

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 11th November, 2015

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 11th November, 2015
at 7.30 pm .**

**Glen Chipp
Chief Executive**

**Democratic Services
Officer**

Adrian Hendry (Directorate of Governance)
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564243

Members:

Councillors S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, W Breare-Hall, T Church, A Grigg, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, J H Whitehouse and J M Whitehouse

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 Public Relations Manager on 01992 564039.

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 - 44)

To confirm the minutes of the following meetings of the Sub-Committee held on 14 September 2015 and 26 October 2015.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

(Director of Governance) 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 45 - 84)

(Director of Governance) 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. **PROBITY IN PLANNING - APPEAL DECISIONS (Pages 85 - 106)**

(Director of Governance) To consider the attached report.

9. **EXCLUSION OF PUBLIC AND PRESS**

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

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

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

Background Papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

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

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

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

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

What can I say?

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information?

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

Area Planning Subcommittee East 2015-16
Members of the Committee and Wards:



Cllr Jones
Theydon Bois

Cllr Keska
Chipping Ongar,
Greensted and
Marden Ash

Cllr Avey
Epping
Hemnal

Cllr Bedford
Shelley

Cllr Boyce
Moreton and
Fyfield



Cllr Brady
Passingford

Cllr Breare-Hall
Epping
Lindsey and
Thornwood
Common

Cllr Church
Epping
Lindsey and
Thornwood
Common

Cllr Grigg
North Weald
Bassett

Cllr McEwen
High Ongar,
Willingale and
the Rodings



Cllr Morgan
Hastingwood,
Matching and
Sheering Village

Cllr Philip
Theydon
Bois

Cllr Rolfe
Lambourne

Cllr Stallan
North Weald
Bassett

Cllr Surtees
Chipping Ongar,
Greensted and
Marden Ash



Cllr Waller
Lower
Sheering

**Cllr
Whitbread**
Epping Lindsey
and Thornwood
Common

**Cllr J H
Whitehouse**
Epping
Page 7

**Cllr J M
Whitehouse**
Epping
Hemnal

This page is intentionally left blank

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 14 October 2015
East

Place: Council Chamber, Civic Offices, **Time:** 7.00 - 10.10 pm
High Street, Epping

Members Present: S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, T Church, A Grigg, M McEwen, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: W Breare-Hall and R Morgan

Officers Present: J Shingler (Principal Planning Officer), M Jenkins (Democratic Services Officer) and J Leither (Democratic Services Officer)

28. 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.

29. 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.

30. MINUTES

RESOLVED:

That the minutes of the meeting held on 9 September 2015 be taken as read and signed by the Chairman as a correct record.

31. DECLARATIONS OF INTEREST

(a) 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 knowing the objectors. The Councillor had determined that his interests were not prejudicial and he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1737/15 94-96 High Road, North Weald Bassett; and
- EPF/1790/15 Station Court, Basons Way, Ongar CM5 9BS

(b) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following items of the agenda by virtue of knowing the applicants. The Councillor had determined that his interests were prejudicial and he would leave the meeting for the consideration of the applications and voting thereon:

- EPF/1629/15 Sixteen String Jack, Coppice Row, Theydon Bois CM16 7DS;
- EPF/1737/15 94-96 High Road, North Weald Bassett; and
- EPF/1881/15 Houblons House, Houblons Hill, Coopersale CM16 7QL

(c) Pursuant to the Council's Code of Member Conduct, Councillor M McEwen declared a non-pecuniary interest in the following item of the agenda by virtue of being a friend of the applicant. The Councillor had determined that her interest was prejudicial and she would leave the meeting for the consideration of the application and voting thereon:

- EPF/1790/15 Station Court, Basons Way, Ongar CM5 9BS

(d) Pursuant to the Council's Code of Member Conduct, Councillors N Avey and T Church declared a non-pecuniary interest in the following items of the agenda by virtue of being members of Epping Town Council. The Councillors had determined that their interests were not prejudicial and they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/1773/15 3 Maltings Lane, Epping CM16 6SB;
- EPF/1881/15 Houblons House, Houblons Hill, Coopersale, Epping CM16 7QL; and
- EPF/1987/15 Treetops Care Home, Station Road, Epping CM16 4HG

32. ANY OTHER BUSINESS

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

33. DEVELOPMENT CONTROL

RESOLVED:

That the planning applications numbered 1 - 10 be determined as set out in the schedule attached to these minutes.

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/0459/15
SITE ADDRESS:	31 Piercing Hill Theydon Bois Epping Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Raising of height of roof and provision of three dormer windows at front and three to the rear, erection of part one, part two and part three storey rear extensions and conversion of garage into a gym. (Revision of planning permission EPF/2150/11).
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574038

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 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.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevation facing south towards the neighbouring Coopers Court, 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 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Report Item No:2

APPLICATION No:	EPF/1328/15
SITE ADDRESS:	Esperanza Nursery Stapleford Road Stapleford Abbots Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Outline application to demolish all buildings, clear site and erect 3 chalet bungalows. (Access and layout to be determined).
DECISION:	Granted Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576655

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the recommendations of the approved Phase 1 Habitat Assessment and approved drawings nos:
PDB/15/85/01
PDB/15/85/02
PDB/15/85/023
- 2 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 3 below, whichever is the later.
- 3
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) scale;
 - (ii) appearance;
 - (iii) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 4 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such 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 the creation of the meadow/paddock area to the rear of plot 3) (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.
- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline

remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 No development shall 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, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 Prior to the commencement of works, details shall be submitted to and approved in writing by the Local Planning Authority for the storage and collection arrangements for refuse and recycling. The development shall be carried out in accordance with the agreed, unless otherwise agreed in writing by the Local Planning Authority.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class E (Outbuildings) of Part 1 of Schedule 2 to the Order shall be undertaken on plot 3 without the prior written permission of the Local Planning Authority.
- 17 The proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.
- 18 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 19 Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

20 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

21 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Subject to the applicant entering into a Section 106 Legal Agreement within 6 months for the developer contributing in respect of the following:

- 1. Provision of on site affordable housing a single three bedroom social rent property.**

Report Item No: 3

APPLICATION No:	EPF/1629/15
SITE ADDRESS:	Sixteen String Jack Coppice Row Theydon Bois Epping Essex CM16 7DS
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Demolition of existing public house and associated buildings and the erection of eleven residential apartments with parking and communal garden.
DECISION:	Deferred to District Development Management Committee

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577522

Following discussion, members voted to refuse the application for the following reasons:

1. The proposed development whilst within walking distance of facilities in the centre of Theydon Bois is not in a main urban area where a high level of accessibility may lead to a demonstrably lower level of average car ownership among the occupants of the proposed flats and therefore there is no justification for a significant reduction in the number of parking spaces required by the adopted parking standards, in addition the proposed spaces are below the standard size required and there are no exceptional circumstances to warrant such a reduction. The development is therefore likely to increase on street parking in the area to the detriment of highway safety, contrary to policy ST6 of the adopted Local Plan and Alterations.

2. The proposed intensive flatted development, due to the scale and design and level of site coverage is completely out of character with the nature of the surrounding residential area and the street scene, which is characterised by detached properties on large garden plots set back from the highway frontage. In addition it provides an inappropriately hard edge to the boundary of the Green Belt and the edge of the settlement and is contrary to policies CP3, CP7, H3A, GB7A, and LL3 of the adopted Local Plan and Alterations.

Following this decision 5 members of the Sub Committee stood to exercise their right under require that no action be taken on the matter until it has been considered by the District Development Management Committee.

Report Item No:4

APPLICATION No:	EPF/1737/15
SITE ADDRESS:	94 - 96 High Road North Weald Bassett Epping Essex
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Proposed 1 no. 2 bed flat and 1 no. 1 bed flat in existing roof of the property and front, rear and side dormer and raised ridge height level to rear roof.
DECISION:	Refused Permission

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577768

Reasons for Refusal

1. The design, bulk and massing of the proposed extension and roof alterations proposed, fail to complement or enhance either the existing building or the street scene and are therefore contrary to policy DBE10 of the adopted Local plan and Alterations in addition the proposed addition of two flats together with further parking spaces, within this small site results in overdevelopment and an unsympathetic change and loss of amenity, undermining the quality of the urban area contrary to policy CP7 of the adopted Local Plan and Alterations.
2. The proposed front extension will result in an unacceptable overbearing impact and loss of light to the kitchen area of one of the existing ground floor flats and the bedroom of one of the existing first floor flats causing an excessive harm to residential amenity contrary to policy DBE9 and CP7 of the adopted Local Plan and alterations.

Report Item No:5

APPLICATION No:	EPF/1744/15
SITE ADDRESS:	Land at the Maltings Waterside Place Sheering Lower Road Sheering Harlow Essex CM21 9JX
PARISH:	Sheering
WARD:	Lower Sheering
DESCRIPTION OF PROPOSAL:	A revised scheme pursuant to extant planning permission EPF/0360/12 for the construction of a new building providing thirteen flats with external parking and amenity areas.
DECISION:	Refused Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577779

The presenting officer read the comments of the Parish Council which were not reported in the agenda.

Reason for Refusal

1. Due to the excessive bulk and height of the proposed building and the lack of meaningful amenity space and landscaping, the proposal will amount to overdevelopment of the site and have an adverse impact on the character and visual amenity of the conservation area, the setting of the adjacent Listed Building, and the street scene, contrary to policies CP2, CP7HC7, HC12, DBE1, DBE3, and DBE8 of the adopted Local Plan and Alterations.

Members considered whether there was a way forward, but felt that the previously approved scheme for 9 flats was likely to be the maximum level of development that would be appropriate for the site.

Report Item No:6

APPLICATION No:	EPF/1773/15
SITE ADDRESS:	3 Maltings Lane Epping Essex CM16 6SB
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	First floor side and rear extension, two storey side extension, single storey rear extension. Front porch extension
DECISION:	Refused Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577860

Reasons for Refusal

1. The proposed single storey rear element of the proposal is of excessive depth and height and will be overbearing in relation to the adjacent property at number 5 Maltings Lane, and cause excessive harm to residential amenity contrary to policy DBE9
2. The use of a concrete finish to part of the development fails to complement or enhance the appearance of the existing building contrary to policy DBE10 of the Adopted Local Plan.

Report Item No: 7

APPLICATION No:	EPF/1790/15
SITE ADDRESS:	Station Court Bansons Way Ongar Essex CM5 9BS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Proposed refurbishment, rearrangement of parking layout, and two storey addition to form a 2 bedroom maisonette.
DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577880

Members decided to defer making a decision on this application in order for a site visit to take place.

Report Item No:8

APPLICATION No:	EPF/1850/15
SITE ADDRESS:	Lampetts Moreton Road Fyfield Essex CM5 0HT
PARISH:	Fyfield
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Installation of a 30 metre high shared telecommunications base station tower with six antennas and associated ground-based equipment cabinets.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578002

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 telecommunications installation hereby approved shall be removed after it is no longer needed for telecommunication purposes.

Report Item No: 9

APPLICATION No:	EPF/1881/15
SITE ADDRESS:	Houblons House Houblons Hill Coopersale Epping Essex CM16 7QL
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Conversion of existing two storey detached domestic annexe building to separate independent 2 bedroom house, and new access to serve the existing house.
DECISION:	Refused Permission

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578074

Reasons for Refusal

1. The site is not well related to facilities, such as shops schools and employment and does not have good public transport links. Any persons occupying the dwelling would be likely to be reliant on the private car for everyday trips. As such the proposal is considered to be an unsustainable form of development, contrary to the principles of policies CP1, CP3, CP6 and ST1 of the adopted Local Plan and alterations.
2. The proposed development including the creation of an additional access will result in an intensification of use of this rural site with additional traffic movements and car parking and additional residential paraphernalia, which will be harmful to the rural character of the area and openness of the Green Belt, contrary to policies GB8A and GB13 of the adopted Local Plan and Alterations.

Report Item No:10

APPLICATION No:	EPF/1987/15
SITE ADDRESS:	Treetops Care Home Station Road Epping Essex CM16 4HG
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Demolition of existing garage and store shed, construction of a four storey extension to provide additional bed space to the existing care home.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578315

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: 09-3319-05, 09-3319-06 A, 09-3319-09 C, 09-3319-10 B.
- 3 Prior to first occupation of the development hereby approved all window openings in the flank elevation 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 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 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.

- 6 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee East **Date:** Monday, 26 October 2015

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 10.03 pm
High Street, Epping

Members Present: S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, H Brady, W Breare-Hall, M McEwen, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: Councillors A Boyce, A Grigg and C Whitbread

Officers Present: J Shingler (Principal Planning Officer), S Tautz (Democratic Services Manager), S Mitchell (Webcasting Officer) and P Pledger (Assistant Director (Housing Property))

34. 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.

35. 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 meetings of the Planning Sub-Committees.

