
APPLICATION No: EPF/2400/04

Report Item No: 1

SITE ADDRESS:
HIGH HOUSE, EPPING UPLAND

PARISH: Epping Upland

APPLICANT: Mr B Brundell

DESCRIPTION OF PROPOSAL:

Change of use of adjacent outbuilding to a single dwelling house.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no windows other than any shown on the approved plan shall be formed at any time in any exterior wall of the building without the prior written approval of the Local Planning Authority.
4. The approved alterations to the appearance to the north and east facing elevations of the building as indicated on drawing No. 200/9 shall be carried out prior to the occupation of the building as a dwelling house and thereafter shall be permanently retained unless the Local Planning Authority give prior written agreement to any alteration.

Description of Proposal:

It is proposed to use an outbuilding in the curtilage of a dwellinghouse as a single dwelling and carry out associated alterations to its external appearance.

The converted building would have the same shape as the existing building but the walls would be finished in horizontal timber cladding at first floor and painted render at ground floor. The existing garage doors in the south elevation

of the western wing would be replaced by glazed panels, a first floor window in the west elevation of that wing would be closed up and three new windows would be inserted in the east elevation. Three small low-level windows would be inserted in the north elevation. Internally an existing double height area at the junction of the west and south wings of the building would be subdivided horizontally to create a first floor that would be linked to the existing first floors in each wing. Three existing garages in the southern wing would be retained. The curtilage of the building would only comprise an existing hard surfaced area enclosed by both wings of the building and an existing brick wall. It is proposed to raise the height of the brick wall to the eaves level of a canopy between ground and first floor.

Description of Site:

The application site forms part of the residential curtilage of The High House, a farmhouse that together with a small group of single storey farm buildings within its curtilage is accessed from the south via a 1.5km single-track access road off Upland Road.

The site comprises an L shaped former barn constructed about 30 years ago that although originally used for agriculture has been used as a residential annexe to The High House for at least 15 years. The west wing comprises garage and domestic storage space together with toilet and shower facilities at ground floor and art studio, office and snooker room at first floor. The south wing comprises garages at ground floor and a workshop at first floor. The west and south elevations are timber clad at first floor and rendered at ground floor whilst the north and east elevations together with the roof are of corrugated asbestos cladding and are well screened by planting. Public footpath No. 108 and byway No. 12 run alongside the north elevation. The land to the north is part of Epping Forest. An open field is situated to the east of the building and a detached house with garden to the west. To the south are farm outbuildings that are within the residential curtilage of The High House.

Relevant History:

CLD/EPF/511/00 - Certificate of Lawfulness for the existing use of land as garden and residential curtilage - Granted 03.07.00.

Policies Applied:

Structure Plan:

CS4 - Sustainable new development

C2 - Green Belt
H3 - Location of Residential Development
RE2 - Re-use of rural buildings

Local Plan:

GB2 - Green Belt
GB8 - Change of use of buildings in the Green Belt
DBE4 - Development in the Green Belt

Issues and Considerations:

The main issues to be considered in this case are whether the proposal is appropriate development in the Green Belt and whether it would be a sustainable form of development.

National planning policy in respect of the re-use of buildings in the Green Belt is contained in PPG2 and is generally supportive of such proposals on the basis they should not prejudice the openness of Green Belts since the buildings are already there. Accordingly, the re-use of buildings in the Green Belt is stated to not be inappropriate subject to certain criteria, those relevant to this case being: there should be no greater impact than the existing use on the openness of the Green Belt; the existing buildings are of permanent and substantial construction capable of conversion without major reconstruction; and the form, bulk and general design of the buildings are in keeping with their surroundings. The PPG also states evidence that the building is not redundant in its present use is not by itself sufficient grounds for refusing permission for a new use.

More recent national planning policy that is relevant is that set out in PPS7 which states, inter alia, that Local Planning Authorities should be particularly supportive of the re-use of buildings to provide housing in accordance with the policies in PPG3. This qualification relates to a requirement for residential conversions to meet sustainable development objectives.

Structure Plan policy as set out in policies C2 and RE2 reflects national planning policy although Policy RE2 expresses a preference for business use conversions to promote rural enterprise and economic activity. Adopted Local Plan policies also reflect national planning policy although Policy GB8 introduces additional criteria relating to residential uses. That criteria state residential is only appropriate where the building is unsuitable for a non-residential use and the Council consider it desirable that the building is brought back into beneficial use. Both Policies RE2 and GB8 reiterate the PPG2 requirement that the existing buildings are of permanent and substantial construction capable of conversion without major reconstruction.

An inspection of the existing outbuilding has revealed it to be of permanent and substantial construction. Having regard to that fact and the limited extent of the proposed alterations it is considered the proposal could be carried out without major or complete reconstruction.

The appearance of the existing building when seen from within the remaining curtilage of The High House is distinct from adjacent farm buildings and it reads as a separate dwelling house. The proposed alterations to the south and west elevations in connection with its proposed use as a dwelling house are considered to be minor and of little consequence. The main change to the site when seen from within the curtilage of The High House would be as a result of the increase in height of the existing wall enclosing the site. The appearance of the building from outside the site is as a modern barn and distinct from the adjacent house. The proposed alterations to the north and east elevations would soften the appearance of the building while the additional windows proposed are small in size and number thereby retaining the appearance of the building as a barn. The impact of the alterations on the appearance of the building from outside the curtilage of The High House are therefore considered to be beneficial. The alterations would improve the visual amenities of the locality, particularly that within the vicinity of the adjacent public rights of way.

The proposed conversion of the building would not have a materially greater impact upon the openness of the Green Belt than the existing building. Since the building forms part of the curtilage of an existing dwellinghouse that it is in close proximity to and since it has been used for purposes ancillary to the house for some time it is considered that the proposed use for the building as a separate dwelling house is appropriate. It is considered that any employment use whether recreational or business related would be more likely to generate higher levels of traffic in the locality and would be more likely to be harmful to the amenities of the occupants of The High House. The domestic activities and expectations likely to be associated with the residential use would be very unlikely to impact on the character of the Green Belt because the building would obstruct views of all such activity from outside the residential curtilage of The High House. The proposal is therefore considered to be in keeping with all the adjacent land uses.

In terms of the policy requirement that it be desirable to bring the building back into use, in this case although the building is of no architectural merit or historic interest it is already in use as a residential annexe. Any decision to refuse planning permission would not change that but this proposal does provide the opportunity to improve the appearance of the public face of the building. The opportunity to improve the visual amenities of the locality presented by

this proposal is therefore considered to justify non-compliance with the policy requirement in this particular case.

