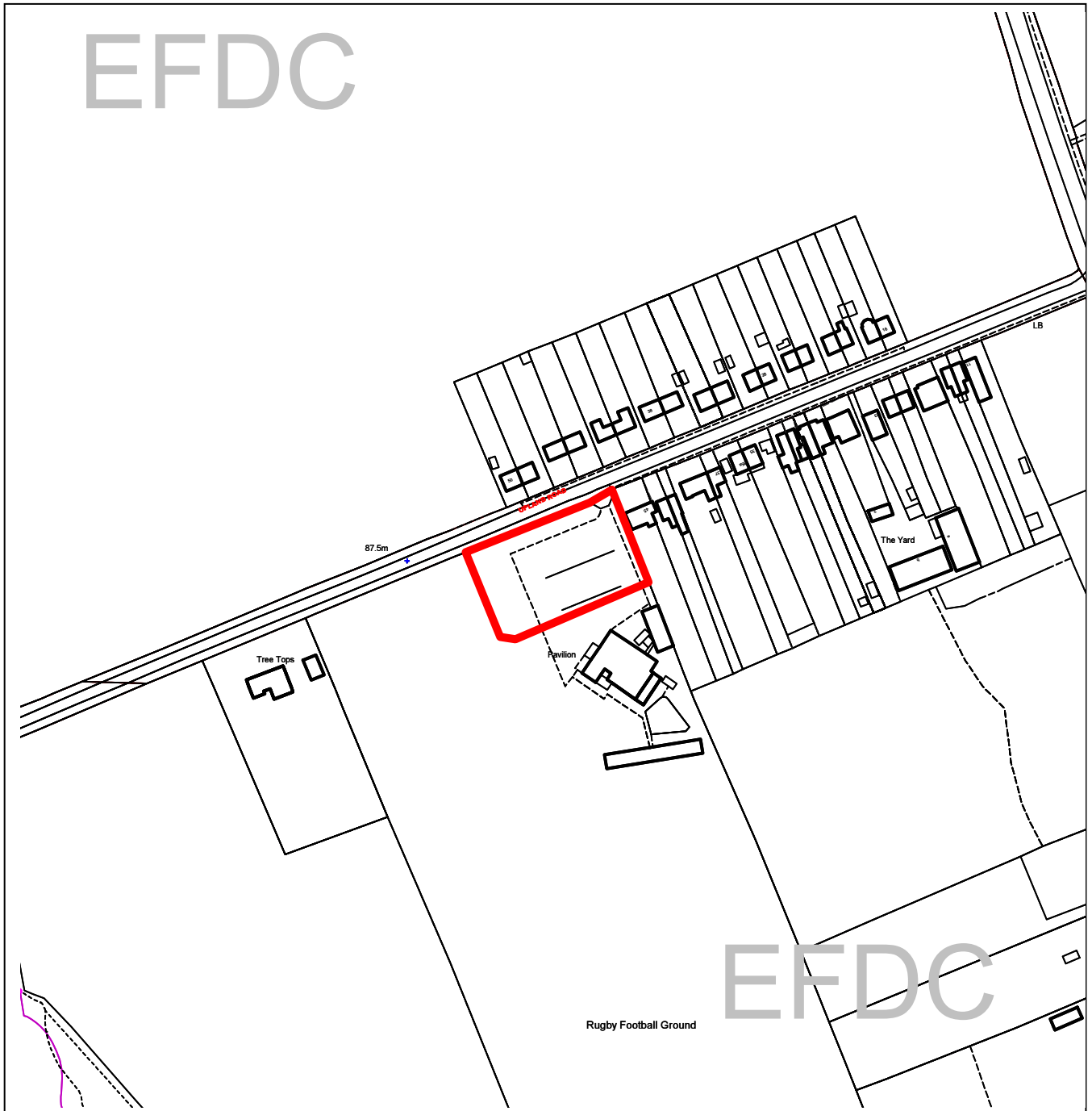
***Planning Application Case Officer: Mrs Jill Shingler
Direct Line Telephone Number 01992 564106***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	9
Application Number:	EPF/1630/13
Site Name:	Upper Clapton Rugby Football Club Upland Road, Thornwood, CM16 6NL
Scale of Plot:	1/2500