36. DECLARATIONS OF INTEREST

The following declarations of interest were made by members of the Sub-Committee:

- (a) Pursuant to the Council's Code of Member Conduct, Councillor D. Stallan declared a prejudicial interest in agenda item 6 (3) (EPF/1770/15 – Garages adjacent to 44 Parklands, Coopersale) by virtue of being the Chairman of the Cabinet Committee on Council House Building, which had made the decision to submit the proposal for planning consent. Councillor Stallan had received advice from the Monitoring Officer that he was not able to speak or vote on the application and indicated that he would therefore leave the meeting during the consideration of the application and the voting thereon;
- (b) Pursuant to the Council's Code of Member Conduct, Councillor G. Waller declared a non-pecuniary interest in agenda item 6 (3) (EPF/1770/15 – Garages adjacent to 44 Parklands, Coopersale) by virtue of being a member of the Cabinet Committee on Council House Building, which had made the decision to submit the proposal for planning consent. Councillor Waller had

received advice from the Monitoring Officer that he was able to speak and vote on the application and indicated that he would therefore remain in the meeting during the consideration of the application and the voting thereon;

- (c) Pursuant to the Council's Code of Member Conduct, Councillors J. H. Whitehouse and J. M. Whitehouse both declared a non-pecuniary interest in agenda item 6 (3) (EPF/1770/15 – Garages adjacent to 44 Parklands, Coopersale) by virtue of having attended the meeting of the Cabinet Committee on Council House Building at which the decision had been made to submit the proposal for planning consent, in their capacity as local ward members for the site. Both councillors had received advice from the Monitoring Officer that they were able to speak and vote on the application and indicated that they would therefore remain in the meeting during the consideration of the application and the voting thereon;
- (d) Pursuant to the Council's Code of Member Conduct, Councillor D. Stallan declared a non-pecuniary personal interest in agenda item 6 (5) (EPF/1811/15 – Newhouse Farm, Vicarage Lane, North Weald) by virtue of being a member of the North Weald and District Preservation Society, which had objected to the application and were to make personal representations at the meeting. Councillor Stallan indicated that his interest was not prejudicial and that he would remain in the meeting during the consideration of the application and the voting thereon;
- (e) Pursuant to the Council's Code of Member Conduct, Councillor D. Stallan declared a further non-pecuniary personal interest in agenda item 6 (5) (EPF/1811/15 – Newhouse Farm, Vicarage Lane, North Weald) by virtue of being acquainted with an objector to the planning application. Councillor Stallan indicated that his interest was not prejudicial and that he would remain in the meeting during the consideration of the application and the voting thereon;
- (f) Pursuant to the Council's Code of Member Conduct, Councillor R. Morgan declared a non-pecuniary personal interest in agenda item 6 (5) (EPF/1811/15 – Newhouse Farm, Vicarage Lane, North Weald) by virtue of being acquainted with the applicant. Councillor Morgan indicated that his interest was not prejudicial and that he would remain in the meeting during the consideration of the application and the voting thereon;
- (g) Pursuant to the Council's Code of Member Conduct, Councillor H. Brady declared a non-pecuniary personal interest in agenda item 6 (8) (EPF/2003/15 – Barkers Farm, Mount End Road, Theydon Mount) by virtue of the fact that her husband had formally objected to the planning application. Councillor Brady indicated that her interest was not prejudicial and that she would remain in the meeting during the consideration of the application and the voting thereon; and
- (h) Pursuant to the Council's Code of Member Conduct, Councillor S. Jones declared a non-pecuniary personal interest in agenda item 6 (8) (EPF/2003/15 – Barkers Farm, Mount End Road, Theydon Mount) by virtue of being acquainted with an objector to the planning application. Councillor Jones indicated that her interest was not prejudicial and that she would remain in the meeting during the consideration of the application and the voting thereon.

37. ANY OTHER BUSINESS

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

38. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That planning applications numbered 1-8 be determined as set out in the schedule attached to these minutes.

CHAIRMAN

This page is intentionally left blank

Report Item No:1

APPLICATION No:	EPF/1221/15
SITE ADDRESS:	7 Red Oaks Mead Theydon Bois Epping Essex CM16 7LA
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Application for variation of condition 9 on planning application EPF/0731/14 (Proposed new dwelling and demolition of garage) to allow alternative to hedging.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576380

CONDITIONS

- 1 Within 3 months of the date of this consent a hawthorn hedge of a minimum height of 1metre shall be planted as shown on the approved plans. Planting density shall be 3 plants per metre. If within a period of five years from the date of the planting or establishment of the hedge, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective a new hedge 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.

Report Item No: 2

APPLICATION No:	EPF/1396/15
SITE ADDRESS:	7 Red Oaks Mead Theydon Bois Epping Essex CM16 7LA
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Erection of a 5.7m long ramp to improve accessibility for the disabled occupant on existing property.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576851

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
1412/04
1412/03H
1412/06B
- 2 Within 3 months of the date of this consent a hawthorn hedge of a minimum height of 1metre shall be planted as shown on the approved plans. Planting density shall be 3 plants per metre. If within a period of five years from the date of the planting or establishment of the hedge, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective a new hedge 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.

Report Item No: 3

APPLICATION No:	EPF/1770/15
SITE ADDRESS:	Garages adjacent 44 Parklands Coopersale Epping Essex CM16 7RE
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Demolition of garages and replacement with 4 affordable homes with 8 parking spaces
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577857

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: 612/041/PI 01, 02, 03, 04b, 05a, 06, 07, 08, 09a, 10a unless otherwise altered by the below conditions.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 7 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 8 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 9 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. The approved monitoring and maintenance programme shall be implemented.
- 10 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.
- 11 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.
- 12 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.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 15 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 4

APPLICATION No:	EPF/1783/15
SITE ADDRESS:	16 Kendal Avenue Epping Essex CM16 4PW
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Demolish existing dwelling, erection of two storey structure with rooms within roof space providing 4 no. self contained two bedroomed flats. Removal of Cypress tree.
DECISION:	Refused Permission

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577873

REASON FOR REFUSAL

- 1 The proposed development, due to its bulk and scale, in particular its width and proximity to site boundaries, is out of keeping with the character of the area and harmful to the street scene contrary to policies CP7 and DBE1 of the Adopted Local Plan and Alterations.

Way Forward

Members considered whether there was a way forward and felt that redevelopment for 1 or 2 houses would likely be more appropriate to the area but that if flats were proposed then a smaller building better related to the scale of surrounding buildings and maintaining greater separation from flank boundaries would be more likely to be considered acceptable.

Report Item No: 5

APPLICATION No:	EPF/1811/15
SITE ADDRESS:	Newhouse Farm Vicarage Lane North Weald Essex CM16 6AP
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Minor material amendment to planning application EPF/0834/12 (Erection of 50kW microgeneration wind turbine with a tower height of 25m and blade diameter of 19m) to provide different turbine with a 2.1m higher tip height.
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577939

CONDITIONS

- 1 The development hereby permitted must be begun not later than 27 June 2016.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawing no: ASP-003 and the elevation plan Part Number: 005668 Rev: 1.
- 3 The development hereby permitted shall be undertaken in accordance with the 'Precautionary Management and mitigation measures' recommended in Section 8 of the Ecological Appraisal and Assessment provided by Envirogague on 09/07/12.
- 4 No development shall take place 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:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Construction vehicle access arrangements;
 - iii) Storage of plant and materials used in constructing the development.
- 5 No development shall take place until details of the finished colour of the turbine hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

- 6 Prior to commencement of development the developer shall write to the Defence Geographic Centre and copy this to the Local Planning Authority providing details of the turbine height, location, lighting status, dates of construction and maximum height of any construction equipment together with expected removal date.

Report Item No: 6

APPLICATION No:	EPF/1934/15
SITE ADDRESS:	Gaynes Park Mansion Coopersale Street Epping Essex CM16 7RJ
PARISH:	Theydon Garnon
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Revised proposal for construction of 2 no. detached dwellings in place of 1 no. detached dwelling at Gaynes Park, Theydon Garnon
DECISION:	Granted Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578176

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: FJR P2_01, FJR P2_02, FJR P2_03, FJR P2_04, FJR P2_05, FJR P2_06, FJR P2_07, FJR P2_08
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes of the buildings and all external works have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 5 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.

- 6 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.
- 7 No development shall take place until details of earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.
- 8 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

- 10 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 12 The landscaping scheme and earthwork details required by conditions 6 and 7 shall include details of reshaping of the bund to the rear of the site.

Report Item No: 7

APPLICATION No:	EPF/1991/15
SITE ADDRESS:	Land to the rear of the Old Brewery Willow Close Abridge Essex RM4 1UA
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Ms R Beck
DESCRIPTION OF PROPOSAL:	Proposed erection of new detached chalet bungalow, with associated parking
DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578319

Members decided to defer making a decision on this application in order for a site visit to take place.

Report Item No: 8

APPLICATION No:	EPF/2003/15
SITE ADDRESS:	Barkers Farm Mount End Road Theydon Mount Epping Essex CM16 7PS
PARISH:	Theydon Mount
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Change of use of stable building to create a two bedroom dwelling
DECISION:	Refused

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578340

Reasons for Refusal

- 1 The proposed change of use would alter the character of the site and have a materially greater impact on the openness of the Green Belt than the lawful agricultural use contrary to policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed residential curtilage is excessive and intrudes into a currently undeveloped area of agricultural land. The change of use of this land is inappropriate and harmful to the openness of the Green Belt and will have an adverse impact on the rural character of the area by reason of the introduction of residential paraphernalia (parking, washing lines, play equipment, landscaping etc.) that cannot be controlled by conditions. The proposal is therefore contrary to policies GB2A, GB4, LL2 AND CP2 of the Local Plan and Alterations.

Way Forward

Members considered whether there was a way forward and advised that a revised proposal with a significantly smaller curtilage area and with boundary treatment appropriate to the rural location would be more likely to be considered favourably.

AREA PLANS SUB-COMMITTEE 'EAST'

11 November 2015

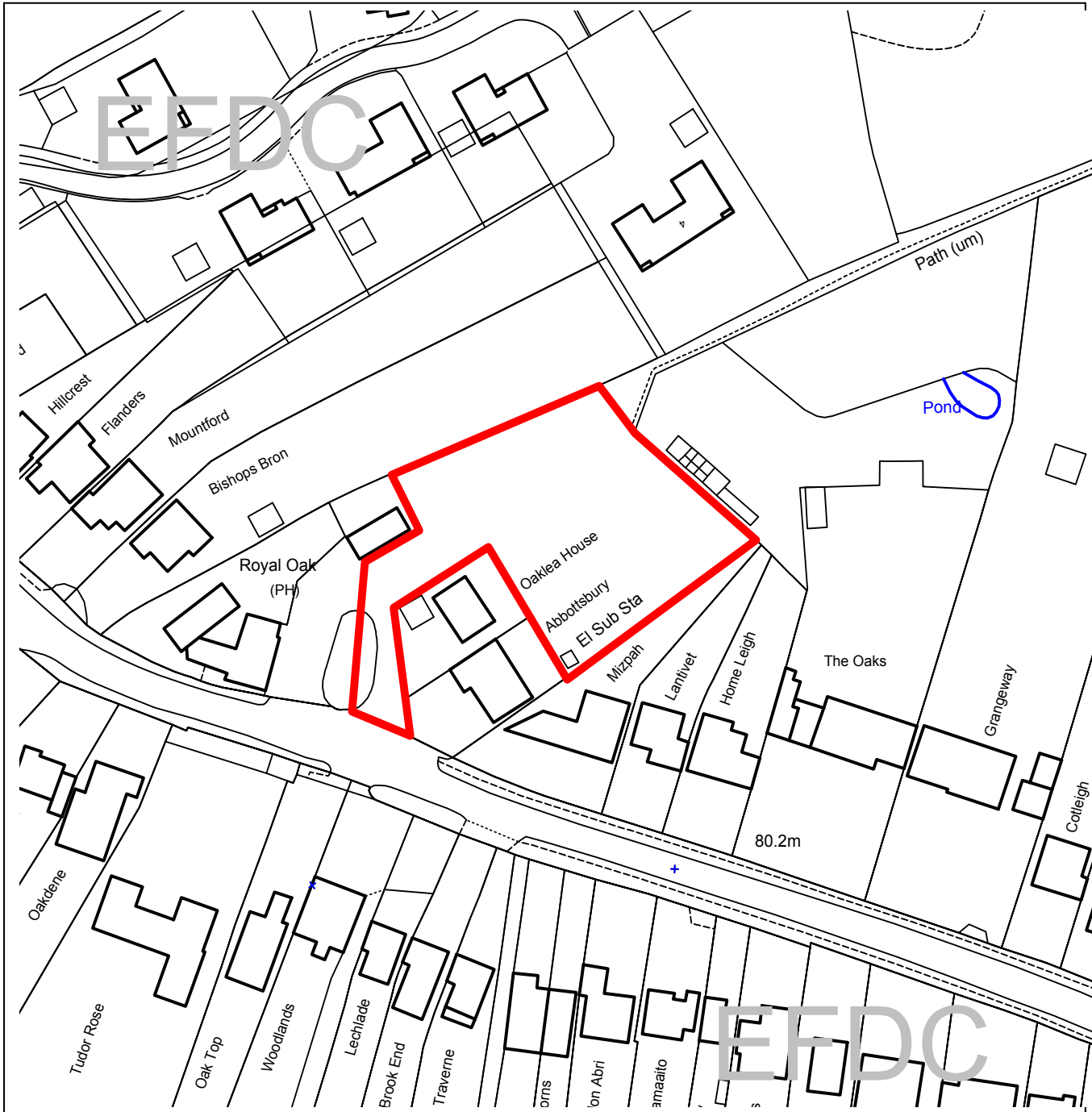
INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/1601/15	Royal Oak Public House Oak Hill Road Stapleford Abbots Romford Essex RM4 1JL	Grant Permission (With Conditions)	46
2	EPF/1790/15	Station Court Bansons Way Ongar Essex CM5 9BS	Grant Permission (With Conditions)	56
3	EPF/1991/15	Land to the rear of the Old Brewery Willow Close Abridge Essex RM4 1UA	Grant Permission (With Conditions)	62
4	EPF/2023/15	191 High Street Epping Essex CM16 4BL	Grant Permission (With Conditions)	70
5	EPF/2060/15	11A Woodfield Terrace High Road Thornwood Common Epping Essex CM16 6LL	Grant Permission (With Conditions)	74
6	EPF/2170/15	15 Mark's Avenue Ongar Essex CM5 9AY	Grant Permission (With Conditions)	80



Epping Forest District Council

Agenda Item Number 1



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/1601/15
Site Name:	Royal Oak Public House, Oak Hill Road, Stapleford Abbots, RM4 1JL
Scale of Plot:	1/1250

Report Item No:1

APPLICATION No:	EPF/1601/15
SITE ADDRESS:	Royal Oak Public House Oak Hill Road Stapleford Abbots Romford Essex RM4 1JL
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Morgan Lewis Developments Ltd
DESCRIPTION OF PROPOSAL:	Five detached four-bedroom 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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577444

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:
Site location plan
15130/5 revision C
15130/2 revision A
15130/3 revision A
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no window or other opening shall be created in the southwestern elevation of the house on plot 1 shall be undertaken without the prior written permission of the Local Planning Authority.