With regard to the issue of sustainability, any use of the building would be dependent on the car for access to services so there would be no sustainability advantage in the building being put to any alternative use. The current use is residential but not as a separate dwelling and therefore the proposal would generate additional traffic and activity. Against this, the proposal involves the reuse of an existing building and an enhancement of its appearance adjacent to public rights of way, which are considered to be environmental benefits. Since the additional demand for journeys by car would be confined to that generated by one additional household the environmental benefits are considered to outweigh any harm caused by limited additional traffic in this particular case.

It is not considered that this proposal would set any general precedent for allowing the conversion of rural buildings to dwellings since this case presents a unique combination of circumstances. These are that the proposal relates to a building that is already in lawful residential use as an annexe to an adjacent house, the activity associated with the use would only be perceptible from within the curtilage of the existing house and the appearance of the building from the adjacent public rights of way would be significantly improved.

Conclusion

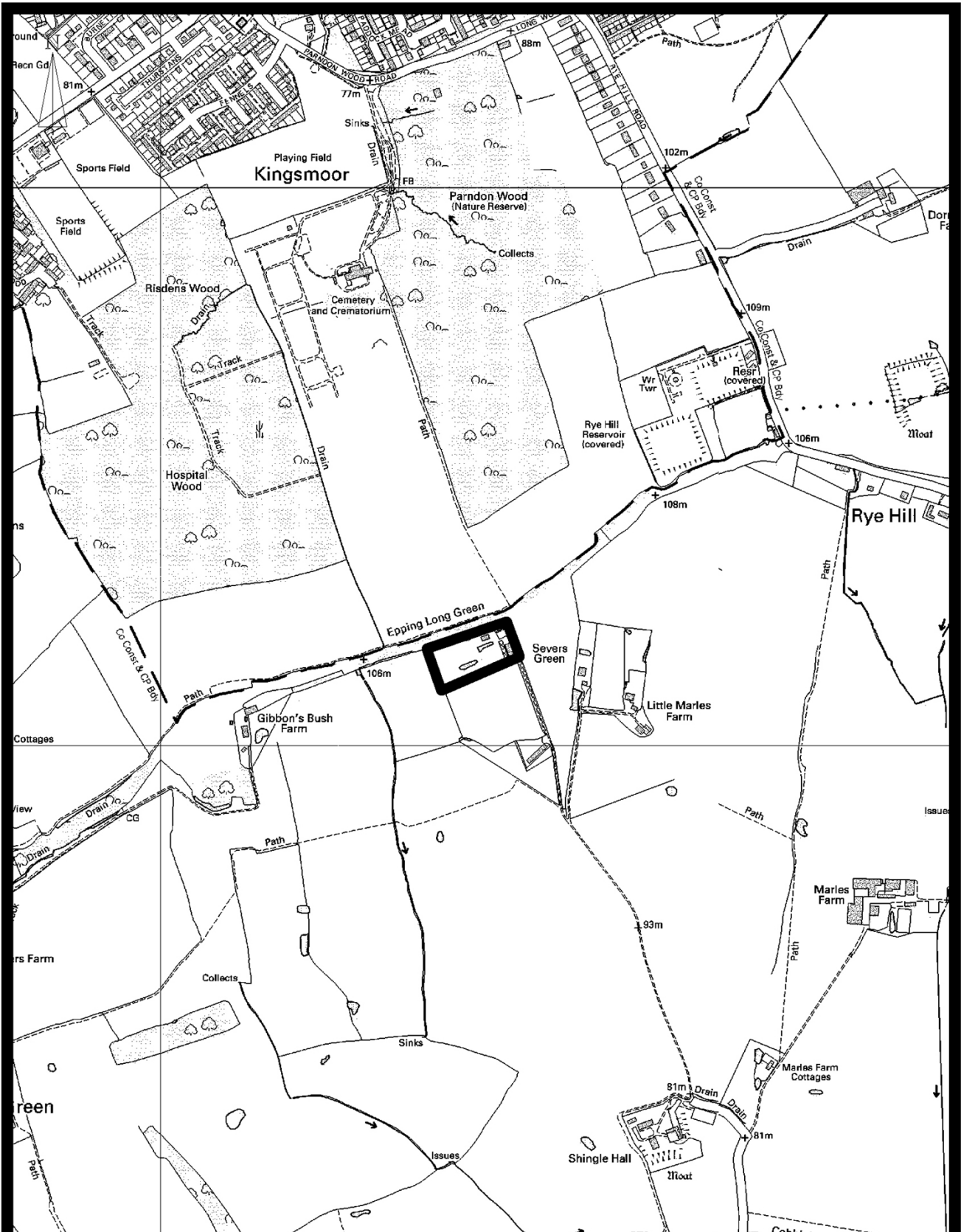
The proposed conversion of the outbuilding to a separate dwelling would be appropriate development in the Green Belt whilst the opportunity to gain visual improvements to it are considered to outweigh concerns about the desirability of retaining the building in any use. The proposal is therefore considered to be acceptable and planning permission should be granted.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Objection. It is felt the proposal is inappropriate and an over-development in the Green Belt area. Concern is expressed that approval would set a precedent for further development with associated traffic movement and would be detrimental to the environment.

CONSERVATORS OF EPPING FOREST - No observations.

NEIGHBOURS - No response received.



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Item No: 01
Scale: 1:10,000



APPLICATION No: EPF/1437/04

Report Item No: 2

SITE ADDRESS:
VINE COTTAGE, BETTS LANE, NAZEING

PARISH: Nazeing

APPLICANT: Mr J Swan

DESCRIPTION OF PROPOSAL:
Erection of detached garage (Revised application).

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. Garage to be retained.
4. Retention of existing trees and shrubs
5. The footings of the building hereby approved shall be a minimum of 600mm below the bed level of the adjacent water course.
6. The development shall be carried out in accordance with the amended plans received on 21 April 2005 unless otherwise agreed in writing with the Local Planning Authority.

Description of Proposal:

Erection of a detached garage (revised application).

Description of Site:

A Grade II, end of terrace Victorian Cottage with a long narrow garden extending along the road frontage by some 150m, with substantial trees and a hedgerow along this frontage. A stream runs along the roadside boundary. The whole site is within the Nazeing Conservation Area and Metropolitan Green Belt.

Relevant History:

EPR/61/52 - Build a tool store - Approved
EPF/593/04 - Detached garage with storage/playroom - Refused

Polices Applied:

Local Plan
GB2 Green Belt Policy
GB14 Outbuildings
HC6 Developments in conservation areas
HC7 Conservation area design and materials
HC12 Setting of a listed building
DBE1 Design
DBE2 Effect on surrounding properties
DBE4 Green Belt Development
DBE9 & 10 Amenity
U2 Flooding

Issues and Considerations:

The main issues are the impact of this proposal on the conservation area, green belt, amenities of neighbours, land drainage, and whether this proposal overcomes the original reasons for refusal, which were the inappropriate size, height, design and siting of the building.