Report to Area Plans East Sub-Committee

Date of meeting: 18 September 2013

Subject: Birch Field, Epping Lane, Stapleford Tawney –
Unauthorised use as travellers' caravan site in contravention of an
existing Enforcement Notice and an existing Injunction



**Epping Forest
District Council**

Officer contact for further information: Jeremy Godden/Stephan Solon
Democratic Services Officer: Gary Woodhall

Recommendation

1. That the Director of Corporate Support Services be authorised to commence criminal and/or civil proceedings to secure compliance with the enforcement notice as varied by the Secretary of State in his decision letter dated 13 May 2004 ("the Enforcement Notice").
2. That the Director of Corporate Support Services be authorised to commence committal proceedings in the High Court to secure compliance with the terms of an Injunction Order granted by the Court on 16 February 2006 requiring compliance with the Enforcement Notice ("the Injunction").

Report Detail

1. This report concerns a recent breach of planning control at a site known as Birch Field, Epping Lane, Stapleford Tawney ("the Site"), involving the unauthorised use of the land as a travellers' caravan site, contrary to the requirements of the Enforcement Notice and in breach of the terms of the Injunction. This report seeks to address any material changes in planning circumstances since the High Court granted the Injunction requiring compliance with the Enforcement Notice. This includes changes in national planning policy, the circumstances of the current breach of planning control, the actions taken by officers, the personal circumstances of the current occupiers and the proposals for taking enforcement action. The Sub-committee is asked to confirm the recommended action.

Chronology

2. The lawful use of the land is for agriculture and, prior to the carrying out of works in 2002 to facilitate its unauthorised use as a caravan site, it was used for grazing animals. In 2002, material comprising bricks, concrete, brick rubble and topsoil, chert pebbles, sand and wood was imported to the site and eventually laid to a depth of 0.2m to 1.5m in thickness, in contravention of the provisions of an Interim Injunction granted by the High Court on 6 September 2002 to facilitate its use as a travellers' caravan site. The unauthorised use of the land as a travellers' caravan site intensified to eventually form some 24 pitches and a bund between 2 and 3m high built on a 10 wide base was erected adjacent to the M25 along most of the northern site boundary. The following enforcement history is relevant:

29.4.03

An Enforcement Notice was issued requiring the cessation of the use of the land as, inter alia, a travellers' caravan site, the removal of, inter alia, all associated works and the restoration of the land to its former condition.

13.05.04

An appeal against the Notice was dismissed but the requirements of the Notice and the period for compliance were varied.

The requirements as varied are:

- “(1) Cease the unauthorised use of the land for a private travellers' caravan site and for the storage and distribution of furniture;*
- (2) Cease the unauthorised use of the existing stable building on the Land as a washroom;*
- (3) Remove all caravans, mobile homes and portable structures associated with the unauthorised use of the Land as a private travellers' caravan site and for the storage and distribution of furniture from the Land;*
- (4) Remove all those works comprising the associated operational development from the land (roadways, hardstandings, various means of enclosure around and to subdivide the Land, a marquee and all other buildings and structures ancillary and incidental to the use of the land);*
- (5) Remove all materials arising as a result of compliance with (1), (2), (3) and (4) from the Land;*
- (6) Restore the Land to its condition immediately prior to the Unauthorised Development taking place.”*

The time for compliance as varied is:

In respect of requirements (1), (2) and (3), 12 months after the notice took effect; and

In respect of requirements (4), (5) and (6), 15 months after the notice took effect.

The Enforcement Notice took effect on 13 May 2004; therefore, the relevant compliance dates are 13 May 2005 and 13 August 2005, respectively.

29.06.05

The Council resolved to commence criminal and/or civil proceedings to secure compliance with the Enforcement Notice as varied. It also gave authority to commence Injunctive Proceedings in the High Court. A copy of the related report to Committee is attached.