- 5 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.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 12 Prior to commencement of development, details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

- 13 Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.
- 14 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 15 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 16 The carriageway of the proposed estate road shall be constructed prior to the commencement of the erection of any dwelling proposed to have access from such a road. The footways commensurate with the frontage of each dwelling shall be completed prior to occupation of the dwellings they are to serve.
- 17 Prior to first occupation of the development the applicant shall implement the following improvement works to the existing access onto Oak Hill Road:
- the provision of a footway from the existing position, to the west of the access, to the site access
 - provide an appropriate dropped kerb crossing from the new footway across the site access
 - the provision an appropriate radius kerb on the western side of the access to tie into the proposed footway above.
- 18 No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way, with appropriate signage, to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
- 19 The public's rights and ease of passage over public footpath no.33 Stapleford Abbotts shall be maintained free and unobstructed at all times.
- 20 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

- 21 There shall be no discharge of surface water from the development onto the Highway.
- 22 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

This application is before this Committee since the recommendation is for approval and the application is for residential development consisting of five dwellings (and is not for approval of reserved matters only); more than two expressions of objection have been received; 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 Services – Delegation of Council function, Schedule 1, Appendix A.(d) (f) and (g))

Description of Site:

The application site comprises a tarmacadam surfaced area that was previously part of the car park of the Royal Oak public house. It is situated to the rear of the public house and (with the exception of the pub) is surrounded by residential gardens.

The site is located within the Metropolitan Green Belt. Public Footpath no. 33 runs through the site.

Description of Proposal:

Five detached four-bedroom houses.

The layout of the houses would consist of two houses to one side and three houses to the other side of a vehicular turning area. All but one of the proposed houses would be provided with a parking area enabling two cars to park side by side. One house would have two parking spaces one behind the other to enable a house to be set further forward, away from a tree to the rear of the house. Four of the five houses would be of the same design although two would be handed versions of the other two to provide some variety. All the houses would have gable roofs and generally be of a traditional appearance.

Relevant History:

EPF/1024/14 – Outline application for five dwellings including determination of access, layout and scale. – Granted 19/09/2014

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
CP9 - Sustainable Transport
GB1 – Green Belt Boundary
GB2A – Development in the Green Belt

GB7A - Conspicuous Development
H2A – Previously Developed Land
H3A – Housing Density Mix
H4A - Dwelling Mix
H5A – Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
DBE1 – Design of New Buildings
DBE2 – Detrimental Effect of Existing Surrounding Properties
DBE4 – Development in the Green Belt
DBE6 - Car Parking
DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity for Neighbouring Properties
LL1 – Character, Appearance and Use
LL7 – Promotes the Planting, Protection and Care of Trees
LL10 – Adequacy of provision for Retention
LL11 – Landscaping Schemes
ST4 – Road Safety
ST6 – Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

STAPLEFORD ABBOTTS PARISH COUNCIL – The Parish Council OBJECTED to this application on the following grounds.

1. Concern was expressed that the turning head had been redesigned since the previous application, EPF/1024/14, and reduced in size, which would make access to the site more difficult for emergency and refuse vehicles, in particular.
2. There was concern that no provision had been made for the Public Right of Way footpath no. 33 to go through the site, and that a designated area for the PROW was needed.
3. Additional concern was voiced by councillors with the problem of on-street parking in the development's new access road. As the proposed allocated parking was two parking spaces per four-bedroom dwelling, possible overspill parking by patrons visiting the public house next door, especially during busy times, were likely to occur.

16 neighbouring properties were consulted and a site notice posted on 4 September 2015.

4 responses and a PETITION FROM 35 RESIDENTS have been received.

The petition is in response to the application the subject of this report and to an application for 14 apartments on an adjoining site (EPF/1602/15). In relation to the application the subject of this report the petition makes the following objections.

Re-arrangement of parking for the public house was not based on accurate car park utilisation figures, Highways were not made aware of impact of parking creating an overspill to nearby roads, officers were not previously aware of all the evidence, insufficient notification of original planning application, original application inadequately considered, Statement of Community Involvement was inadequate and misleading by consulting only three properties, in addition to the 35 petitioners there are 7 residents not available for comment, there would be negative impact on surrounding views and community, no resolution of overspill of the public house car park to surrounding roads or increased likelihood of highway accidents, a pub sign points customers to the rear overspill car park confirming front car park is already too small, precedent would be set for further development on the Green Belt, the application includes road layout changes that could provide access for more garden grabbing.

ABBOTTSBURY, OAK HILL ROAD – objection – inappropriate in the Green Belt, a previous application EPF/0090/15 though withdrawn was recommended for refusal due to increased footprint having an adverse impact on the openness of the Green Belt, a nearby site was refused planning permission EPF/1023/12 on Green Belt grounds, the site is needed to provide adequate parking for the public house especially at weekends, inadequate car parking and parking appears to have minimum bay sizes, lack of visitor parking which is especially needed in this unsustainable location and due to the houses being four bedroom, loss of outlook, loss of privacy, unsustainable location, the planning statement gives a misleading impression to facilities, such development would be contrary to the Government’s presumptions regarding sustainable development, nearest houses have very small rear gardens, there would be no screening or landscaping to mitigate impact to nearest houses, view needs softening, addition of windows would lead to loss of any privacy, there has always been an open and undisturbed outlook for nearest properties to site, there has been no structure on the site so it cannot be considered to be previously developed land, the public house itself is outside the Green Belt and it should not be assumed that the whole of its curtilage could be developed, as the car park was open land then development would have an impact on the openness of the Green Belt, this is inappropriate backland development.

7 KENSINGTON PARK – inappropriate in the Green Belt, overdevelopment, unsustainable location,

6 KENSINGTON PARK – inappropriate in the Green Belt, this is not previously developed land, Design and Access Statement is incorrect in its assessment on the impact to neighbours, would urbanise the village, contrary to Government guidance, overdevelopment, inadequate car parking.

HOMELEIGH, OAK HILL ROAD – inadequate car parking, unsustainable location, loss of outlook, loss of privacy, construction process would be a nuisance, vehicular access problems, drainage problems, mature trees would be killed, accidents on road would increase.

EEC HIGHWAYS – the impact of the proposal is acceptable to the Highway Authority subject to a number of measures.

Main Issues and Considerations:

The main issues to be considered are the acceptability of the development within the Metropolitan Green Belt; the principle of the residential development; its impacts on the character and appearance of the area and on neighbouring amenity; highways and access; trees and landscaping.

Green Belt

The principle of the erection of five dwellings on this site has already been agreed. Exceptions to development being inappropriate in the Green Belt include limited infilling in villages and also redevelopment of previously developed sites if the proposal would not have a greater impact on the openness of the Green Belt than the existing development. This was judged to be the case when outline planning permission was granted.

Development of the site has been considered to constitute infill; the site is surrounded by residential gardens or other built development. As such the site has been considered village infill and therefore development which would not be inappropriate within the Green Belt, as defined by the NPPF.

Principle of Residential Development

The principle of residential development has been established by the outline planning permission for the site.

A financial contribution towards the provision of off-site affordable housing was considered to not be necessary at the time of the outline planning permission for the site. The site area is 0.166 hectares on a previously developed site (as the site has been a public house car park), under the threshold set out in Policy H6A.

Character and Appearance

The pattern of development surrounding the site generally consists of good sized detached dwellings, set within fairly large plots (the immediately adjacent 'Oaklea House' and Abbotsbury' have shorter gardens, possibly these gardens have been truncated in the past by separation from the application site).

Although the development proposed smaller plot sizes, they would still provide good levels of amenity and the development would not appear cramped.

Neighbouring Amenity

Two existing houses have rear elevations looking onto the site, Oaklea House and Abbotsbury.

Abbotsbury would look onto the rear of the rear garden of one of the plots. Oaklea House would look onto the side elevation of a house of a design referred to as house type B. No first floor side window would appear on the side elevation facing Oaklea House. An isolation distance of 13m would exist between the rear elevation of Oaklea House and the side elevation of the house nearest to it. A previous planning permission involved a single storey garage situated some 9.5m from the rear of Oaklea House and a distance of some 16m to the flank of the two-storey of a proposed dwelling. The current proposal therefore involves no garage or other single storey structure nearest the rear of Oaklea House but a two-storey structure 3m nearer. The house to the rear of Oaklea House would be 9m deep. On previously approved plans (reference 13.2310/P202 revision D) the house in question would not have been as deep but the elevation presented to the rear of Oaklea House would have been to a gable of a double garage and a gable of the house beyond. The elevation to the rear of Oaklea House would now be of a roof sloping up away Oaklea House. On balance it is considered that the current design would cause less of a sense of the loss of openness. The proposed house would be set to the northeast and accordingly no loss of direct sunlight would occur.

Highways, Access and Public Right of Way

Officers at Essex County Council have been consulted on the application and do not raise any objection, subject to the imposition of planning conditions.

Trees and Landscape

The Council's Tree and Landscape Officer has been consulted on the application and, following receipt of amended plans, raises no objection. Standard planning conditions are proposed in order to secure tree protection (the most significant tree being an oak located on adjacent land) and additional landscaping.

Contaminated Land

Historic uses of the land including a stables, repair garage and pond have potential to result in the presence of contaminated land. This may be dealt with by the imposition of planning conditions requiring further investigation and, if necessary, remediation.

Conclusion:

The principal of the development has been granted with an approved layout, scale and access on this former car park to the pub and clearly is a material consideration. Members therefore are advised to specifically looking at the detail of position, design, appearance and potential impact on the amenities of the adjacent neighbours rather than principal. Officers consider that it complies with relevant planning policy and it is recommended that planning permission be granted.

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

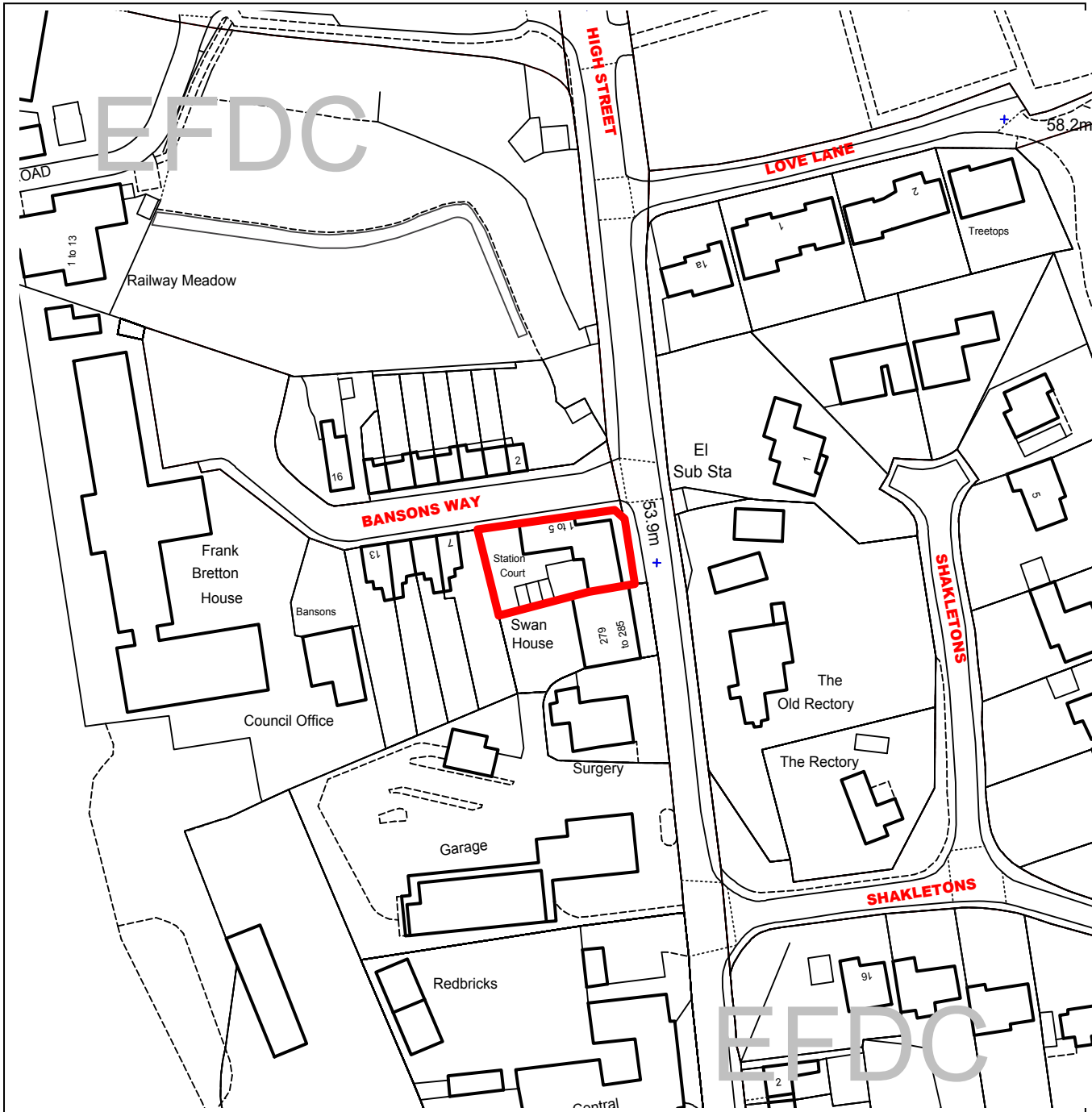
***Planning Application Case Officer: Jonathan Doe
Direct Line Telephone Number: 01992 564103***

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



Epping Forest District Council

Agenda Item Number 2



Unauthorised reproduction infringes
 Crown Copyright and may lead to
 prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
 Crown Copyright 2013 EFDC License No:
 100018534

Contains Royal Mail Data. © Royal Mail
 Copyright & Database Right 2013

Application Number:	EPF/1790/15
Site Name:	Station Court, Banson's Way, Ongar, CM5 9BS
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1790/15
SITE ADDRESS:	Station Court Bansons Way Ongar Essex CM5 9BS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Probit-E
DESCRIPTION OF PROPOSAL:	Proposed refurbishment, rearrangement of parking layout, and two storey addition to form a 2 bedroom maisonette.
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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577880

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: 1986/1-6.
- 3 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 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 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and 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 Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)

This application was deferred from the Subcommittee on 14th October to enable members to carry out a site visit. The original report is reproduced below.