Green Belt

This application has undergone several amendments since it was originally submitted, as summarised below:

Original application - 22 Jul 04, Garage 5.5m high with first floor playroom, sited in southeast corner of site
1st revision - 19 Sep 04, site changed to northwest corner of site
2nd revision - 24 Feb 05, height dropped to 4m, deleting 1st floor playroom, resited in southwest corner of site
3rd revision - 21 Apr 05, elevational drawings changed to reflect correct positioning of doors, plans clarified to show distance from stream.

The plans as they now stand are for a single storey detached double garage with a pitched roof, measuring 6.8m x 7m by 4m high, sited 30m to the south east of the main house, and 2m from the edge of the ditch on the southern boundary. The existing access near the house will continue to be used.

The size of this building has been considerably reduced in height and footprint from the original proposal. The resulting structure is not excessive in this rural area and typical of garages found throughout the Green Belt. It is considered that there will be no negative impact on the character or

appearance of the Green Belt, and in line with the Local Plan.

Listed Building, Conservation Area & Design

The site is in the Nazeing Conservation Area. The design of this building is simple and of a modest height. It is the case that the floor area is quite large when compared to the original dwelling, but it is not unreasonable to garage cars, and the proposed building is not excessive in size for this role, and it is considered that with the appropriate materials the garage would respect the setting of the listed building and preserve the character of the Conservation Area.

The building has been positioned some distance from the dwelling close to the boundary with Betts Lane. There is a hedgerow along this boundary. On this narrow garden area this is considered to be the best possible siting as it separates the garage from the main building, avoiding an increase in the massing of the terrace. The hedgerow provides screening from the Lane and when viewed from the north the garage will not be prominent against this screen. It is accepted that the ridgeline would be above the hedge (2 - 3m), but since there are a number of mature trees in the hedge line it is considered the visual impact of the garage, which in any event is acceptable in Green Belt, Conservation Area and listed building terms, would be mitigated.

The Councils Conservation Officer has stated that he has no objections to the scheme subject to appropriate conditions to ensure that the materials used are appropriate in this conservation area.

Amenity

There is no harm caused to the amenities of any neighbouring property.

Drainage

The garage will be some 2m from the edge of the drainage ditch along Betts Lane. The Land Drainage Section have examined this proposal in some detail and are of the opinion that this scheme can be implemented without any harm caused to the drainage in the area, subject to the appropriate conditions.

Highways

The Highways Section has no objections to this scheme.

Conclusion

This scheme has been considerably modified since its submission, and the building is now of a size and design that is appropriate in the rural conservation area. The recommendation is therefore for approval, as any refusal would

be difficult to justify on appeal.

SUMMARY OF REPRESENTATIONS:

ORIGINAL PLAN

PARISH COUNCIL - Object as the site lies within the Green Belt and as such is inappropriate development. The height and size would be intrusive of the open street scene and detrimental to the Conservation Area, contrary to policies HC6 and HC7.

TALLIS COTTAGE - Object, proposed garage is not in keeping with the cottage and surrounding area.

The following objected to the 1st, 2nd and 3rd revision of the plans, on siting, size, design, and impact:

PARISH COUNCIL - Object, this Council remains adamant in its objection. Member agreed that the proposed garage is too near to the road and will spoil the visual aspect of the lane and will also be seen as new build within the Green Belt and Conservation Area.

CLEMATIS COTTAGE

NAZEING CONSERVATION SOCIETY

NAZEING UPPER TOWN COTTAGE

ASHDOWN COTTAGE

LONGYARD COTTAGE

MILL BUNGALOW

WHITE COTTAGE

TALLIS COTTAGE

4TH REVISION OF PLANS

PARISH COUNCIL - Object, members remain adamant in their objections to the proposed double garage and playroom. It is too near the road, and will spoil the visual aspect of the lane. The building appears to be totally out of keeping with the conservation area and would dominate the existing cottage which dates back to the 18th century.

CLEMATIS COTTAGE - Object, Vine Cottage is very small with a low roof apex. The proposed double garage is a large structure, and totally out of proportion to Vine Cottage and the surrounding area. This revised structure is to be situated right on Betts Lane adjacent to the hedge and will tower above it and appear intrusive and out of character in that particular section of the lane, and will detract from the natural beauty of the historical old Poor House. A single garage, positioned away from the lane would be more appropriate.

TALLIS COTTAGE - Object, the proposed garage is not in any way in keeping with the 17th century cottage.