03.08.05

A planning application was received proposing the use of the land as a caravan site for travellers providing 16 pitches, application ref EPF/1313/05.

21.09.05

Application EPF/1313/05 was refused permission on the basis of harm to the Green Belt, the interests of highway safety, flood risk, potential contamination

of the water environment, poor sustainability, exposure to noise and failure to comply with associated planning policy.

03.11.05

An appeal against the refusal of application EPF/1313/05 was submitted and follows the Inquiries Procedure.

16.02.06

The High Court granted an application for an injunction requiring compliance with the Enforcement Notice. In anticipation of the Injunction being granted the site was vacated by the travellers occupying it in January 2006.

20.12.06

The Secretary of State dismissed the appeal against the refusal of application EPF/1313/05 following consideration of a report by the Inspector appointed to conduct a local public inquiry into the appeal, in which the Inspector recommended that the appeal be dismissed.

The Secretary of State found the proposal harmful to the Green Belt, the interests of highway safety and that it would result in poor living conditions for the occupants of the site that could not be remedied without works that would of themselves be harmful. The Secretary of State found no justification for granting temporary planning permission for the proposed use and also found that the interference with the appellants' Article 8 Right to respect for their home, private and family life, arising from the refusal of permission, was necessary and proportionate when balanced against the harm the proposed use would cause.

24.08.13

Travellers moved on to the site and at the time of writing this report there are 10 caravans on the land. Officers found 16 adults and 19 children on the land, occupying caravans. Planning Enforcement Officers have identified that the adults currently occupying the site are named in the Injunction.

28.08.13

Male occupiers of the site attended the Council's offices and made appointments with the Council's Housing Department on 29 and 30 August to apply for housing assistance by the Council. None of the travellers attended the scheduled appointments.

Planning Enforcement Officers attended the site and hand delivered questionnaires to the occupants requesting details of their personal circumstances. At the time of writing this report they have not been completed and returned.

05.09.13

The Travellers' legal representative submitted a schedule of occupiers identifying 73 people in 12 family groups. The numbers of people identified is significantly more than appeared likely at the time of an inspection of the site by Enforcement Officers the previous day and appears to be an indication of current occupants and anticipated occupants.

Current planning policy position:

3. The Council's development plan continues to deliver pitches to meet justified local need in the District. Whilst personal need may constitute a factor relevant to demonstrating that very special circumstances exist to justify inappropriate development in the Green Belt, no evidence of an overriding and immediate general need to provide additional pitches in the District has been demonstrated. This is consistent with the DCLG Ministerial Statement (July 2013) which states (so far as is relevant):-

"The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt."

4. Local authorities are required under section 225(1) of the Housing Act 2004 to make provision for Gypsies and Travellers 'resorting' to their district. Section 225(2) requires that the local authority prepares a strategy to meet the needs identified and to take this strategy into account when exercising its functions. The most up-to-date and publicly tested figures regarding the need for Gypsy and Traveller pitches (both local and national need) within the District are the Single Issue Review (SIR) of the, now repealed, East of England Plan (July 2009) and the November 2009 Essex GTAA.
5. A recent appeal decision in St. Albans (March 2013) recognised that the RSS target *"provides the only figure that has been scrutinised through the independent examination process"*. The East of England Plan SIR set a minimum target of 34 pitches to be provided within the Epping Forest District in the period 2006 to 2011 and the Essex GTAA identified a need for 32.4 pitches in the period 2008-2013.
6. Whilst the Council cannot demonstrate a 'five-year land supply' for additional pitches within the District, as required by the National Planning Policy Framework (NPPF), the Council has been actively approving suitable sites to meet growing needs. Between January 2008 and mid-June 2013, permission has been granted for 47 permanent pitches. The SIR and GTAA targets have therefore been exceeded.
7. An up-to-date Local Plan is under preparation with a proposed adoption date of 2016. The Essex GTAA is also being updated - Opinion Research Services (ORS) has been commissioned to carry out the study, which will also address the needs of the Travelling Showpeople (TS) community. In order to satisfy the duty to co-operate under section 33A of the Planning and Compulsory Act 2004 (as amended), the study area includes authorities in Cambridgeshire, Greater London, Hertfordshire, Kent and Suffolk which adjoin the County boundary. Representatives of those authorities will be interviewed by pre-arranged phone calls, and face-to-face interviews with the travelling communities have been held through the months of June and July 2013. ORS will present their draft findings to a meeting of the commissioning bodies (Essex Planning Officers' Association and Essex Housing Officers' Group), and to a special meeting of Councillors and planning and housing officers from across the county. Both meetings are likely to be held shortly.