Description of Site:

The site contains an “L” shaped two storey block of flats situated on the corner of Ongar High Street and Bansons Way. The rear of the site is accessed by a crossover on Bansons Way. Five garages are located in a rear courtyard area. The site is bordered on the southern boundary by Swan House, a three storey commercial/residential building. A row of locally listed railway cottages border the site on the western boundary and there is another row across Bansons Way. These are not locally listed. The road descends steadily from its entrance on Ongar High Street.

Description of Proposal:

This is a revised application following the refusal of consent in 2010 (EPF/1339/10) to extend this building to create two new residential units. This application was refused for the following reason;

“By reason of its excessive height and massing adjacent to the site boundary, the proposed development would appear over dominant in relation to No7 Bansons Way and fails to respect its setting adjacent to a terrace of locally listed dwellings to the detriment of the street scene. The proposal is therefore contrary to policies CP2, HC13A and DBE1 of the Local Plan and Alterations”.

This scheme differs in that a second unit which would have been accommodated in the roof has been removed. The new addition adjacent to the listed cottages on Banson Way has been reduced in height, width and bulk and would have a hipped roof. A new carriage style entrance would be created within the existing building for access to the rear. The garages in the courtyard area would be demolished and replaced by seven parking spaces and the carriage entrance.

Relevant History:

EPF/1252/80 - Erection of five flats and garages. Grant Permission (with conditions) - 20/10/1980.
EPF/1339/10 - Proposed refurbishment, two storey extension to form a two bed maisonette, conversion of part of roof space to form a one bed flat, and alterations to access and parking area and external remodelling. Refuse Permission - 21/09/2010.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment
Policy DBE1 – Design of New Buildings
Policy DBE2 – Effect on Neighbouring Properties
Policy DBE3 - Design in Urban Areas
Policy DBE9 – Excessive Loss of Amenity to Neighbouring Properties
Policy ST4 – Road Safety
Policy ST6 – Vehicle Parking

Policy H2A – Previously Developed Land
Policy H3A – Housing Density
Policy H4A – Dwelling Mix
Policy HC13A – Local List of Buildings

SUMMARY OF REPRESENTATIONS:

Town Council: Objection. The proposed development represents a gross over development of the site. The new entrance is close to the junction with the high street and will result in hazardous highway conditions at this location, particularly for elderly residents. There has been a parking problem in Banson's Way for some time and the existing five flats already have 8 cars. The reduction to 7 parking spaces and a new flat will only exacerbate this parking problem. It should be noted that the neighbours have been canvassing for parking permits for some time. No mention has been made about the telegraph pole to the front.

27 neighbours consulted: 5 replies received.

2 Banson's Way: Objection. Looking at the plans I notice the new archway is proposed which I consider will be more dangerous than the present opening. As I live at No 2 Banson's Way I have stood at my front room window and watched the present occupants driving in and reversing out of the opening and there have been some near misses. And now with the new proposed archway whoever drives out they will have to be over the footpath before they can see anyone. And we all know that people that live in Frank Bretton are elderly and are not as quick on their feet as a younger person and what about a child that is taught to walk on the footpath they would not stand a chance.

6 Banson's Way: Objection. Concern about impact on parking in the immediate vicinity as the existing residents already have 8 cars and the garages are never used. The new entrance will result in hazardous conditions as cars try to exit the site. There is a telegraph pole located in front of the position for the new arch.

8 Banson's Way: Objection. Concern about loss of light to our property. The proposal will exacerbate an already strained parking situation on Banson's Way. Concern that this is not a sustainable development and in design and layout terms it is inappropriate.

9 Banson's Way: Objection. I am a resident in Banson's Way and parking is already an issue for the current residents, if an additional 2 bed maisonette is built then it will be even more difficult to park.

10 Banson's Way: Objection. Banson's Way is a narrow cul-de-sac of ten Victorian terraced houses and one detached house, Frank Bretton House sheltered housing at the end of the cul-de-sac and the existing five maisonettes of Station Court on the corner of Banson's Way and the High Street. There are also the Town Council offices. I believe that adding another dwelling will constitute overcrowding and lead to a further spoiling of the street scene. According to the plans the five existing garages are to be removed and there will be an additional two car parking spaces. However there are already eight cars belonging to the five maisonettes and the existing five parking spaces (apparently the garages are used for storage) and the additional vehicles are parked in Banson's Way adding to the increasing difficulties residents of Banson's Way have with parking in our own street.

The current entrance to the parking area for the maisonettes is not easy to access, and sometimes spaces are left empty as presumably it is easier for those residents to park their vehicles in Banson's Way than to navigate the entrance. The new entrance looks to be even more difficult and dangerous a) being closer to the corner and b) being an archway with high walls, meaning visibility will be poor. (The current entrance has low walls which are angled which allows better vision.)

The elderly residents of Frank Bretton House tend to walk up that side of the street on their way to the town, and cars tend to swing round the corner from the High Street into Basons Way, often at speed. Also there is a telegraph pole which looks as if it might be in the way of the proposed new archway. I am also concerned about the disruption and noise which will occur during construction and how car parking will be affected. Presumably the residents of the maisonettes will lose their parking spaces during this time and will attempt to park in Basons Way. I fear that this could lead to tension between the two groups of residents.

Issues and Considerations:

The main issues to consider relate to design and impact on the streetscene, neighbour amenity and car parking and highway issues. The planning history and whether previous concerns have been overcome is another consideration as is the comments of consultees and neighbours.

Appearance of the Area/Design

As stated the previous application, which was very similar to this scheme in terms of layout, was refused on design grounds and in particular the relationship with the row of listed cottages which was considered excessively dominating. In order to address this issue the applicant has reduced the overall height and depth of the building and reverted to a hipped roof. This does result in a better relationship with the row of cottages and in design terms the addition acts as a transition between the low set cottages and the higher set flats. It is considered that this design overcomes the previous concern and would result in the more efficient use of a previously developed site. Whilst the Town Council has concern that this is an overdevelopment of the site this additional unit can be comfortably accommodated.

Residential Amenity

The proposal would extend the block of flats further into Basons Way creating new built form opposite No's 4 and 6. This would enclose currently vacant space; however it would not result in an excessive loss of outlook from these dwellings and it conforms to a traditional street pattern of housing fronting onto a public highway. The adjacent dwelling, No7, is served by two side facing windows at first floor level. These would still receive a good supply of natural light and the distance retained from the side elevation to the proposed extension would ensure there would be no serious loss of outlook or overbearing impact. The addition to the flat would locate rear facing windows closer to the common boundary. The garden is relatively deep and some screening exists at the boundary. A number of single storey additions at the rear and a detached outbuilding would be closest to the extension. This proposal would not excessively increase overlooking and there are no side windows proposed in the addition.

Highways and Parking

Essex County Council Highways Department raise no objections to the creation of the new access point on to the public highway. Whilst this is a concern of some objectors the advice from the Highways Engineer is that there would be no highway safety issue. The proposal envisages seven parking spaces, which is more than one per dwelling. The current standards from Essex County Council require two spaces per two bedroom unit. However in built up areas with good transport links a reduction to this standard can be considered. Urban areas are defined as having frequent and extensive public transport and cycling and walking links, and access to education, healthcare, shopping and employment facilities. Although the London Underground service does not extend to Ongar, the area has enough of the above features to be considered urban. Therefore the proposed parking for the development is deemed acceptable. The bay sizes (5.0 x 2.5m) are the minimum deemed acceptable under the current standards. Bearing in mind the fairly tight constraints of the site the minimum size in this instance would be adequate. Whilst garages would

be lost it seems from representations received that for the most part they are not used for parking and as such 7 parking spaces may increase parking provision for the development.

Other Matters

Whilst a telegraph pole is located adjacent to where the new entrance will be located its repositioning can be agreed by the applicant and this is not a planning matter.

Conclusion:

The proposed development would result in a more efficient use of a previously developed site. The proposed design addresses a previous concern and there are no significant amenity issues. Sufficient parking is provided and the advice from Essex County Council is that there are no highway concerns with the new entrance. It is therefore recommended that consent is granted subject to conditions.

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

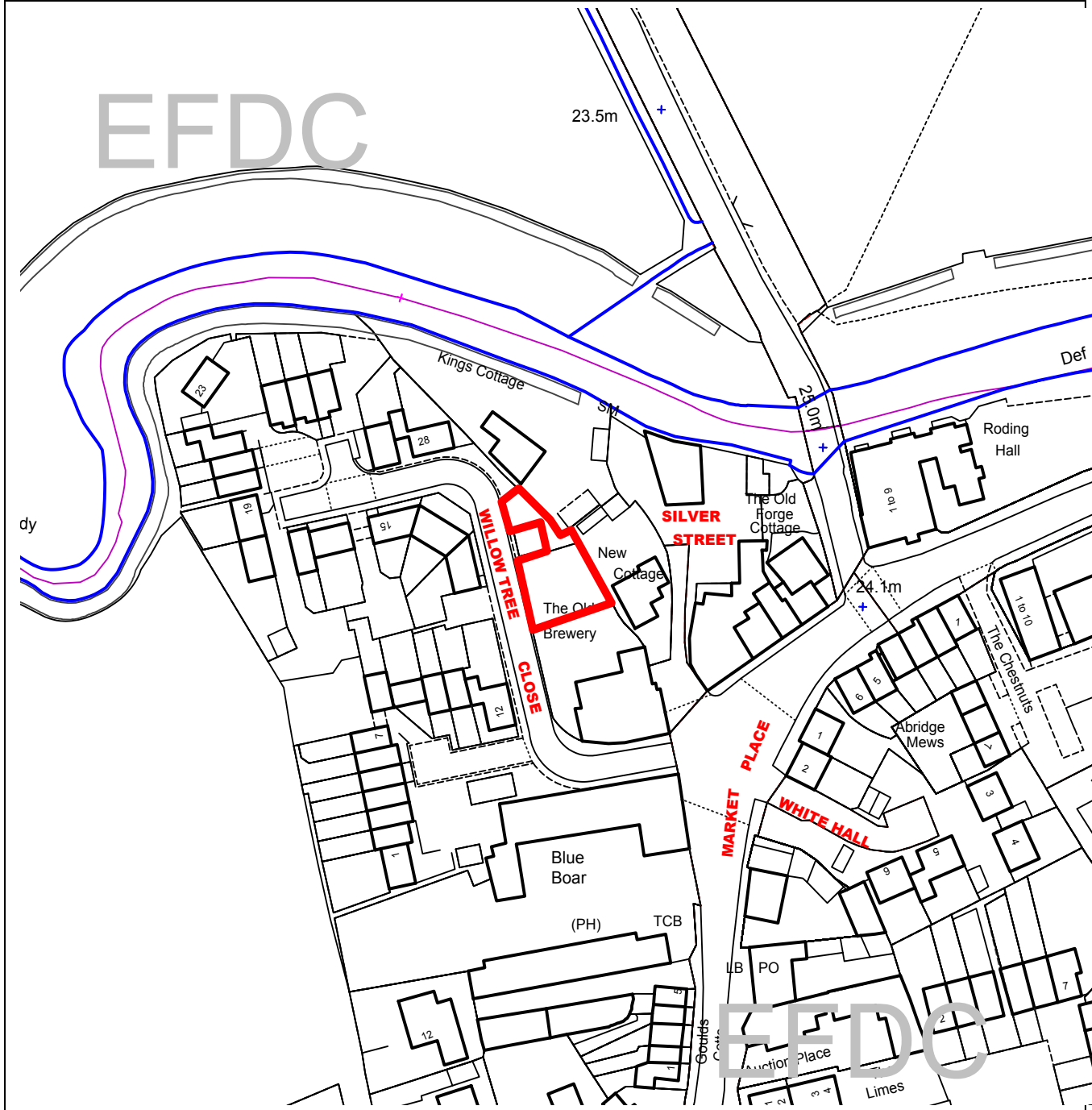
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Agenda Item Number 3



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1991/15
Site Name:	Land to the rear of The Old Brewery, Willow Close, Abridge, RM4 1UA
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1991/15
SITE ADDRESS:	Land to the rear of the Old Brewery Willow Close Abridge Essex RM4 1UA
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Ms R Beck
DESCRIPTION OF PROPOSAL:	Proposed erection of new detached chalet bungalow, with associated parking
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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578319

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 approved shall be carried out in accordance with the flood risk assessment (The Old Brewery, Abridge Version 2.0, Ref RAB: 1004B, 15th July 2015) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 5 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 6 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 7 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 8 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. The approved monitoring and maintenance programme shall be implemented.

- 9 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.
- 10 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 160-P (Rev A) 01, 02, 03, 04, 05, 06, 07, 08 and 09

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 Services – Delegation of Council function, Schedule 1, Appendix A. (g))

This application was deferred from the Subcommittee on 26th October to enable members to carry out a site visit. The original report is reproduced below.

Description of site

The site is located to the rear of the Old Brewery public house, adjacent to Willow Close within the settlement of Abridge. There is a large two storey dwelling (New Cottage) located to the east which is sited close to the boundary of the application site. The dwellings in the locality have a mixed character and the majority are two storeys high. The Old Brewery is no longer used as a public house but has three businesses operating from its ground floor, there is a flat above these businesses. Part of the application site is located within Flood Zone two as defined by the

Environment Agency. It is not located within the boundaries of the Metropolitan Green Belt and it is in a conservation area.