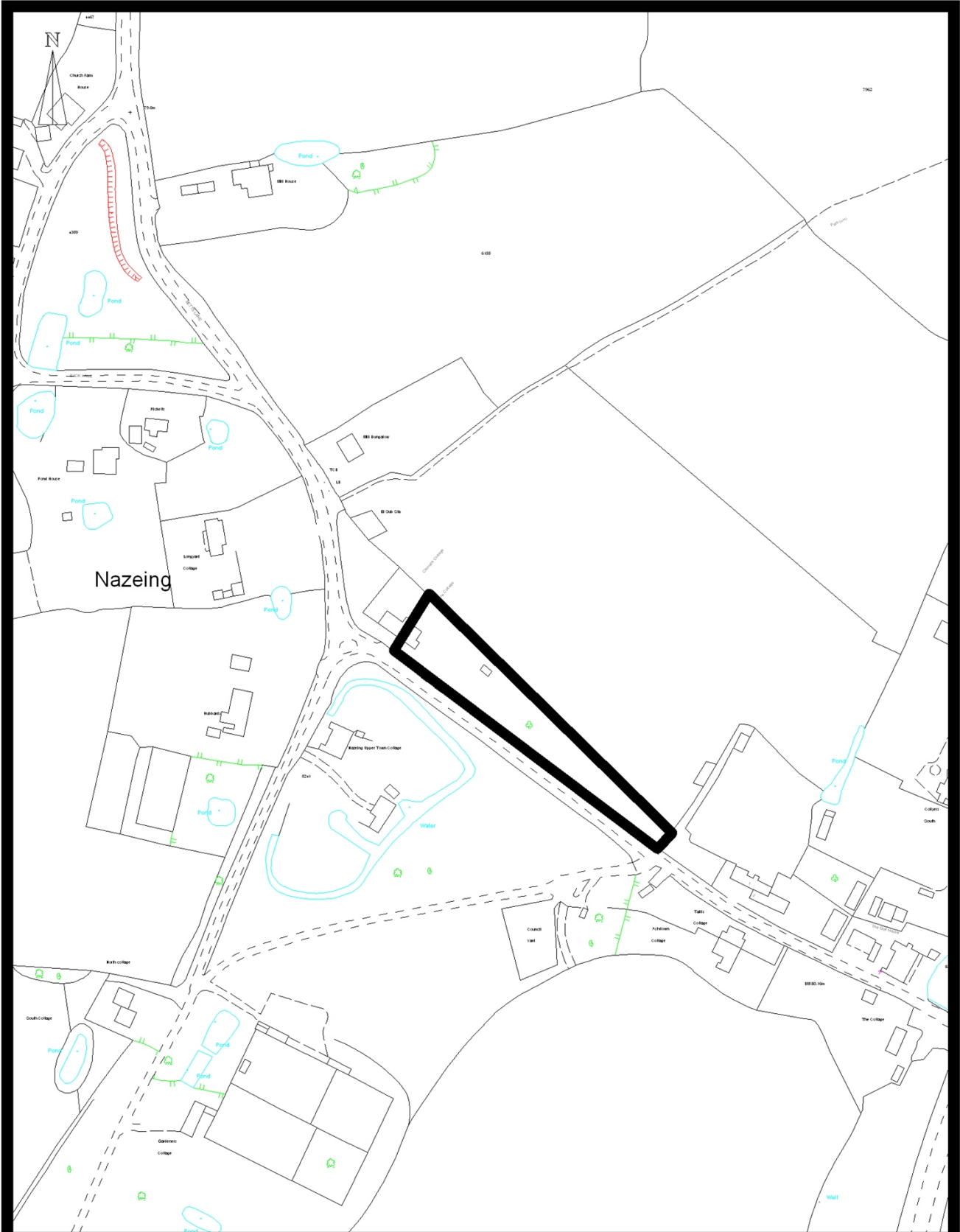
ASHDOWN COTTAGE - Object, too close to the road, changing the character of the Betts Lane.

THE COTTAGE - Object, we feel a two-storey building would be obtrusive and totally out of proportion, we are of the opinion that any new building should be subservient to the existing cottage and set well away from Betts lane.

LONGYARD COTTAGE - Object, no real change in plans and does

not appear to conform to land drainage regulation. Will visually dominate a significant section of Betts Lane, we strongly object to plans on grounds of its size, height, meterage, proportional size as an ancillary building, proximity to road and visual impact it would have on the area day and night, this is not consistent with the aims of either the Green Belt or those of a Conservation Area.

Any further objections will be reported verbally to committee.



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Item No: 02
Scale: 1:2,500



APPLICATION No: EPF/1509/04

Report Item No: 3

SITE ADDRESS:
MAPLECROFT, MAPLECROFT LANE, NAZEING

PARISH: Nazeing

APPLICANT: Mr G Williams

DESCRIPTION OF PROPOSAL:
Erection of stable block. (Re-submission).

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. The stables hereby approved shall be used only for the stabling of horses owned by the occupiers of Maplecroft outlined in blue on the plans and shall not be used for any commercial purposes.
4. A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of 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 first occupation of the building hereby approved and shall be adequately maintained.

This Application was deferred from the sub committee of 23/3/05 in order to enable members to visit the site. This site visit has now taken place. Additionally members requested further information about access to land and bridleways for exercising the horses. The applicant has reiterated that he has a verbal agreement with an adjoining land owner to use the land for riding horses. There are no bridleways adjacent to the site.

The original report is reproduced below.

Description of Proposal:

Erection of a detached "L" shaped building, comprising 4 stables, tack room, toilet and shower room and store for a tractor.

Description of Site:

The site is in an area of agricultural land, adjacent to the garden of Maplecroft, which is a new dwelling (which replaced a farmhouse) at the end of Maplecroft Lane. The proposed position of the building is quite elevated, although it will be screened to some extent by an existing hedgerow. Access to the site is through the garden of Maplecroft.

Relevant History:

EPF/185/93 - Erection of a replacement dwelling - Approved 9.8.93.

EPF/711/98 - Renewal of permission for replacement dwelling - Approved.

EPF/998/98 - Erection of dwelling and garage - Approved.

Policies Applied:

Structure Plan

C2 development in the Green Belt

Local Plan

GB2 Green Belt.

RST4 Horse Keeping.

RST5 Stables

DBE1, DBE2, DBE4, design, impact on neighbours and design in the Green Belt.

T17 Highway Considerations.

Issues and Considerations:

The main concerns in the determination of the application are:
1 Whether the proposal is appropriate in the Green Belt; 2. The impact on the amenity of the area and the residential amenity of neighbours; and 3. Highway safety concerns.

The site was originally a farmyard and when the replacement dwelling was allowed in the 1990s this was subject to the removal of a number of agricultural buildings and on condition that the residential curtilage was restricted. The field that remains therefore currently has no authorised use other than open agricultural use, and is not currently used for agriculture.

1. Green Belt

Stables are generally accepted to be small scale facilities for open air recreation and are therefore one of the few types of development that are appropriate in the Green Belt. The proposed building contains 4 stable which are intended solely

for the stabling of horses owned by the family occupying the dwelling, that are currently stabled at livery elsewhere. The building also contains a tack room, which one would expect and a toilet and shower, to avoid tracking mud into the house. Additionally it contains a storage area intended for storing a tractor in connection with the maintenance of the land. The building does not appear excessively large for this purpose. It is considered that the development is not inappropriate in Green Belt Terms.

2. Visual and Residential Amenity.

Policies RST4 and 5 allow for the use of land for horsekeeping and for the erection of stables provided the development would not have a significantly adverse impact on the character and appearance of the landscape and the building is appropriate in scale, location, design and materials. The site is not within a conservation area or an historic landscape. The proposed building is fairly utilitarian, but has been designed with hipped, pitched tiled roof and is considered appropriate to this location. It is set well away from the road and will not be overly prominent or harmful to the visual amenity of the area. The building is not close to any residential property, other than the applicants own dwelling, and it is not considered that the private use of the stable will cause any harm to residential amenity.

The proposed building has been designed to meet standards set out by the British Horse Society for the welfare of horses and the land area of about 1.2 hectares is considered sufficient for the keeping of 4 horses.