The draft findings may then need to be revised depending on the outcome of these presentations. The final outcomes of the study will be used by the Essex authorities in making provision for the GRT and TS communities in their Local Plans. At this time it is therefore not considered that the lack of a demonstrable five-year land supply for Gypsy and Traveller pitches is sufficient to outweigh the harm to the openness of the Green Belt from inappropriate development.

Degree of change in site conditions since 2006:

8. The use of the site as a gypsy caravan site remains inappropriate development in the Green Belt. There is no change in the access arrangements to the site and its relation to the highway at Epping Lane therefore the assessment of highway safety matters is not likely to change, however, that would be a matter for the highway authority to decide. The M25 motorway abutting the site has been widened since the planning merits of the use of the site was considered by the Secretary of State in 2006 such that the carriageway is now nearer the site boundary. It is therefore likely the site is exposed to at least the same noise level as it was in 2006 when such exposure was found to result in poor living conditions. It remains the case that any mitigation of noise levels would be likely to, of itself, cause harm to the Green Belt. There has also been no clarification of whether material imported by the Travellers in 2002 is contaminated and, if so, what if any remediation would be required to achieve a safe living environment. Such contamination could also have arisen from diesel or oil spillages that took place when the site was last occupied.

Personal circumstances

9. The submitted schedule of occupiers names each of the occupiers and gives their age. Three named persons are identified as being pregnant and 46 children are identified, although two are stated to be over 18 years old. The accuracy of the schedule has not otherwise been verified, however, it is not likely all the people named in the schedule were occupying the site at the time of writing this report.
10. Officers have sought detailed information about the personal circumstances of the occupants of the site by handing out questionnaires on site. At the time of writing this report they have not been completed and returned. Planning Enforcement Officers have been advised by the occupants there are two children under a year old, twelve aged 1 to 11, six aged 12 to 15 and 1 older child (under 18). Only one person was identified as pregnant.
11. At the time of writing this report the numbers of people on the site and the balance between adults and children is changing daily. It seems likely the situation will eventually be as described in the schedule submitted. Despite efforts to gain information about the present occupants' personal circumstances is limited. However, since the occupants are moving to the site from elsewhere it is not likely that their personal circumstances are such that their requirements could only be met on this site. That situation accords with the findings of the Secretary of State in dismissing the appeal against the refusal of application EPF/1313/05. Indeed, the fact that appointments made with Housing Officers at the Council have not been kept indicates the occupants perceive a degree of choice about where their requirements can be met.