Description of proposal

The proposed development is for the erection of a one and a half storey dwelling.

Relevant History

None relevant

Policies Applied

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 Design of new buildings
DBE2 Effect on neighbouring properties
DBE3 Design in urban areas
DBE6 car parking
DBE8 Private amenity space
DBE9 – Loss of Amenity
H2A Previously Developed Land
U2A Development in flood risk areas
U3B Sustainable drainage
HC6 – Character, appearance and setting of conservation areas
HC7 – Development within conservation areas
ST4 Road safety
ST6 Vehicle parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation carried out and summary of representations received

47 Neighbours consulted –

Kings Cottage, Silver Street – OBJECTION – The development will cause a greater risk of flooding through loss of drainage, the additional traffic will cause harm in the locality.

13 Willow Tree Close – OBJECTION – increased parking problems as a result of the application and loss of privacy

14 Willow Tree Close – OBJECTION – The development will cause harm to the parking and access

22 Willow Tree Close – OBJECTION – The development will cause harm to parking and construction issues should be addressed prior to it being built.

24 Willow Tree Close – OBJECTION – The development will cause significant highway issues,

28 Willow Tree Close – OBJECTION – loss of light and there will be significant parking issues.

New Cottage, Silver Street – The new dwelling will cause a loss of privacy to our garden.

Lambourne Parish Council –STRONG OBJECTION – It is considered to be an overdevelopment of the site in an already restrictive road and has major concerns as to how the development will take place without causing mayhem from large vehicles on site. We agree with all the comments made in letters of objection from residents in Willow Tree Close. The Parish Council has been asking for double yellow lines on one side of the close for some considerable time because of the access problems.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the living conditions of the neighbours, the potential harm to the character and appearance of the conservation area, highway issues, contaminated land, potential flooding and land drainage.

Living conditions of neighbours

The new dwelling will have a ridge height of 7m and will contain two storeys with living space on the ground floor and in the roof. New Cottage is located approximately 11m to the east of the proposed new dwelling and is a large two and a half storey building with a blank elevation fronting onto the application site. As a result of its blank façade, the new dwelling will not be overtly visible from its private habitable areas and, combined with the significant distance that the new dwelling will be to New Cottage it will not appear overbearing.

Roof lights are proposed on the rear elevation however will be set at 1.7m above the first floor and consequently will not cause any overlooking of private areas of New Cottage.

There is an existing dwelling located to the south above the businesses within the Old Brewery however this flat has no first floor windows which could potentially overlook the site and as a result there will be no harm whatsoever to their living conditions.

The proposed dwelling is not situated within close proximity to any other neighbour and therefore no other harm will be caused to living conditions.

The blank elevation of New Cottage fronting onto the site will not cause any overlooking to the new dwelling. Consequently there will be no harm to their living conditions.

The amenity space of the new dwelling is adequate and will allow usable space for its occupants. In order to achieve the amenity space, some had to be given up by the host property above the Old Brewery. However a large amount of space remains for their enjoyment and therefore no harm will be caused.

Impact on the conservation area

The proposal will be located within the Abridge Conservation area and within close proximity to The Old Brewery which is locally listed.

The Councils Conservation Area specialist has no objection to the application and considers that the design of the bungalow is respectful to the character and appearance of the Conservation Area. Furthermore its bulk scale and massing is such that it will not appear overly prominent when viewed from public areas of the street scene.

Whilst the design is acceptable, it is reasonable and necessary to impose a planning condition to ensure that the materials allow for a high quality finish. The condition will ensure that materials will have to be agreed in writing by the Local Planning Authority prior to the commencement of the development.

Highway issues

The existing double garage will be retained for the dwelling above the Old Brewery and as such raises no concerns in relation to the provision for this existing dwelling.

Two new spaces are proposed and one additional visitors space which will serve the new dwelling. These spaces conform to the sizes as set out in the Parking Standards document published by Essex County Council.

Much objection has been raised in relation to the parking issues that the new dwelling will cause and it is acknowledged that Willow Tree Close is often heavily parked and that Abridge does not offer a high level of public transport. Consequently it is more than likely that the new residents of this dwelling will utilise private vehicles for day to day activities. However the offer of three off street parking spaces is satisfactory, having regards to the adopted Parking Standards, given the size of the proposed dwelling. Consequently there will not be an excessive demand for on street parking and there will be no significant harm to the locality as a result.

Contaminated Land

Due to its former uses as a Brewery and Vehicle Repair Garage there is the potential for contaminants to be present over all or part of the site.

Domestic dwellings with gardens are classified as a particularly sensitive proposed use.

As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Flooding and land drainage issues

The position of the new dwelling is located just outside the boundaries of Flood Zone Two as designated by the Environment Agency. As a result the Sequential Test does not need to be applied in this case. The proposed garden is located within the boundaries of Flood Zone Two, however it is already used as amenity space for the existing dwelling and therefore its continued use for such purposes raises no concerns.

The Land Drainage team at the Council agrees with the findings of the submitted Flood Risk Assessment and has therefore raised no objection to the application, subject to suitable conditions.

Conclusion

The development complies with the relevant policies contained within the Local Development Plan and the National Planning Policy Framework. Therefore it is recommended that planning permission is 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: James Rogers
Direct Line Telephone Number: 01992 564 371**

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

THIS PAGE IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 4



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2023/15
Site Name:	191 High Street Epping CM16 4BL
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2023/15
SITE ADDRESS:	191 High Street Epping Essex CM16 4BL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr David Humphries
DESCRIPTION OF PROPOSAL:	Upgrading of glazed shopfront.
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/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578396

CONDITIONS

- 1 The development hereby permitted will be retained strictly in accordance with the approved drawings nos: Location Plan, 105.

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 Services – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

A1 unit within a small parade of shops with commercial above located on the western side of High Street Epping in a central location within the Conservation Area.

Description of Proposal:

The proposal is for a replacement shopfront which has already been installed. Although the stall riser has been removed there is a 150mm aluminium trim at the bottom of the shopfront which is powder coated grey. A new roller shutter housing has also been installed.

Relevant History:

Various applications for shopfronts and signage – one of relevance is:

EPF/1979/02 - Proposed new shop front and single storey rear extension – Refused on the grounds that the materials used were not in keeping with the Conservation Area.

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE12	Shopfronts
HC6	Character, Appearance and Setting of Conservation Areas
HC7	Development within Conservation Areas

National Planning Policy Framework 2012

Consultation Carried Out and Summary of Representations Received

Epping Town Council

OBJECTION – The building forms part of a continuous line of shops in the conservation area. This proposal removes a low feature wall which is part of the historic fabric and would have a detrimental effect on both the character of the building and the conservation area, contrary to policy DBE12.

Committee note that this is, once again, a retrospective application, and the work has already been undertaken, with harmful consequences to the conservation area, without permission being granted.

Neighbours

Five neighbours notified by letter and site notice erected. No representations received.

Main Issues and Considerations:

The main issues here relate to the impact of the new shopfront on the character and appearance of the existing building, parade and conservation area.

The application relates to 191 High Street also known as Toni and Guy. The shopfront is not as prominent as most of the shopfronts within the conservation area as it is set back from the pavement under a first floor canopy, therefore the lack of traditional stall riser does not appear as detrimental as it could do if it was more visible.

In addition, there are such a variety of styles of stall riser within Epping High Street that it is difficult to argue for something traditional; the two units at Wildwood and Lanes have an older traditional shopfront where there riser is only marginally higher than at the application site here.

In addition, on the eastern side of the High Street there are a number of more modern shopfronts with not only varying heights of riser but some without risers at all, namely at Pretty Woman, Clean and Green and Spirit.

With the above in mind it is difficult to justify a more traditional shop front here with high stall riser and given it being set back from the pavement the shop front is less conspicuous than others in the High Street.

Therefore notwithstanding the refusal in 2002 under EPF/1979/02 the proposal is not considered to materially detract from the host building, parade and wider conservation area and would comply with policies DBE12, HC6 and HC7.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be granted.

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

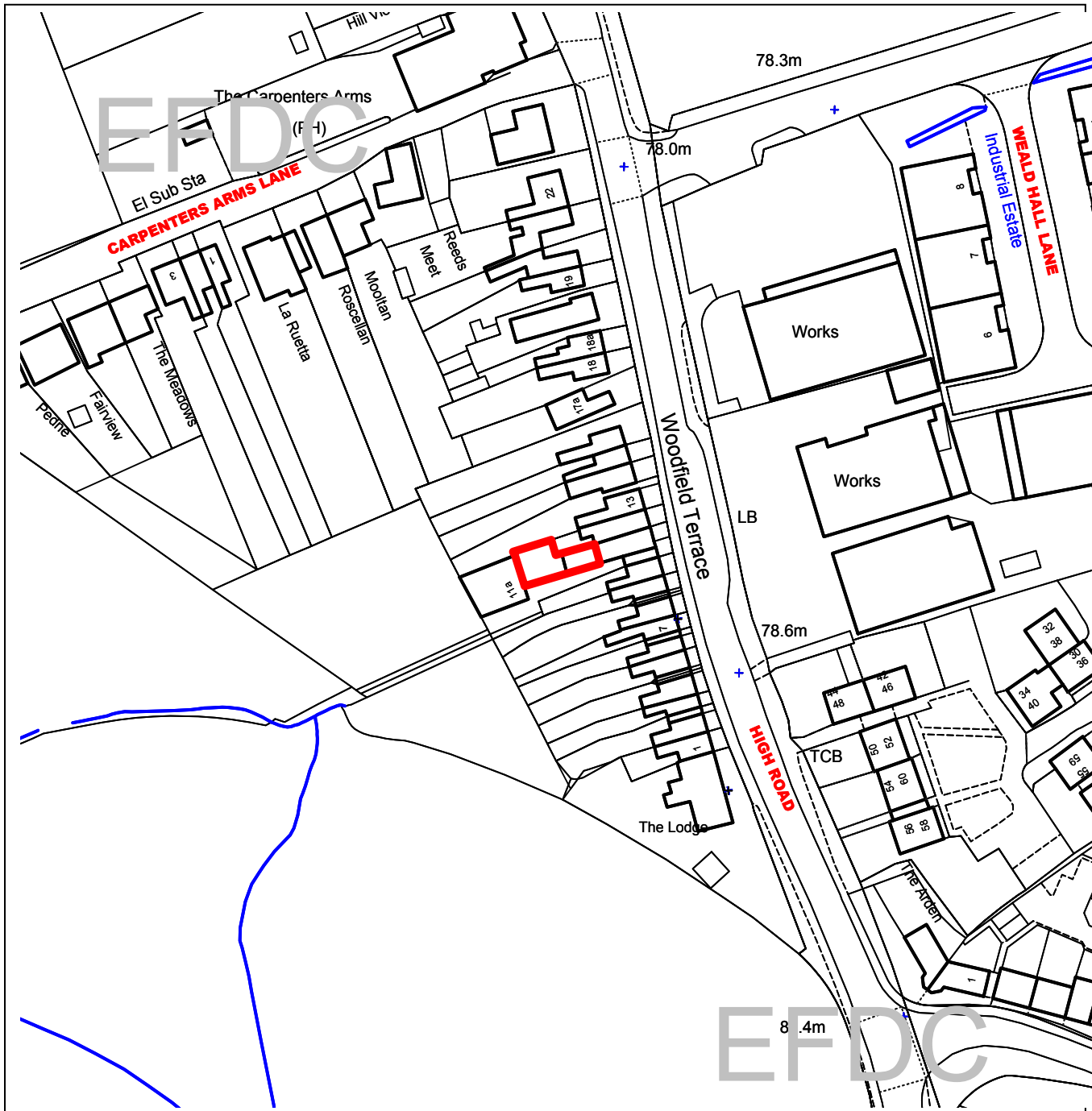
***Planning Application Case Officer: Steve Andrews
Direct Line Telephone Number: 01992 564337***

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



Epping Forest District Council

Agenda Item Number 5



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/2060/15
Site Name:	11A Woodfield Terrace, High Road, Thornwood Common, CM16 6LL
Scale of Plot:	1/1250

Report Item No:5

APPLICATION No:	EPF/2060/15
SITE ADDRESS:	11A Woodfield Terrace High Road Thornwood Common Epping Essex CM16 6LL
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Ms Jennifer Cordell
DESCRIPTION OF PROPOSAL:	Single storey rear extension.
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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578471

CONDITIONS

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

This application is before this Committee since it is an application that is submitted by a member of staff of Development Control Division of the Governance Directorate (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(j))

Description of Site:

The property is a part two storey/part single storey one bed dwelling located to the rear of the donor link terraced house. This property was formed through the subdivision of the donor property, No. 11 Woodfield Terrace.

The application site is situated on the west side of the High Road and lies within the built up area of Thornwood. As such none of the site area is situated within the Metropolitan Green Belt. However the site is located within an EFDC flood risk assessment zone, and an Environment Agency Floodzone 3.

The donor property fronts onto the High Road with access to the rear in the form of a 'carriage arch'. The donor property was previously enlarged and extends to the rear from the front building line by some 20m. The site is unusual as, along with consisting of a narrow linear garden to the rear similar to the other adjoining terraces it also consisted of a large square shaped garden area extending some 35m beyond the common garden boundaries of the adjoining properties. The one bed cottage to the rear was formed out of the previous rear additions and incorporates the immediate rear section of garden (which dog legs behind the garden of No. 12 Woodfield Terrace). The subdivided dwelling is accessed by way of the 'carriage arch' and shares the access with the donor property, which retains the rear most area of garden and large outbuilding.