3. Highway Safety Issues.

Concern has been raised by neighbours that to have horses walking down this lane which has no footpath would be most dangerous. The applicant has confirmed that it is not his intention to utilise the public highway for exercising the horses and has agreement from an adjoining landowner to utilise adjacent land for additional grazing and riding facilities. Clearly this is not something that we can condition, and any future owner may have different arrangements. However the Highways Group have not raised any objection to the private use of the site for horsekeeping and does not consider that the use will lead to excessive highway danger. The use of the access will still be considerably less than when the farm was in agricultural use.

Conclusion

The proposal is considered acceptable in Green Belt terms and in accordance with policies RST4 and RST5 of the adopted Local Plan as such it is recommended for approval subject to conditions.

SUMMARY OF REPRESENTATIONS:

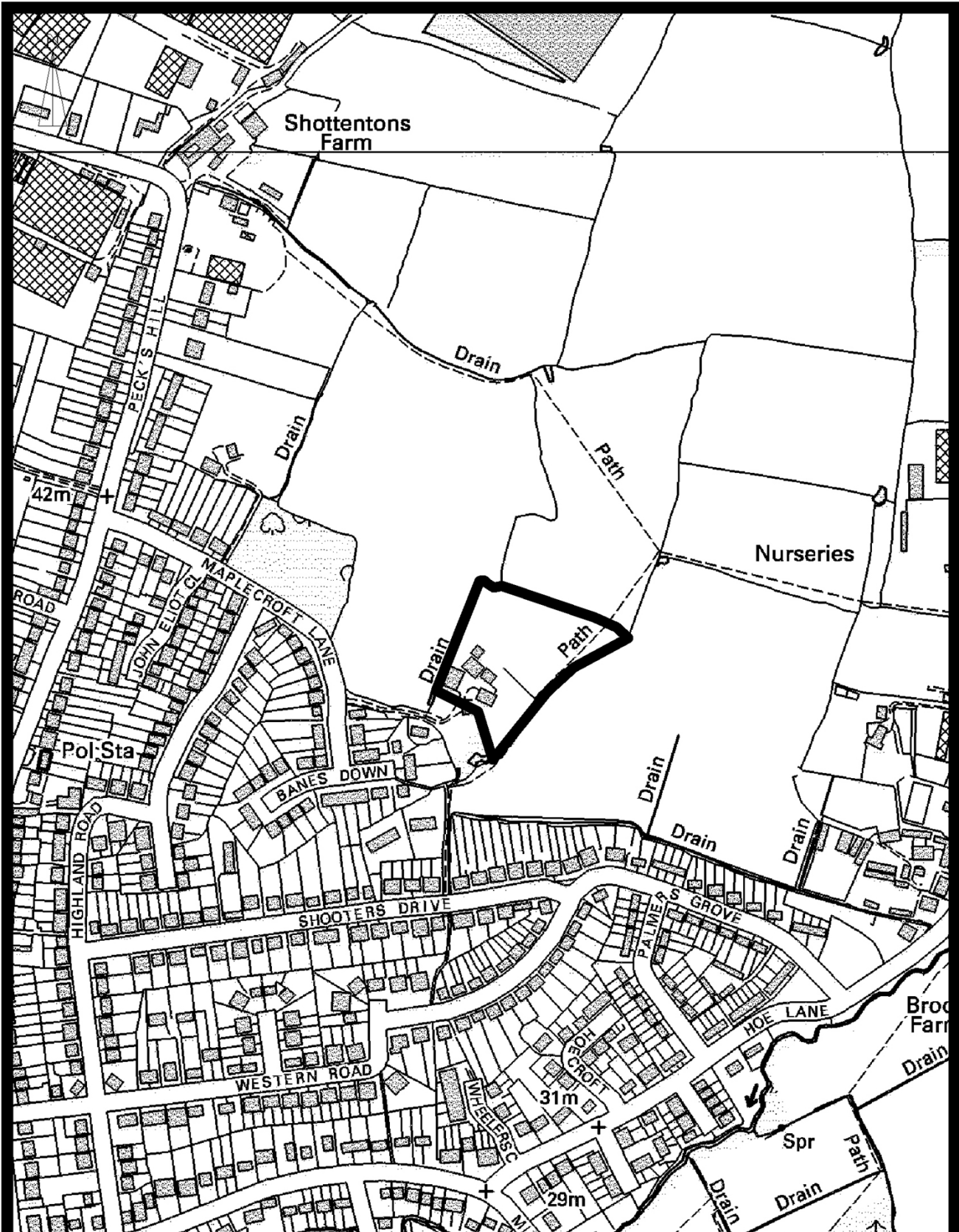
23 BANES DOWN - Does the WC and Shower mean another seep pit? Concern about smell. Concern about danger of horses coming out of Maplecroft Lane and problem of dung everywhere.

38 MAPLECROFT LANE - Danger of horses on the lane with no footpath. Very steep narrow road with cars parked on one side horses here would cause many problems. Concerned that if the cottage were sold stables would be used commercially. Cannot justify a building of this size for a couple of children's ponies. With written assurance that no horse would be allowed up this lane I would have no objection to a stable of more reasonable size for owners private use.

24 BANES DOWN - Object, if anything other than domestic usage, would result in horses using Maplecroft Lane for access and exit. The hill is very dangerous particularly in icy conditions. The hill is never gritted. To put horses in such a potentially dangerous position amounts to cruelty. Other householders have not been consulted and are unaware that the sole access and exit to the estate is going to be further restricted. Everyone should be consulted.

NAZEING CONSERVATION SOCIETY - Understand it lies within the Nazeing Conservation Area therefore needs good design. If for commercial purposes we would oppose the application, concern over need and possible traffic and safety issues.

(NB the site is not within or adjacent to the Conservation Area)



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Item No: 03
Scale: 1:5,000



APPLICATION No: EPF/437/05

Report Item No: 4

SITE ADDRESS:
NETHERKIDDERS FARM, LAUNDRY LANE, NAZEING

PARISH: Nazeing

APPLICANT: First Epping and Essex Troop of Horse Rangers Association

DESCRIPTION OF PROPOSAL:

Change of use from agriculture to equestrian use; including adaptation of buildings to provide stabling, provision of an outdoor manege, lighting and associated facilities.
(Retrospective application)

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. This consent shall inure solely for the benefit of the Horse Rangers Association and for no other persons or company.
3. There shall be no conversion of building D to house loose boxes/stables or provide accommodation for horses.
4. No more than 22 working horses shall be present on site at any time.
5. Within 3 months of the date of this permission details of a car sharing scheme shall be submitted to the Local Planning Authority for approval. The scheme shall be operated in accordance with the approved details.
6. The use of outdoor riding school shall only be used by members of Horse Rangers Association and horses kept at this site and shall at no times be used for events or competitions.
7. No public address system or sound amplification system shall be used on site until details of noise levels, location or speakers and hours of use are submitted to and approved in writing by the Local Planning Authority.
8. Details of the area used for car parking shall be submitted to the Local Planning Authority for approval within three months of the date of this permission. No further areas of the site shall be used for car parking without the approval of the Local Planning Authority.