Human Rights Issues

13. The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law and is a relevant consideration. Before making a decision to pursue further enforcement action, it is necessary for Members to be mindful of the impact it would have on the occupants, including the children, of the site. It must be recognised that the further enforcement action will be an interference with the Human Rights of the families currently occupying the site, including their right to respect for their way of life as members of the travelling community and the legal protections afforded to them as members of that group. There is a clear obligation upon the Council to ensure that the any decision it makes accords with the obligations under Article 8 of the ECHR.
14. Incorporated into that obligation are the obligations set out under the United Nations Convention of the Rights of the Child (UNCRC), and in this case specifically Article 3. As the Article 8 Rights of the families occupying the site are clearly engaged, any decision to take enforcement action must be proportionate. In the assessment of proportionality there is an explicit requirement to treat the needs of the children as a primary consideration (UNCRC, Article 3) and to safeguard and promote the welfare and wellbeing of the children (Children's Act 2004, section 11(1)). It may well be the case that the legitimate aims that justify taking further enforcement action is a proportion interference with the families' Rights protected by the Conventions, however, the Council must be have specific regard to the impact that seeking an injunction will have on the children concerned.
15. This will require the Council to investigate their current circumstances and the extent to which their health and education needs are being met. The best interests of the children concerned, i.e., their wellbeing, must be one of the Council's primary considerations and must include a preliminary assessment of children's best interests so that the impact of the proposed action can be assessed against those interests. Making children homeless will never be in their best interests. In the absence of any detailed information, a preliminary assessment is the needs of the children can be met equally well on this site as any other.
16. As described above, officers have taken steps to ascertain the personal circumstances of the occupants of the site, including the children on the site, to ascertain the need for them to occupy this particular site and to ascertain whether taking further steps to secure compliance with the Notice would be a proportionate interference in their Article 8 Rights. The necessity for such interference has already been established in the Secretary of State's decision to dismiss the appeal against the Enforcement Notice following the public inquiry held in January and February 2004. It was also found proportionate to withhold consent for a less intense use of the site when the Secretary of State dismissed the appeal against the refusal of application ref. EPF/1313/05. Most importantly, the High Court considered that it was proportionate to enforce the terms of the Notice by granting the Injunction to bring the unauthorised use to an end.
17. To date, despite the efforts of officers, limited information has been obtained to fully establish the educational, health and welfare needs of the occupants of the site. Since they have very recently moved onto the site from elsewhere

it is reasonable to find that it is very unlikely they could only be met at the site. Officers continue to take active steps to ascertain this information, which to a very large extent, requires the co-operation of the occupants of the site. The Sub-committee will be provided with an update of any further information at the meeting.

18. Accordingly, it is concluded that since the objections to the development are numerous and serious, interference with Article 8 rights by securing the cessation of the use remains necessary to safeguard the public interest and would not be a disproportionate measure or unjustified interference in this particular case.
19. It is important to remember that the High Court is also bound by the same legal duties to give effect to the Conventions. Before taking any decision to enforce the terms of the Injunction to secure the Defendants' compliance with the order, the High Court must also consider whether such action is necessary and proportionate in all the circumstances of the case.

Direct action

20. In the event that the owners and/or occupiers of the land do not voluntarily comply in full with the requirements of the Enforcement Notice, pursuant to section 178 of the Town and Country Planning Act 1990, the Council may enter the land and take the steps required by the notice in default of the owner or occupier. The Council is then entitled to recover its costs of so doing from the owner. These powers were used previously to clear the land subsequent to the former occupiers leaving the land voluntarily in part compliance with the terms of the Injunction.
21. For the avoidance of doubt, Officers do not intend or seek authority to take direct action to remove the current occupiers from the land; Officers are delegated with the requisite authority to take direct action to execute such works that may be necessary to ensure full compliance with the requirements of the Enforcement Notice in the event that the current occupiers leave the land in compliance with the terms of the Injunction, or such other Order that the High Court may make.

Planning Assessment and Conclusion

22. Although the planning policy context has changed, it is a fact that this Council has delivered planning permissions for sites in excess of the number identified as necessary in the Single Issue Review (SIR) of the, now repealed, East of England Plan (July 2009) and the November 2009 Essex GTAA. Moreover, planning policy maintains the position that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development and consequently should not be permitted unless very special circumstances are demonstrated.
23. There has been no material change in site conditions and, insofar as there have been any changes to the conditions, they are likely to have deteriorated such that the site is even less appropriate for the unauthorised use than it was in 2006. Having regard to the present planning policy position and other material considerations, it is concluded that no very special circumstances in favour of permitting the present use to continue on any basis exist. The

resumption of the use of the land as a travellers' caravan site together, with the retention of the works facilitating it is therefore unacceptable and planning permission for the development would not be given. In the circumstances the consequent interference with the Article 8 Rights of the current occupants of the site, including the children on the site, in order to secure compliance with the requirements of the enforcement notice as varied is considered to be necessary and proportionate.