Description of Proposal:

Consent is being sought for a single storey rear extension. This would involve the removal of an existing conservatory and the erection of a single storey addition measuring 4.8m in depth and 4.1m in width. The extension would have a dual pitched roof with a ridge height of 4.9m and eaves height of 3m (as per the revised plan ref: HP15602/02A that increased the roof pitch and reduced the eaves height).

Relevant History:

CLD/EPF/0095/08 - Certificate of lawfulness for a proposed conservatory – lawful 22/02/08
EPF/0701/08 - Proposed division of property to provide additional 1 bed cottage – approved/conditions 28/05/08

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenities
DBE10 – Residential extensions

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:

5 neighbouring properties were consulted. No Site Notice was required. A further 14 day consultation was undertaken with regards to the amended plan. This report has been prepared prior to expiration of this re-consultation and therefore any additional comments received will be verbally reported to Members.

PARISH COUNCIL – No objection.

12 WOODFIELD TERRACE – Object as the extension is too large, would be higher and wider than the existing addition, will block light and be unsightly. Suggest that this should be no higher than the structure to which it is attached.

Issues and Considerations:

The main considerations are regarding the design and the impact on the neighbour's amenities.

Design:

The proposed extension would replace an existing single storey conservatory that measures 2.85m in depth and 2.8m in width and has a ridged roof to a maximum height of 3m. The new extension would be wider, deeper and higher than the existing conservatory and would be a brick built addition.

The existing one bed dwelling was created through the subdivision of No. 11 Woodfield Terrace and is formed from previous extensions to the rear of the donor property. The one bed property currently consists of a two storey section (attached to a single storey rear addition on No. 11) containing a single bedroom on the first floor and a kitchen and bathroom on the ground floor, a single storey section containing a lounge, and a rear conservatory. The proposed extension, which replaces the conservatory, would have a dual pitched roof with a ridge height some 1.5m higher than the single storey section to which it would be attached, however this would be lower in height than the two storey section. The extension is proposed to enable a reconfiguration of the internal space to provide a small second bedroom (nursery) within the ground floor.

Whilst the variation of height does appear somewhat unusual the existing dwelling is formed from extensions to the rear of No. 11 and is already made up of various roof heights. Given the location of the dwelling and the proposed extension the development would not be visible from the public highway and would have no impact on the street scene. Whilst the extension would be visible from neighbours rear gardens it would be partially obscured by neighbours fencing and landscaping and would be situated close to the large outbuilding to the rear of the site (owned and used by No. 11 Woodfield Terrace).

The proposed extension would be finished in matching material and would mirror the detailing of the existing dwelling. As such it is not considered that the extension would result in any unduly detrimental impact on the character and appearance of the area.

Neighbouring amenities:

The proposed extension would be larger than the existing conservatory in terms of depth, width and height, and would be constructed of more solid materials. Due to the increased width the development would extend 750mm beyond the existing flank wall of the single storey section of dwelling to which it would be attached. This would result in the extension encroaching into the rear garden that doglegs around the rear of No. 12 Woodfield Terrace. As such the projecting 750mm part of the development would be immediately adjacent to the shared rear boundary of this neighbour and would be visible within their garden. Given the increased height the roof of the extension would also be visible from this neighbouring property.

An objection has been received from this neighbour since they consider that there would be a loss of light and visual amenity as a result of the extension. Whilst the proposed extension would undoubtedly be visible from the neighbour's garden and would have a greater impact than the existing conservatory the development only projects 750mm beyond the adjoining wall of the existing dwelling and, whilst relatively high at 4.9m to the ridge, it is nonetheless only single storey in nature. Although there may be some additional loss of light to the very rear part of the neighbours garden (that immediately adjacent to the extension), the development would have no detrimental impact on the living conditions of the neighbouring dwellinghouse or the majority of the rear garden area. As such it is not considered that the proposal would be excessively harmful to the amenities of this neighbouring resident.

To the south of the extension is the access track shared with No. 11 Woodfield Terrace. Since this is an access to the large outbuilding beyond the site the proposed extension would not be unduly detrimental to the amenities of the residents of the donor property. The boundary of the garden of the neighbouring property beyond this (No. 10) is over 3m from the flank wall of the proposed extension and therefore, given the height and roof design of the proposal, there would be no detrimental impact on the amenities of these neighbours.

Whilst the roof of the proposed extension is relatively high it is not high enough to be able to accommodate a first floor and therefore there is no risk of future overlooking as a result of the development.

Other matters:

The site lies within an EFDC flood risk assessment zone and an EA Floodzone 3, however is for a minor development that would only result in a negligible increase in surface water runoff. Therefore no flood risk assessment is required for the development.

Conclusion:

The proposed extension would not be visible from the street scene and would not harm the character and appearance of the area. Whilst there would be some impact on the neighbouring resident at No. 10 Woodfield Terrace this would not be excessively harmful, and there would be no detrimental impact on the amenities of any other neighbour. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and therefore the application 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

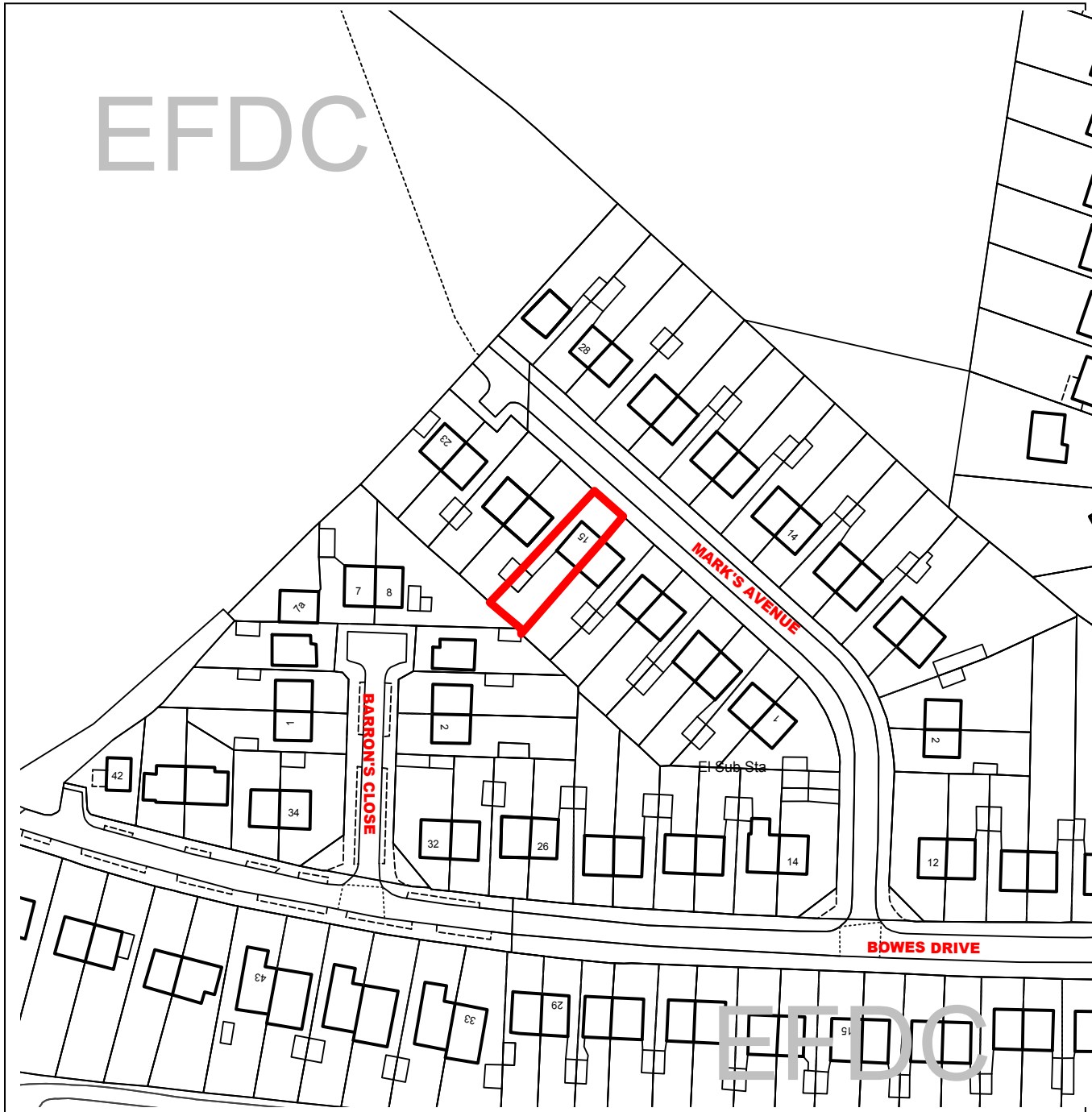
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

THIS PAGE IS INTENTIONALLY BLANK



Epping Forest District Council

Agenda Item Number 6



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2170/15
Site Name:	15 Marks Avenue, Ongar, CM5 9AY
Scale of Plot:	1/1250

Report Item No:6

APPLICATION No:	EPF/2170/15
SITE ADDRESS:	15 Mark's Avenue Ongar Essex CM5 9AY
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Robert Mitchell Clayton
DESCRIPTION OF PROPOSAL:	Demolition of existing external garage, garden shed and greenhouse. Erection of outbuilding for use as ancillary residential annex.
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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578734

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 proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 15 Mark's Avenue, Ongar.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no window or door other than any window or door shown on the approved plans shall be installed in the building hereby permitted without the prior written permission of the Local Planning Authority.
- 4 Prior to commencement of development, details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the outbuilding hereby approved.
- 5 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

This application is before this Committee since the recommendation is for approval and is 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 Services – Delegation of Council function, Schedule 1, Appendix A. (g)).

Description of Site:

The application site is that of a semi-detached house towards the end of a cul-de-sac, Mark's Avenue. The property is not Listed and is not in a Conservation Area. The property is part of the built up area of Ongar, to the north of the railway station and to the west of the High Street.

Neighbouring properties in the street are also semi-detached houses. The rear boundary of the application property is shared with houses fronting onto Baron's Close.

The property has a long driveway, to the side of the house, leading to a garage set to the rear of the house. Behind the garage are a small greenhouse and a garden shed.

Ground levels of the site and its surroundings rise to the northeast, to the front, and fall to the southwest, to the rear.

Description of Proposal:

Demolition of existing external garage, garden shed and greenhouse. Erection of outbuilding for use as ancillary residential annex.

The proposed outbuilding would be almost "L" –shaped in footprint having a maximum length of some 10m and a maximum width of 5.2m. A 6.5m length would have a width of 3.5m. The building would have gable roofs that scale at a maximum height to the ridges of 3.5m, 2.7m to the eaves.

The building would be positioned in a rear corner of the rear garden with the length of the building running parallel with a side boundary of the non-attached neighbour, 17 Mark's Avenue, practically hard up against the side boundary with no. 17.

The building would provide a small bedroom, a shower-room and an open plan area with glazed double doors and a window at the side of the building, looking onto the remainder of the rear garden.

Relevant History:

None

Policies Applied:

CP2	Quality of Rural and Built Environment
H4A	Dwelling Mix
DBE1	Design of New Buildings
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 4

Site notice posted: No, not required

Responses received: No response received from neighbours.

TOWN COUNCIL: Object to this application due to overdevelopment of the site which is out of context with the residential street. It is felt that if this application was approved an undesirable precedent would be set.

Main Issues and Considerations:

The main issues that arise with this application are the principle of a residential annexe; neighbouring amenity; and, any impact to the appearance of the setting.

Policy H4A states that the Council will require that provision is made for a range of dwellings. Paragraph 50 of the NPPF states that to deliver a wide choice of high quality homes and create inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community (such as older people). The Housing Minister has published guidance, with reference to housing for older and vulnerable people, (21 March 2015) asking councils to take better account of the needs of their older residents when planning new homes.

It is understood that the annexe would be occupied by the applicant's elderly parents. Accordingly, the proposal would accord with broad policy. It is understood that this type of development would be the first in the residential street in which it would be set and accordingly could be said to be out of context. Nevertheless, it is not contrary to policy and, for reasons set out below, is considered not to be detrimental to amenity or to be overdevelopment.

The building would have views to the side boundary of the attached neighbour, no. 13 but across a width of nearly 5m of the application property's garden. Due to rising ground from the end of the rear garden, the rear elevation of the attached neighbour is fairly visible but this is the case for the present occupiers of the application property standing at the end of the garden. The proposed building would be a minimum of 9m from the nearest part of the rear elevation of no. 13 and would be set to the west by southwest. No loss of sunlight to no. 13 is envisaged.

Much of the proposed building would be effectively hard up against a garage to no. 17. The proposed building would produce more shading of the rearmost corner of no. 17's garden behind its garage but, given such a relatively isolated position of this portion of no. 17's garden, it is considered that no adverse impact sufficient to constitute a reason for refusal would occur.

Beyond the rear boundary of the application property is a house, 6 Baron's Close, with a number of ground floor and first floor windows that are visible from the rear garden of the application property. It is considered that the proposal would make any overlooking of these side windows no greater than is the case now. No window of the proposed building would look towards 6 Baron's Close. The building would be set to the north of the house to the rear such that no loss of sunlight would occur.

The application property would retain a driveway in front of and continuing to the side of the house that would continue to provide a parking area.

The building would be set to the rear of the site on lower ground than that of the street and would not have a material adverse impact to the streetscene. Glimpses of the building may be possible from Baron's Close, a cul-de-sac to the southwest, to the rear of the site but the elevation that could be seen would be a 5.2m long blank elevation with a shallow gable roof running the length of the 5.2m. As such its appearance would be that of a typical outbuilding.