9. Details of storage and disposal of manure shall be submitted to and approved in writing within three months of the date of this permission.
10. The hours of use of the manege shall be 07.30 - 20.00 Monday to Saturday and 08.00 - 18.00 on Sundays and public holidays, and the use of any external lighting at the manege shall be restricted to those hours.
11. Within three months of the date of this permission the permissive path shown on drawing no 8.7051/a dated 16 March 2005 shall be brought into use and thereafter maintained for this use.

Description of Proposal:

Change of use from agriculture to equestrian use; including adaptation of buildings to provide stabling, provision of an outdoors manege, lighting and associated facilities (retrospective application).

Description of Site:

A Farm complex on the eastern side of Laundry Lane, a narrow rural unclassified road, running between Waltham Road and St Leonards Road, with an area of 17Ha. There are seven separate buildings on the site including three large Dutch barns. The farmhouse to the north (Netherkidders) is a Grade II listed building in separate ownership. There is a farm and two dwelling to the west of the site, and a further dwelling to the south. The area is characterised by rolling countryside, and the whole site is within the Metropolitan Green Belt.

Relevant History:

EPF/910/82 - Outline application for agricultural dwelling - Refused
EPF/1415/03 - Outline application for bungalow in association with equestrian use at Netherkidders Farm - Refused
EPF/1416/03 - Change of use of farm to equestrian use - Refused
EPF/2160/03 - Change of use from agriculture to equestrian use - Refused

Policies Applied:

Structure Plan

C2 Development in the Green Belt
CS2 Protecting the environment

CS4 Sustainable new development
HC3 Listed Buildings
LRT3 Countryside recreational facilities
RE2 Reuse of rural buildings
T3 Traffic

Local Plan

GB2 Green Belt Policy
GB8 Conversions of Buildings
HC12 Setting of listed buildings
RP5 Impact on amenity
RST4 Horse Keeping
RST5 Stables
DBE9 Neighbour amenities
T17 Highways

Issues and Considerations:

The main issues are whether this development is appropriate in the Green Belt, and if not whether any very special circumstances which overcome this, the effect on the character and appearance of the area, if it is sustainable, highways safety, neighbours amenity and the effect on the listed building. It should be noted that this is a retrospective application as the works have been carried out and the use started.

Background

This is the third application for the change of use of this site to be received by the Council, and the applicant has supplied further information on the use of the site. The first was refused in 2003 on the harm to the Green Belt, the harm to amenity of the area, excessive traffic generation, and being unsustainable in transport terms.

The second application contained further information to justify the proposal. This was refused in 2004 on the harm to amenity of the area, excessive traffic generation, adverse effect on Highway Safety, and being unsustainable in transport terms. Development Committee determined this application as the Sub Committee was minded to grant permission contrary to the officers recommendation.

The applicant is the First Epping and Essex Troop of the Horse Rangers Association (HRA), a charity for young people, aged between 8 and 18, which aims to provide the opportunity for them to ride and manage horses. They were previously based at High Beech. There are currently 22 horses kept on the site and has around 40 members.

15 of these horses are kept in one of the large barns and the other 7 in the purpose built stable block close to the

boundary with Netherkidders Farm. One of the other small barns has been converted to a toilet and shower block, and two of the other barns have loose boxes, a children's mess room, and a shoeing area. A manege measuring 20m x 60m has been installed to the south east of the buildings, and has demountable lighting for use in the winter months.

Green Belt

Whilst it is the case that the use of land for essential facilities for outdoor recreation and associated small scale buildings are acceptable in the local plan in green belt areas, this application is not considered to be small scale due to the number of horses. Therefore it would fall under policy GB8 that deals with conversions of existing buildings.

Policy GB8 of the adopted local plan allows for a change of use of buildings provided they meet a number of criteria.

- (i) The building is:
 - (a) of permanent and substantial construction; and
 - (b) capable of conversion without major or complete reconstruction; and
 - (c) in keeping with its surroundings by way of form, bulk and general design;
- (ii) The proposed use is for business and storage and would not involve open storage or a significant amount of vehicle parking, and would not result in traffic generation which is detrimental to the character or amenities of the countryside.
- (iii) The proposal entails appropriate benefits to green belt or countryside objectives in circumstances where the council considers it necessary or desirable

With regard the various buildings it is the case that they do meet criteria (i). The other two criteria will be dealt with below in considering the impact on the Green Belt and the traffic issues.

Impact of Recreational Use on the area & Highway Issues

Policy LRT3 of the Structure Plan sets out criteria for equestrian centres. This states that small-scale stables of up to 20 horses may not harm the countryside. In this case there are over 20 horses and so it is considered that the development is not small scale.

The applicant disagrees that this policy applies, but does accept it is a useful guide. It should also be noted that the recently issued PPS7 (Rural Development) stated that small scale equestrian use is under 10 horses.

Criteria 1 requires the proposal to be compatible with the adjoining land uses. Although equestrian use is not agricultural the keeping of horses is not considered to be necessarily harmful to the character of the area.

Criteria 2 requires that the visual appearance of the area be enhanced. Certainly there will be no further harm to the area as the buildings already exist, but it is acknowledged that most of the buildings are of a utilitarian appearance which are not particularly attractive. However alone this could not be sustained as a reason for refusal.

Criteria 3 regards traffic generation. This depends on the scale of the use of the site. The applicants have now provided further information of traffic movements at the site. Laundry Lane is a single tracked carriageway, which is unlit and lacks pavements.

This states that they have estimated the use of the farm as a farm generating about 140 vehicle movements a week, with evidence being provided from the farm accounts and a statement from the former farmer. This traffic included cars, tractors, vans and HGV's. Whilst objectors to the previous application disputed the level of the previous vehicle activity, no such objections have been received in this case. The current HRA use generated around 60 movements a week in May 2004 with figures provided from a survey.

The applicant has also clarified that it is not expected that the membership of the group will grow much above its current level of 40, and has remained constant over the last year. There are two group riding lessons a week. The owner/manager and the riding assistant live in Netherkidders Farm, which is immediately adjacent to the site. There is a large area available for parking within the site, and it is not envisaged that any public competitions would be held.