24. The current occupiers of the site are named on the Injunction and are aware of its terms. They have confirmed to officers that they recognise that their occupation of the site is breach of the terms of the Injunction. Consequently, the breach of the Injunction is particularly flagrant and amounts to a contempt of court, which shows contempt for the authority of the High Court and its orders. Such wilful and flagrant breaches of the terms of the Injunction should be brought to the attention of the High Court save where there is a good reason for not doing so. Officers do not consider that any such reason exists in the present case.
25. Having regard to the following, it is considered that the most effective course of action to secure compliance with the Enforcement Notice would be to commence committal proceedings in the High Court and the Sub-committee is asked to confirm and authorise this intended action.

Report to Area Plans Sub-Committee 'C'



**Epping Forest
District Council**

Date of meeting: 29 June 2005.

Subject: Use as Travellers' Caravan Site - Birch Field, Epping Lane, Stapleford Tawney.

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Gary Woodhall (01992 – 56 4470).

Recommendation:

(1) That, as varied by the Secretary of State in his decision letter dated 13 May 2004, the Head of Legal, Administration and Estates be authorised to commence criminal and/or civil proceedings to secure compliance with the enforcement notice; and

(2) That the Head of Legal and Administrative Services be authorised to commence Injunctive Proceedings in the High Court.

Background

1. This report seeks to address the fact that some of the current occupiers of this site were not present when the interests and rights of the occupiers were considered in 2003/04. The report explains the current situation, the actions taken by officers, the circumstances of the current occupiers and the next stage in the process. The Sub-Committee is asked to confirm the intended action.
2. The history of this matter is as follows:
 - (a) 29 April 2003 - An enforcement notice was issued requiring the cessation of the use of the land as, inter alia, a travellers' caravan site, the removal of, inter alia, all associated works and the restoration of the land to its former condition;
 - (b) 13 May 2004 - An appeal against the notice was dismissed but the requirements of the notice and the period for compliance were varied as follows:
 - “(1) Cease the unauthorised use of the land for a private travellers' caravan site and for the storage and distribution of furniture;*
 - (2) Cease the unauthorised use of the existing stable building on the Land as a washroom;*
 - (3) Remove all caravans, mobile homes and portable structures associated with the unauthorised use of the Land as a private travellers' caravan site and for the storage and distribution of furniture from the Land;*
 - (4) Remove all those works comprising the associated operational development from the land (roadways, hardstandings, various means of enclosure around and to*

subdivide the Land, a marquee and all other buildings and structures ancillary and incidental to the use of the land);

(5) Remove all materials arising as a result of compliance with (1), (2), (3) and (4) from the Land;

(6) Restore the Land to its condition immediately prior to the Unauthorised Development taking place.”

(i) In respect of requirements (1), (2) and (3), 12 months after the notice took effect;

(ii) In respect of requirements (4), (5) and (6), 15 months after the notice took effect; and

(iii) The notice took effect on 13 May 2004 therefore the relevant compliance dates are 13 May 2005 and 13 August 2005.

3. The matters given specific consideration by the Secretary of State when considering the appeal included:

- *The gypsy status of the appellants* - It was found that the appellants should be afforded gypsy status;
- *Highway safety* - It was concluded that the increase in traffic along Epping Lane would be materially harmful to road safety in the area;
- *Flood risk and pollution* - The site is in a 100-year flood plain. In the light of national guidance advising such development should not be given permission unless the particular location is essential for the use it was decided that the use of the land as a residential caravan site should not be permitted;
- *Living conditions on the site* - It was found that the site would not provide satisfactory living conditions for its occupants due to noise and air pollution and possible land contamination;
- *Sustainability* - Since the site is in a remote rural landscape and is not actually accessible to local services, shops or schools by any other form of transport than the car it was concluded the use was in conflict with adopted planning policy and national planning guidance;
- *Impact on the Green Belt* - It was found that the use is clearly harmful to the Green Belt; and
- *The existence of very special circumstances* - Having regard to the need for Gypsy site provision, whether alternative sites existed and the health and educational needs of the appellants, it was decided that these matters did not either in themselves or cumulatively amount to very special circumstances sufficient to overcome the harm caused to the Green Belt:

(i) It was found that there was no need for the appellants to be in this particular location and the site was just a site near a big city that had become available. There was no evidence that the occupiers of the site had looked for an alternative site; and

(ii) In respect of health needs, even taking into account that one of the residents went to hospital twice a week for chemotherapy, it was found that there was no medical need that required any occupier of the site to live at this particular site rather than any other. Similarly in respect of the educational needs of the occupants of the site, despite acknowledging that moving school is normally highly

disruptive to most children, there was no evidence to demonstrate the educational needs of children at the site could not be met at any other school;

- *Impact on a high-pressure gas main* - It was acknowledged that any caravans would have to be moved to carry out emergency work on the gas main but since there was no evidence given by Transco to the Inquiry it was unknown whether there were any safety issues regarding stationing residential caravans on the site; and
- *Human Rights* - It was recognised that dismissal of the appeal would interfere with the occupants rights under Article 8 of the European Convention on Human Rights. However, it was concluded that since the objections to the development were numerous and serious, interference with Article 8 rights by securing the cessation of the use was necessary to safeguard the public interest and would not be a disproportionate measure or unjustified interference in this particular case.

Situation as at 14 June 2005:

4. It is considered that the only material changes in circumstances since the appeal was considered are that the site is not fully occupied (although the level of occupation varies from time to time) and that some of the occupants of the site did not live there at that time.
5. Notwithstanding the lower level of occupancy of the site, the unauthorised works still exist and although a number of pitches are not currently occupied, they remain capable of occupation. There is therefore no material change in the planning considerations and the continuation of the use together with the retention of the works facilitating it remain unacceptable.
6. Officers visited the site on 10, 19 and 24 May 2005 and have found that approximately half the plots are occupied. A total of 58 people appear to be living on the land. That includes 19 children under 14 years old of whom 11 are receiving education in the District and the remaining 8 are below school age. Five of the occupants are being treated for medical conditions or undergoing medical tests. They are being treated by their GP or as outpatients. It does not appear that the needs of the occupants of the site are different to those of the general population. The occupant who was receiving chemotherapy when the appeal was considered was not found to be at the site.
7. It is understood from discussions with people living at the site that more gypsies may buy Plots at Birchfield despite the extant enforcement notice. Two such individuals have been interviewed. They, together with all other people interviewed at the site were told of the existence of the notice, its requirements and the dates for compliance. They were also told that the Council is seeking compliance with the notice. Periodic inspections and necessary additional interviews will continue to be carried out and, to date, this is being done with the co-operation of the occupants of the site.

Human Rights Issues:

8. The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law and is a relevant consideration. Officers have taken steps to find out the personal circumstances of the occupants of the site to ascertain the need for them to be at this particular site and therefore ascertain whether taking steps to secure compliance with the Notice would be a proportionate interference in their Article 8 rights. The necessity for such interference has already been established in the Secretary of States decision to dismiss the appeal against the Notice following the public inquiry held in January and February 2004.
9. The educational and health needs of the occupants of the site are not such that they can only be met at the site. They could certainly be met at another site and in that respect there is no change since the appeal against the Notice was considered. In reaching his decision to extend the period for complying with the requirements of the Notice the Secretary of State had specific regard to the difficulty the occupants were likely to have in finding alternative sites. Accordingly, it is concluded that since the objections to the development are numerous and serious, interference with Article 8 rights by securing the cessation of the use remains necessary to safeguard the public interest and would not be a disproportionate measure or unjustified interference in this particular case.

Conclusion:

10. There is no material change in the planning considerations and the continuation of the use together with the retention of the works facilitating it remain unacceptable. In the circumstances and having regard to the extended compliance period given by the Secretary of State, the consequent interference with the Article 8 rights of the current occupants of the site in order to secure compliance with the requirements of the enforcement notice as varied is considered to be necessary and proportionate.
11. The options to secure compliance with the enforcement notice as varied are to either start proceedings in the Magistrates Court or commence Injunctive Proceedings in the High Court. It is considered the most effective course of action would be to commence Injunctive Proceedings in the High Court and the sub-committee is asked to confirm this intended action and to give authority to take either course of action.