Conclusion:

Whilst the comment of Ongar Town Council has been noted, officers consider that the proposal accords with recent Government guidance regarding the need for additional housing and accommodation for older people. Based on an overall assessment, including a site visit, Officers consider that impact to neighbouring amenity is not to a significant degree required to justify refusal. Accordingly Officers recommend 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: Jonathan Doe
Direct Line Telephone Number: 01992 564103***

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

Report to Area Plans Sub-Committee East **Date of meeting: 11 November 2015**



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 April 2015 to 30 September 2015

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

Democratic Services Officer: Adrian Hendry (01992 564243)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

Performance

4. Over the six-month period between 1 March 2015 and 30 September 2015, the Council received 39 decisions on appeals (32 of which were planning related appeals, the other 7 were enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 32, 12 were allowed (37.5%). Broken down further, GOV07 performance was 7 out of 22 allowed (35%) and GOV08 performance was 5 out of 10 (50%), although out of this 5, one was part-allowed/ part-dismissed.

Planning Appeals

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

EPF/0037/15	Erection of new 1.6m electric gate and painted black steel railings to front wall. (Resubmission following refusal of EPF/1638/14)	2 Norlands Chigwell Park
EPF/1629/14	Demolition of existing single dwelling house and the erection of two new apartment buildings accommodating 12 dwellings together with associated landscaping and car parking.	120 High Road Chigwell
EPF/1412/14	The redevelopment of a disused car park to provide 350sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping	Former Public Car Park, Church Hill Loughton
EPF/3012/14	Demolish garage and replace with two storey extension, 1m from boundary, with continuation of roof above. Attached garage to other side of house, 1.1m from boundary, with "granny flat/studio" above. Three front dormers. Two storey and single storey rear extensions.	24 Alderton Hill Loughton

Area Committee East

EPF/2358/14	Change of use from retail (Use Class A1) to estate agency (Use Class A2) (Re-submission following refusal of application EPF/1141/14.)	Ground Floor Unit, 134 High Street
-------------	--	---------------------------------------

7. The appeal performance for GOV08, committee reversals, was on target at 50%, but the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. The 5 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee East

EPF/2056/14	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping.	Broadbanks Ivy Chimneys Epping
EPF/0255/14	Proposed conversion of stable block to a 2 bed single storey dwelling	Land Adjacent 1 Gun Cottage Abridge Road Theydon Bois

Area Committee South

EPF/1286/14	New attached dwelling.	2 Durnell Way, Loughton
EPF/2429/14	Three new detached dwellings, part single, part	20 Albion Hill, Loughton

two storey with green roofs and including new private access road off Albion Hill. Re-submission following withdrawal of EPF/0250/14

Area Committee West

EPF/1556/14	Outline application with all matters except access reserved for demolition of all existing structures except the farmhouse and erection of up to 72 dwellings (50% affordable) with ancillary parking, access and gardens, along with the erection of a community building.	Former Haulage Yard Sewardstone Road, Waltham Abbey
-------------	---	---

8. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, 5 were dismissed, 1 allowed with variation of conditions and the other quashed for invalidity. These are as follows:

Dismissed

ENF/0103/14	Without planning permission the erection of 108 - brick wall and metal railings around the front garden of the land	110 High Street Epping
ENF/0241/14	Without planning permission the erection of a pergola situated to the front of the principle elevation of the dwelling house	Lambourne Park Farm Lambourne
ENF/0298/12	Building to be demolished as per EPF/2562/11 and Notice 1.	Chase Farm Vicarage Lane North Weald Bassett
ENF/0499/12	Without planning permission the erection of a building for residential purposes	Moor Hall Lodge Moor Hall Road Harlow
ENF/0630/12	Without planning permission the erection of a building described as "Barn"	Lambourne Park Farm Hoe Lane Lambourne

Invalid, Notice Quashed

ENF/0504/13	Without planning permission the stationing of eight mobile homes/caravans for residential purposes on the land	Logic Travel – Ricotta Transport Tylers Cross Nursery Epping Road Roydon
-------------	--	--

Allowed with Conditions, but Varied

ENF/0721/10	Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site	Plot 38, Roydon Lodge Chalet Estate High Street Roydon
-------------	--	---

Costs

9. During this period, there was one award of costs against the Council in respect of a refusal of planning permission, which was a committee reversal, at Former Public Car Park, Church Hill Loughton – EPF/1412/14 - The redevelopment of a disused car park to provide 350sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping.

10. Planning Practice Guidance on Award of Costs advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party in the following two circumstances:

- a party has behaved unreasonably; and
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

11. In this particular case, there were two reasons for refusal which were concerned with character/appearance on the local area and secondly, on highway safety. The appellant made a full cost claim against the Council for unnecessary and wasted expense of making the appeal. The Inspector did not totally agree, but awarded partial cost in respect of the highway safety reason for refusal. The Inspector took account of the Highway Authority confirmation that it had no objection to the proposal on the grounds of highway safety and that all the technical requirements for parking and servicing had been met because the submitted drawings demonstrated that vehicles can enter and leave the site safely. Rather than being refused, this could have been secured by condition rather than be a reason for refusal. This reason had not been substantiated, and that the Council's "unreasonable behaviour in this regard" led the applicant to incur unnecessary or wasted expense in addressing this matter. The Planning Inspectorate does not set the fee in the award of costs so after much negotiation between the developer and officers, the partial award of cost the Council pays £22,888, which is mainly the appellant solicitors and highway consultants appeal work fees for this reason for refusal..

Conclusions

12. Whilst performance in defending appeals at 37.5% appears high, there is no national comparison of authority performance. Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

13. Finally, appended to this report are the 10 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 5 of which were allowed and 5 which were dismissed and therefore refused planning permission.

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

Total Planning Application Appeal Decisions 1st April 2015 to 30th September 2015

Allowed With Conditions

Buckhurst Hill

1	EPF/2693/14	Retrospective application for retention of patio at rear.	42 Princes Road
---	-------------	---	-----------------

2	EPF/0797/15	Double storey side and partial single storey rear extension to existing 3 bedroom semi-detached property	10 Rous Road
Chigwell			
3	EPF/0037/15	Erection of new 1.6m electric gate and painted black steel railings to front wall. (Resubmission following refusal of EPF/1638/14)	2 Norlands Chigwell Park
4	EPF/1629/14	Demolition of existing single dwelling house and the erection of two new apartment buildings accommodating 12 dwellings together with associated landscaping and car parking.	120 High Road
High Ongar			
5	EPF/2916/14	Erection of two non-illuminated timber sign boards.	Cloverleaf Farm Pig Meadow King Street
Loughton			
6	EPF/2442/14	Demolition of existing house and erection of a building to accommodate ten one-bedroom flats. Parking area of ten spaces to rear of building, with vehicular access to southwest of building. Pedestrian bridge to front entrance of building.	89 High Road
7	EPF/1412/14	The redevelopment of a disused car park to provide 350sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping	Former Public Car Park, Church Hill
8	EPF/0270/15	Proposed drop down kerb onto England's Lane and vehicle access over grass verge to tarmac hardstanding between house and front boundary of property. Re-submission following refusal of application EPF/2616/14.	203 Englands Lane
North Weald Bassett			
9	EPF/1993/13	Change of use of land to a use for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing, the provision of a stable block and a utility/dayroom ancillary to that use. (Revised application)	Woodside Thornwood
Ongar			
10	EPF/2358/14	Change of use from retail (Use Class A1) to estate agency (Use Class A2) (Re-submission following refusal of application EPF/1141/14.)	Ground Floor Unit, 134 High Street

Roydon

11 EPF/1965/12 Change of use to a mixed use to include the stationing of caravans for occupation by gypsy traveller family. Ashview Hamlet Hill

Dismissed**Buckhurst Hill**

12 EPF/0194/15 Proposed 2 x one bedroom dwellings. Land to the side of 1 Princes Way

13 EPF/2237/14 Erection of a ground floor side infill extension, ground floor rear extensions, and part one / part two storey rear extension to existing house, including removal of existing conservatory. 50 Princes Road

14 EPF/0099/15 Create new roof, with a front gable and with an asymmetric crown roof form, with two rooflights/windows on rear. Rear dormer at first floor level. Revised application to EPF/2431/14. 25 Gladstone Road

15 EPF/0049/15 Demolition of existing property and redevelopment of the site to provide a two and a half storey building containing 4x one bedroom and 1x two bedroom self contained residential units with associated car and cycle parking, refuse store and landscaping (revision to EPF/2688/13) 142 Buckhurst Way

Epping

16 EPF/2056/14 Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping. Broadbanks Ivy Chimneys

High Ongar

17 EPF/2206/14 Replacement of a disused garage with a new detached dwelling. Rosebud Chelmsford Road

Lambourne

18 EPF/2103/14 Proposed vehicle crossover. 3 London Road

Loughton

19 EPF/2758/14 Demolition of existing house, replacement house with 3 no. 6 bedroom houses. New front wall and gates. 16 Eleven Acre Rise

20 EPF/2603/14 Demolition of existing detached dwelling and construction of 8 no. 2 bedroom flats with underground car park. (Revised application) 2 Connaught Avenue

	following refusal of EPF/1503/14 for 9 flats)		
21	EPF/1286/14	New attached dwelling.	2 Durnell Way
22	EPF/2468/14	The enlargement of the previously approved but not fully completed ground and first floor extensions. Initial consent given under EPF/0674/74 and garage plus structural works completed and meaningful start achieved within period stipulated under planning consent certificate.	12 Marjorams Avenue
23	EPF/2429/14	Three new detached dwellings, part single, part two storey with green roofs and including new private access road off Albion Hill. Re-submission following withdrawal of EPF/0250/14	20 Albion Hill
Ongar			
24	EPF/2881/14	Prior Approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3) and associated operational development.	1 Shelley Rectory Church Lane Fyfield Road
Theydon Bois			
25	EPF/2522/14	Proposed new house to rear garden and demolition of existing garage and shed. Proposed new vehicular access to existing dwelling.	39 Dukes Avenue
26	EPF/2646/14	Outline application for demolition of existing chalet and erection of a replacement bungalow 11m long, 17.1m wide, 3m eaves height and ridge height of 7m. Total foot print 195 sqm, total area is 335 sqm and volume is 1,064 cubic metres. All other details are reserved matters.	119 Theydon Park Rd
27	EPF/0255/14	Proposed conversion of stable block to a 2 bed single storey dwelling	Land Adjacent 1 Gun Cottage Abridge Road
28	EPF/0327/15	First floor front extension above existing garage.	87 Theydon Park Road
29	EPF/1449/14	Proposed new bungalow to rear garden and demolition of existing garage and shed. Proposed new vehicular access to existing dwelling.	39 Dukes Avenue
Waltham Abbey			
30	EPF/1556/14	Outline application with all matters except access reserved for demolition of all existing structures except the farmhouse and erection of up to 72 dwellings (50% affordable) with	Former Haulage Yard Sewardstone Road

ancillary parking, access and gardens, along with the erection of a community building.

31 EPF/0026/15 Proposed new garage to front of existing house including new crossovers to house 3 and 1 crossover to house 5 existing reused. 3 Harrier Way

Part Allowed - with Conditions and Part Dismissed

Loughton

32 EPF/3012/14 Demolish garage and replace with two storey extension, 1m from boundary, with continuation of roof above. Attached garage to other side of house, 1.1m from boundary, with "granny flat/studio" above. Three front dormers. Two storey and single storey rear extensions. Associated alterations. 24 Alderton Hill

Enforcement Appeals

Dismissed

ENF/0103/14 Without planning permission the erection of brick wall and metal railings around the front garden of the land 108 - 110 High Street Epping

ENF/0241/14 Without planning permission the erection of a pergola situated to the front of the principle elevation of the dwelling house Lambourne Park Farm Hoe Lane Lambourne

ENF/0298/12 Building to be demolished as per EPF/2562/11 and Notice 1. Chase Farm Vicarage Lane North Weald Bassett

ENF/0499/12 Without planning permission the erection of a building for residential purposes Moor Hall Lodge Moor Hall Road Harlow

ENF/0630/12 Without planning permission the erection of a building described as "Barn" Lambourne Park Farm Hoe Lane Lambourne

Enforcement Appeal - Invalid, Notice Quashed

ENF/0504/13 Without planning permission the stationing of eight mobile homes/caravans for residential purposes on the land Logic Travel – Ricotta Transport Tylers Cross Nursery Epping Road Roydon

Enforcement Appeal: Allowed with Conditions , but Varied

ENF/0721/10 Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site Plot 38, Roydon Lodge Chalet Estate High Street Roydon

Withdrawn Appeal

ENF/0479/14

Without Planning Permission the laying of a patio and pathway to the rear of the property which exceeds the permitted development height of 300mm above the highest level of the land.

42 Princes Road
Buckhurst Hill

This page is intentionally left blank

Appeal Decision

Site visit made on 25 February 2015

by R W Allen B.Sc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 June 2015

Appeal Ref: APP/J1535/A/14/2227268

Land Adjacent to 1 Gun Cottage, Abridge Road, Theydon Bois, Essex CM16 7NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Skinner against the decision of Epping Forest District Council.
 - The application Ref EPF/0255/14, dated 28 January 2014, was refused by notice dated 14 May 2014.
 - The development proposed is proposed change of use of redundant stable block into two bedroom single storey dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed change of use is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policies;
 - The effect of the proposed change of use on the openness of the Green Belt;
 - Whether any other harm exists, having specific regard to the effect of the proposed change of use on the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appeal site is a parcel of open land with an L-shaped stable block and small area of hardstanding positioned close to its boundary with Abridge Road. The barn is a modest timber single-storey structure which currently accommodates 3 stables, a tack room and hay barn. I saw from my site visit that the appeal site was largely free of built form and obstruction and that it was open and exposed. The site's topography is level at the frontage of the site, from which it declines steeply to the rear. It affords appreciable views over the wider countryside.

4. The appeal site lies within the Green Belt. The Framework establishes national Green Belt policy. Policies GB2A and GB8A of the Epping Forest Local Plan Alterations July 2006 (LP) also deal with the Green Belt.
5. The Framework identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. LP Policy GB2A is broadly consistent with the Framework's approach, which says development in the Green Belt will be permitted where it preserves openness.