Whilst levels of attendance are relatively low during the week, the Sunday meeting, of 4 - 5 hours duration, is attended by an average of 25 - 30 children. This inevitably generates a noticeable amount of vehicle movements at the site. However the applicant has argued that that the scale of traffic is reduced from the previous use and the character of the traffic has also changed with the current use being predominantly private cars. Furthermore, the applicant has agreed to introduce a car sharing scheme, which will reduce the amount of vehicles attending the site. This scheme can be subject of a condition to ensure that it is introduced and operated. Considering the parking area available, the car sharing scheme, and the reduction in movements from the former use it is considered that that this would not have such an injurious effect on the area as to warrant a refusal.

It is accepted that the use of the site has been ongoing for the last year, and this appears to have generated few objections in terms of current vehicle movements from local residents with only the Parish Council and the occupant of Felstead to the south of the site raising this issue. The Highways Section has withdrawn its objection on the grounds of

adverse impact on highway safety along the road and at road junctions, having seen the latest information on traffic generation.

There is a concern about hacking along Laundry Lane, which would cause an unacceptable hazard to road users, and the applicant has agreed that this could be avoided by creating a path on the land under his ownership from the site to the bridle path of Cemetery Lane, and by the imposition of the appropriate condition. This would address a further Highway objection to the previous application. This would also deal with objections on the grounds of horses defecating onto the road surface.

Criteria 4 will be considered when discussing sustainability.

Sustainability

This site is in an isolated location that is ill served by public transport. Realistically the only way to travel to the site is by vehicle. Whilst this is not then an ideal site it has to be weighted against the fact that any development in this type of area will generate traffic movements. PPG13 (Government Policy Guidance on Transport) states "Authorities should not reject proposals where small scale business development would give rise to only modest additional vehicle movements, in comparison to other uses on the site and the impact on minor road would not be significant". As has been seen above this use reduces the amount of traffic using the site, as does the car sharing scheme. It is therefore considered that there is no justification for refusing this application on sustainability grounds. The manager of the site and the riding instructor live at Netherkidders Farm which removes at least two daily journeys, and this is to be welcomed.

Impact on Neighbours

It is considered that the Sunday meeting has the main potential to cause disturbance to neighbours. There are two residential properties immediately opposite the entrance to the site. Neither of these have objected to this application, and there is a note in the file regarding comments by one of the occupiers last year that the use at weekends was noticeable but had not caused them any disturbance or nuisance. Therefore it must be concluded that the reality of the situation is that no disturbance is caused to the immediate neighbours by the use. The properties to the north (Laun House, 150m) and to the south (Felstead, 400m) are both a considerable distance from the site, making it unlikely that there would be any harm caused to these properties.

Various conditions can also be imposed regarding the hours of use of the site, including the manege and dealing with the lighting which has been erected. Whilst it is considered

reasonable to provide some form of lighting during the early evening in winter months a hours of use condition would alleviate the harm caused to this rural area by the use of such lights.

Horse Welfare

This is ample land on the site for the welfare of the horses, and the stabling is more than adequate.

Conclusion

This is a balanced case, and it is to be deplored that the use of the site started and continued without the benefit of planning permission. However the case must be determined on its merits. The applicant has now provided a considerable amount of information about the use of the site and traffic generation which is based on the actual use of the site. This has answered the Highway objections to the use of the site, as has the agreement that riding in Laundry Lane will not occur. It is apparent that there is little in the way of disturbance caused to the immediate residents to the site from the use, and there is therefore little negative impact on the character and appearance of the Green belt in this location. Any refusal would now be difficult to justify at an appeal. Therefore the recommendation is for approval.

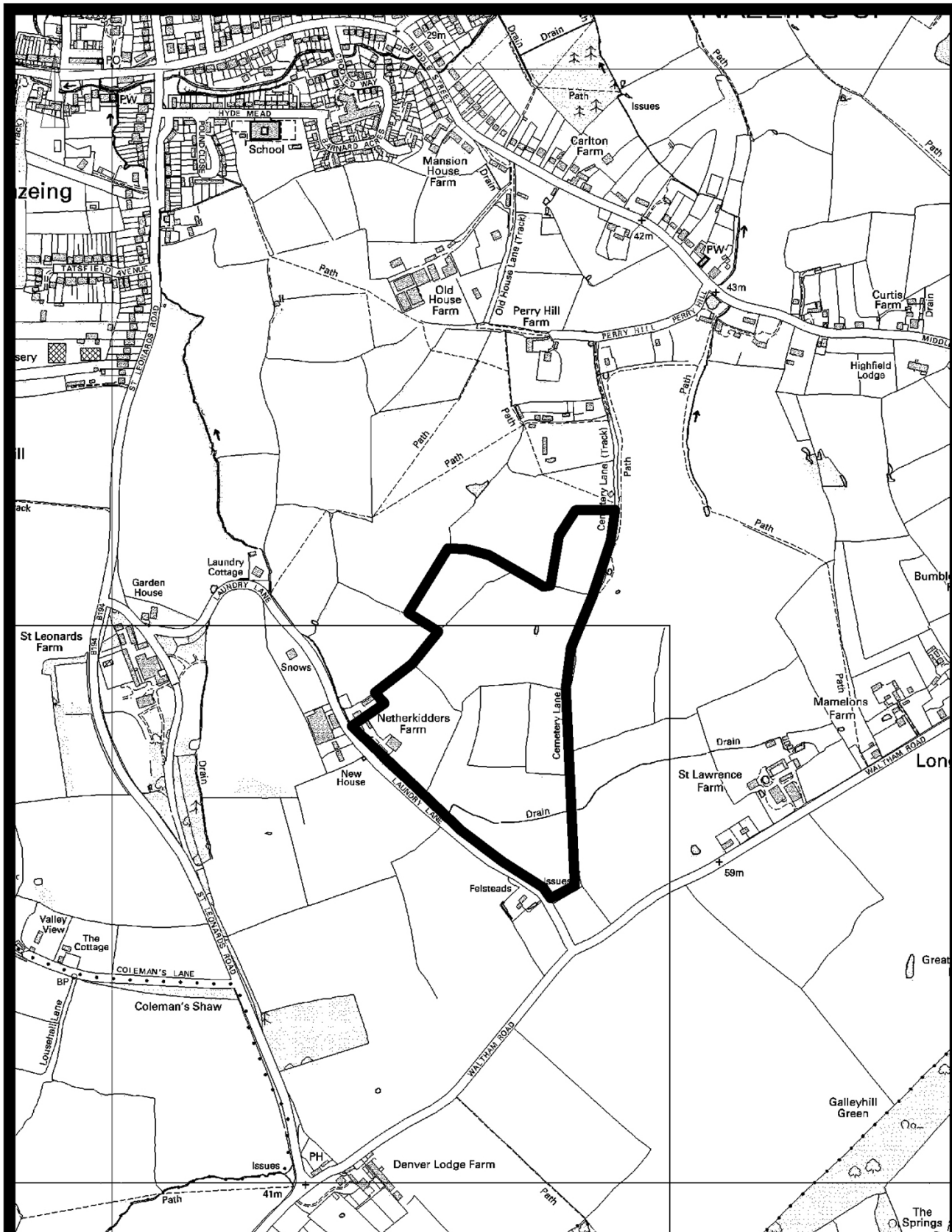
SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object, this application has been refused twice and this Council cannot understand why enforcement proceeding have not been taken. Although stated that activities are for disabled children and will remain small scale they will undoubtedly expand. This Council once again strongly objects to this retrospective application on the grounds that this sort of activity in such a small country lane will create lots more traffic movement and loss of amenities to the residents of Laundry Lane which is sandwiched between two very fast and busy roads. The Council understands that permission has been given to exercise the horses in Cemetery Lane, but it is inevitable that Middle Street and St Leonards Road will also be used.