Whether inappropriate development

6. Paragraph 90 of the Framework sets out those categories of development which may be regarded as not inappropriate. The re-use of buildings of a permanent and substantial construction forms one such category, subject to it preserving the openness of the Green Belt. LP Policy GB8A is also consistent with the Framework. It says changes of use and re-use of buildings will be permitted where they are of a permanent and substantial construction, and that the use would not have a materially greater impact than the current use.
7. No evidence is before me as to the structural state of the existing barn. However from my site visit, the building appeared to be both permanent and substantial, and capable of conversion to residential without need for extensive rebuilding or repair. The Council has not raised this as an issue and I have no reason to disagree.
8. The test of inappropriateness therefore rests on whether the proposed development would preserve the openness of the Green Belt.

Openness of Green Belt

9. The physical alterations to the barn would have no greater impact on the openness of the Green Belt. However the area around the building would change considerably. The site would be in more frequent use than the existing barn, would likely result in a permanent parking presence on the land, and would bring with it associated domestic paraphernalia around the site including the proposed laying of a large terraced area to the building's side. It would introduce an enclosed residential curtilage into an open and unobstructed field such that it would have a greater impact on, and would not preserve the openness of the Green Belt over the existing use.
10. The appellant says that there are no restrictions on the site's use for equine related activities, that it could be intensively used by unrestricted visitor numbers and vehicle movements arriving and departing, and that the site could be stored with unlimited numbers of high horse boxes and jumping paraphernalia and equipment. All of which he says, would have a more significant effect on openness than a residential use of the land. The Council and the Parish Council contest this view, and say the extant planning

permission for the stable restricts its use to private stabling and not for commercial or business activity including livery.

11. Jumping apparatus was present at my site visit. However they were rudimentary, temporary, low height structures which could be easily removed off the site. I found nothing on site, and no evidence is before me, to suggest the land currently or previously was ever intensively used. I find the limited capacity of the barn and the parking area, and the steep gradient of the land, would unlikely be capable or desirable for large-scale use. I therefore find it unlikely the site would accommodate extensive equine paraphernalia on the land, such that its current use would not equate to or have a greater impact on openness than a residential use.
12. I therefore find the proposed change of use would not preserve and would harm openness, and as such would amount to inappropriate development in the Green Belt. It would not accord with the Framework or with LP Policies GB2A and GB8A. I have attached significant weight to this harm.

Character and appearance

13. The domestication of the appeal site and the introduction of suburban features would fundamentally alter the natural and rural character of the site to its detriment. It would contrast unfavourably with the immediately adjacent fields and the wider countryside.
14. I have considered whether the imposition of appropriately worded conditions could limit this effect, such as removal of permitted development rights to prevent extensions or outbuildings, and a condition to ensure appropriate and low-level boundary treatments. However, there is a point beyond which it would not be reasonable to control the use of a domestic garden. Consequently a change in the character and appearance would be inevitable.
15. I therefore find the proposed change of use would harm the character and appearance of the area. It would amount to any other harm for the purposes of the Framework. It would also not accord with LP Policy CP2, which says amongst other things, that the quality of the rural environment will be maintained, conserved and improved by sustaining and enhancing the rural environment including conserving the countryside character, in particular its landscape.

Other Considerations

16. The appellant says the need for the dwelling arises because of a sick relative who needs care and attention. This is not substantiated further in evidence before me. The proposed dwelling would however remain long after personal circumstances have changed. In any event, the appellant's case rests on his view that the development is not inappropriate, such that there is no need to put forward a case to demonstrate very special circumstances. I have therefore attached little weight to this.
17. My attention has been drawn to a decision made by the Council (ref EPF/2188/05) for *conversion of stables into residential accommodation*. I do not have the specific details of the case before me and I have afforded it little weight in my decision. I have also been drawn to an enforcement appeal decision reference (ref APP/A3655/C/13/2195104) which saw an enforcement notice quashed for *a material change of use of the converted barn to use as*

two residential dwellings not occupied in conjunction with and ancillary to the farm/equestrian use of the land. Again I do not have full details of that case, nevertheless I am satisfied that the circumstances before the Inspector are materially different to the scheme currently before me. The Inspector's decision in that case does not alter my own conclusion on the current appeal.

Conclusion

18. The proposed change of use would have a greater impact on, and would not preserve the openness of the Green Belt. The development is therefore inappropriate development in the Green Belt. The proposed change of use would also detrimentally alter and cause harm to the character and appearance of the site and its relationship with the surrounding countryside. The proposed development would provide for a sick relative. However this consideration does not clearly outweigh the potential substantial harm to the openness of the Green Belt by reason of inappropriateness. Therefore, very special circumstances necessary to justify development do not exist.
19. Therefore for the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR

Appeal Decision

Site visit made on 30 June 2015

by **Nick Palmer BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2015

Appeal Ref: APP/J1535/W/15/3007926

Broad Bank, Ivy Chimneys, Epping, Essex CM16 4EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Michael Payne against the decision of Epping Forest District Council.
 - The application Ref EPF/2056/14, dated 25 August 2014, was refused by notice dated 10 December 2014.
 - The development proposed is demolition and removal of stables and hardstandings, provision of access road with turning head and erection of five detached dwellings with garages and car spaces, including ancillary works and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission with all matters reserved for subsequent consideration. Two illustrative layout plans have been submitted which show possible layouts. I shall consider the proposal on the basis.

Main Issues

3. The main issues in the appeal are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) whether or not there are other considerations weighing in favour of the proposal; and
 - v) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development and Effect on Green Belt

4. The appeal property includes a detached dwelling adjacent to the road frontage with a number of stables and a barn to the rear and a ménage and hard standing at the northern end of the site. The Council advises that the equestrian part of the site is within the Metropolitan Green Belt. The land adjacent to the rear of the site is open and includes paddocks and a recreation ground.
5. The site is previously developed land in accordance with the definition in Annex 2 to the Framework given that it forms a curtilage in association with the stables. Paragraph 89 of the Framework allows for the redevelopment of previously developed sites to form an exception to inappropriate development in Green Belt. This is subject to the development not having a greater impact on the openness of the Green Belt and the purpose of including land in it than the existing development.
6. The appellant has supplied details of the volume of the existing buildings and the likely volume of the proposed dwellings based on the illustrative details. These calculations demonstrate that the likely volume of the proposed dwellings would be about 200 m³ greater than that of the existing buildings. Garages would be added to this but the increase in the volume of built development would be modest.
7. The Council has granted outline permission¹ for three dwellings on the site subject to a condition restricting development of the ménage and hard standing at the northern end of the site. The Council's concern regarding the appeal proposal is that the five proposed dwellings would inevitably encroach into that area. The second of the illustrative layout plans (plan B) purports to show the development covering only the area occupied by buildings at present. Notwithstanding the site plan of the dwelling and stables submitted with the application, it is clear to me from having seen the site and from the ordnance survey map of the site that two of the dwellings shown on the illustrative layout on plan B would significantly encroach into the area occupied by the ménage and hard standing. Those areas are distinct from the parts of the site occupied by buildings and they have an open quality in common with the adjoining land. I note that they were formerly surfaced areas but much of that surface has either been removed or become overgrown.
8. The encroachment of development into the open area to the north of the buildings would be contrary to one of the purposes of including land in the Green Belt which is to safeguard the countryside from encroachment. It would also by extending the coverage of built development have a greater impact on the openness of the Green Belt than the existing buildings. For these reasons and given that the volume of built development would increase the proposal would be inappropriate development in the Green Belt. This is, by definition harmful to the Green Belt and substantial weight should be given to that harm.²
9. Policy GB2A of the Epping Forest District Local Plan Alterations (LP) (2006) is not entirely in accordance with the Framework in that it does not make

¹ Ref OUT/EPF/0458/15

² Framework paragraphs 87 and 88

provision for the redevelopment of previously developed land. The proposal would not accord with that policy but I can only give limited weight to this on the basis of its inconsistency with the Framework.

Character and Appearance

10. Although most of the site is occupied by buildings its use for equestrian purposes is consistent with the character of the adjacent countryside. The proposal would noticeably alter that character by increasing the extent of built development and the formation of domestic gardens with associated enclosures and other structures.
11. The site is close to the edge of Epping Forest where any significant changes to the landscape would be likely to affect the wider landscape character. The proposal would not for the reasons given accord with policy CP2 of the LP which requires that the countryside character and its landscape are conserved.
12. For these reasons the proposal would harm the character and appearance of the area. Taking into account the extent of existing buildings on the site that harm would be limited however and on this basis I give limited weight to that harm.

Other Considerations

13. The proposal would meet the social and economic dimensions to sustainable development because of the provision of housing which would be accessible to a range of services and facilities by means other than the car. I give weight in favour of the proposal on this basis but that weight is limited because the proposal would not for the above reasons meet the environmental dimension to sustainable development. In coming to this view I have taken into account the illustrative layout plans which demonstrate that acceptable amenity space and means of access could be achieved.

Very Special Circumstances

14. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
15. I have concluded that the proposal would be inappropriate development and would therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the Green Belt in terms of its effect on openness and its encroachment. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.
16. I have also concluded that the proposal would harm the character and appearance of the area and that limited weight should be attached to that harm.
17. On the other hand I give limited weight to the benefit of the proposal in terms of the social and economic dimensions to sustainable development. That limited weight is not sufficient to clearly outweigh the substantial and limited

weights which I give to the harms identified. As such the proposal cannot be justified on the basis of very special circumstances.

Conclusion

18. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

Appeal Decision

Site visit made on 3 June 2015

by H Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 June 2015

Appeal Ref: APP/J1535/W/15/3004190
134 High Street, ONGAR, Essex, CM5 9JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Hayes against the decision of Epping Forest District Council.
 - The application Ref. EPF/2358/14, dated 1 October 2014, was refused by notice dated 5 January 2015.
 - The development proposed is change of use from retail (A1) to estate agency (Use Class A2).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from retail (A1) to estate agency (Use Class A2) at 134 High Street, Ongar, Essex, CM5 9JH, in accordance with the terms of the application, Ref. EPF/2358/14, dated 1 October 2014, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14-050/01; 14-050/02; and 14-050/03.

Main Issue

2. The main issue is the effect of the proposal on the retail function of the High Street, and the vitality and viability of the town centre.

Reasons

3. The appeal premises is a vacant former retail unit set within Ongar High Street, which comprises a range of ground-floor commercial uses for its length, and some first-floor residential units and dwellings to the rear. The site is also located within a designated Key Retail Frontage within the defined Ongar Town Centre, as shown in the Epping Forest District Local Plan Alterations 2006 (LP).
 4. In order to maintain the vitality and viability of the main town centres in the district, LP Policy TC3 advises that within such centres, subject to certain criteria, the Council will permit new retail and other town centre uses that make the centres attractive and useful places to shop, work and visit, but that proposals that could have a detrimental impact upon the vitality and viability of
-

the centres will be refused. LP Policy TC4 supports the provision of non-retail uses at ground floor level within key retail frontages provided the resulting non-retail frontage would not exceed 30%, or result in more than two adjacent non-retail uses. In this case, although the appeal premises is next to another A2 use, they would sit between retail units.

5. There is disagreement between the parties as to the proportion of non-retail units within the Key Retail Frontages, with the appellant suggesting compliance with LP Policy TC4. At the time of the appeal site visit, I could not corroborate the findings of either party, but on numbers alone (rather than frontage metres, as used by the Council) the proportion of non-retail uses within the key frontages appeared to be in excess of 30%.
6. The aims of the Council's policies to support the vitality and viability of its town centres is consistent with national policy, but the policies are less flexible in their application. The National Planning Policy Framework (the Framework) encourages competitive town centre environments, and seeks to include a wider range of uses in centres, including retail but also leisure, commercial, office, tourism, cultural, community and residential development.
7. In addition, since the appeal was lodged, the government has introduced new permitted development rights to reduce the number of development types which are required to go through the full planning process. A stated purpose of introducing such legislation is to support mixed and varied high streets by allowing, for example, more change of use between shops and financial and professional services¹. There is no suggestion that express planning permission is not required for the appeal proposal, but the change in legislation is a further indicator of the national approach to town centre development.
8. In this context, I find that the specific criteria of LP Policy TC4 is outweighed by more up-to-date national policy and objectives. On the basis of the information before me, there is little evidence of unit vacancy in the High Street, which has a range of uses typical for a town centre, all of which contribute to maintaining its vitality. The appeal unit remaining vacant would not help to sustain a viable centre. I note the concerns of the Council and some local people regarding the robustness of the marketing undertaken in advance of the application, but in the absence of any substantive evidence to the contrary I have no reason to doubt its reliability.
9. I therefore conclude that the proposed change of use would not undermine the retail function of the High Street, and finding a new use for a vacant building would support the vitality and viability of the town centre. This would accord with the objectives set out in the Framework, and the aims of LP Policies TC3 and TC4, if not all of their specific criteria.

Other Matters

10. The appeal premises is a Grade II listed building situated in the Chipping Ongar Conservation Area. No physical changes to the fabric are proposed in this submission, and as such the proposal would have a neutral impact on the historic building and its setting. However, finding a productive use for these vacant premises would be beneficial to its long-term maintenance, and the use

¹ Written statement to Parliament - Planning update March 2015, delivered 25 March 2015

would reinforce the active frontage, thereby preserving the character and appearance of the conservation area.

Conditions

11. In addition to the standard time limit, for the avoidance of doubt and in the interests of proper planning I also impose a condition specifying the approved plans. The original officer report included a recommended condition requiring the retention of the existing glazed shop front for display purposes, although this has not been reiterated at the appeal stage. However, I am not convinced that such a condition would meet the tests set out in the Framework, in that it is not necessary, is not precise or therefore enforceable. Drawing no. 14-050/02 indicates a window display, and no physical changes to the listed building are proposed in this appeal.

Conclusion

12. For the above reasons, I conclude that the appeal should be allowed.

Hilary Lock

INSPECTOR

This page is intentionally left blank