ST LEONARDS HOUSE - Object, affects my house because we are close to it and our exit is onto Laundry Lane. The new use clearly means an increase in traffic in a steep, narrow, twisting lane which is unsuitable for traffic other than the lightest kind. It is difficult for cars to pass, and no footpath for pedestrians. The exits to St Leonards Road is dangerous and there are frequent accidents. The junction with Waltham Road is really hazardous and will become even more dangerous. The proposed use is out of keeping with the area as is the lighting.

FELSTEADS - Object, obvious your department is utterly ineffective as no enforcement action has been taken over this breach and others on the site. The lane is not built for heavy

and increased traffic and is extremely dangerous at our end.
Many fatal and near fatal accidents occur at this junction.
There are delays when vehicles meet head on in the lane.
Rubbish dumping and fly tipping block the lane and now we have
to put up with riders on defecating mounts causing more mess
and damage.



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Item No: 04
Scale: 1:10,000



APPLICATION No: EPF/436/05

Report Item No: 5

SITE ADDRESS:
CRANALYN, BARN HILL, ROYDON

PARISH: Roydon

APPLICANT: Mr & Mrs Burton

DESCRIPTION OF PROPOSAL:

Single storey side extension forming a granny annexe and loft conversion with front and rear dormer window including raising the roof height.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. The proposed extension 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 "Cranalyn, Barn Hill".

Description of Proposal:

Single storey side extension forming a granny annexe and loft conversion with front and rear dormer window including raising the roof height.

The proposed single storey granny annexe measures 4.6m by 8.5m, and would provide a lounge, bedroom, kitchen and bathroom. The loft conversion requires dormer windows to the front and back, and four velux windows on the southern side of the roof. The height of the roof would be raised by 1 metre. It would provide a bedroom and shower room.

Parking would be retained for at least two cars.

Description of Site:

Detached bungalow on the west side of Barn Hill within a developed enclave of one and two storey dwellings.

Relevant History:

EPF/1201/79 - Extensions - Approved 24/8/79

EPF/357/81 - Rear extension - Approved 5/5/81

EPF/526/82 - Garage conversion and extension between garage and dining room - Approved 11/6/82

Policies Applied:

Local Plan;

GB2 - Green Belt

GB14 - Extensions in the Green Belt.

Issues and Considerations:

The issue in this case is whether the extension complies with the requirements of Policy GB14. The open character and appearance of the Green Belt should not be impaired, it should not result in disproportionate additions, and the extension should be reasonably necessary to provide for contemporary living standards.

In considering the impact and reasonableness of an extension the Local Plan states that the impact is likely to be proportionately less when the dwelling is within a built-up enclave or when additional floorspace is largely contained within the existing roof space of the dwelling.

The site is within a built-up enclave of some 25 houses, comprising a mixture of single and two storey dwellings. Several of the dwellings are larger than Cranalyn.

In this case the extension will result in a 60% increase in the floor space of the existing dwelling, but a large proportion of the additional space will be formed within the roof space.

Although having been extended before the existing house is not overly large in relation to its plot. The granny annexe will not extend beyond the rear wall of the neighbours garage.

The local plan states that personal circumstances including the need for a granny annexe will only rarely outweigh general planning considerations, but may tip the balance in an otherwise finely balanced case.

Given the location of the site within a developed enclave, and the size and character of adjoining properties, the proposed extensions will have a limited impact of the Green Belt and are not considered to be unreasonable.

Conclusion

The proposed development accords with the requirements of adopted planning policy. It is therefore recommended that conditional planning permission be granted.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object. Overall size, height, and inadequate parking.



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Item No: 05
Scale: 1:1,250



APPLICATION No: EPF/491/05

Report Item No: 6

SITE ADDRESS:
HARKENDOWN, EPPING ROAD, ROYDON

PARISH: Roydon

APPLICANT: Dr S Gopinath

DESCRIPTION OF PROPOSAL:
Conversion of groom's quarters/stable to cottage.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. The proposed cottage shall be used solely as ancillary residential accommodation for the existing dwelling house and shall not be occupied as a unit separately from the dwelling known as Harkendown.

Description of Proposal:

Conversion of groom's quarters/stable to cottage. The proposed accommodation will comprise a one bedroom single storey unit. The main alteration to the external appearance of the building will be the insertion of a glazed screen and doors in an existing opening.

Description of Site:

The application site comprises a single storey building within the grounds of a large detached house. The building currently has the appearance of a small stable block/store, with two rooms, a stable, and an open storage area.

Relevant History:

None

Policies Applied:

Structure Plan:

RE2 - Re-Use of Rural Buildings

Local Plan:

GB2 - Green Belt

GB8 - Change of use of building in the Green Belt.

Issues and Considerations:

The main issue is whether the conversion of the building to a cottage accords with Green Belt policy.

The building is described as "grooms quarters/stable". Any residential occupation of the building that has taken place has always been linked to the main dwelling, and there is no precedent for an independent unit. The applicant has agreed to accept a condition restricting the use to ancillary accommodation only and that it shall not be occupied as a unit separately from Harkendown.

The building does not require major alteration or extension to allow the conversion and having regard to the very small size of the dwelling there would be no harm caused to the open character and appearance of the Green Belt. The building would remain in keeping with its surroundings by way of form, bulk and general design. It is not proposed to enlarge the building in any way. The appearance of the building can be safeguarded through the imposition of a condition requiring approval of facing materials on any consent granted.

Windows to the conversion are shown in the front and side elevation, with no openings proposed in the rear elevation. No windows are proposed in the roof space. There will not therefore be any loss of privacy to the adjoining house.

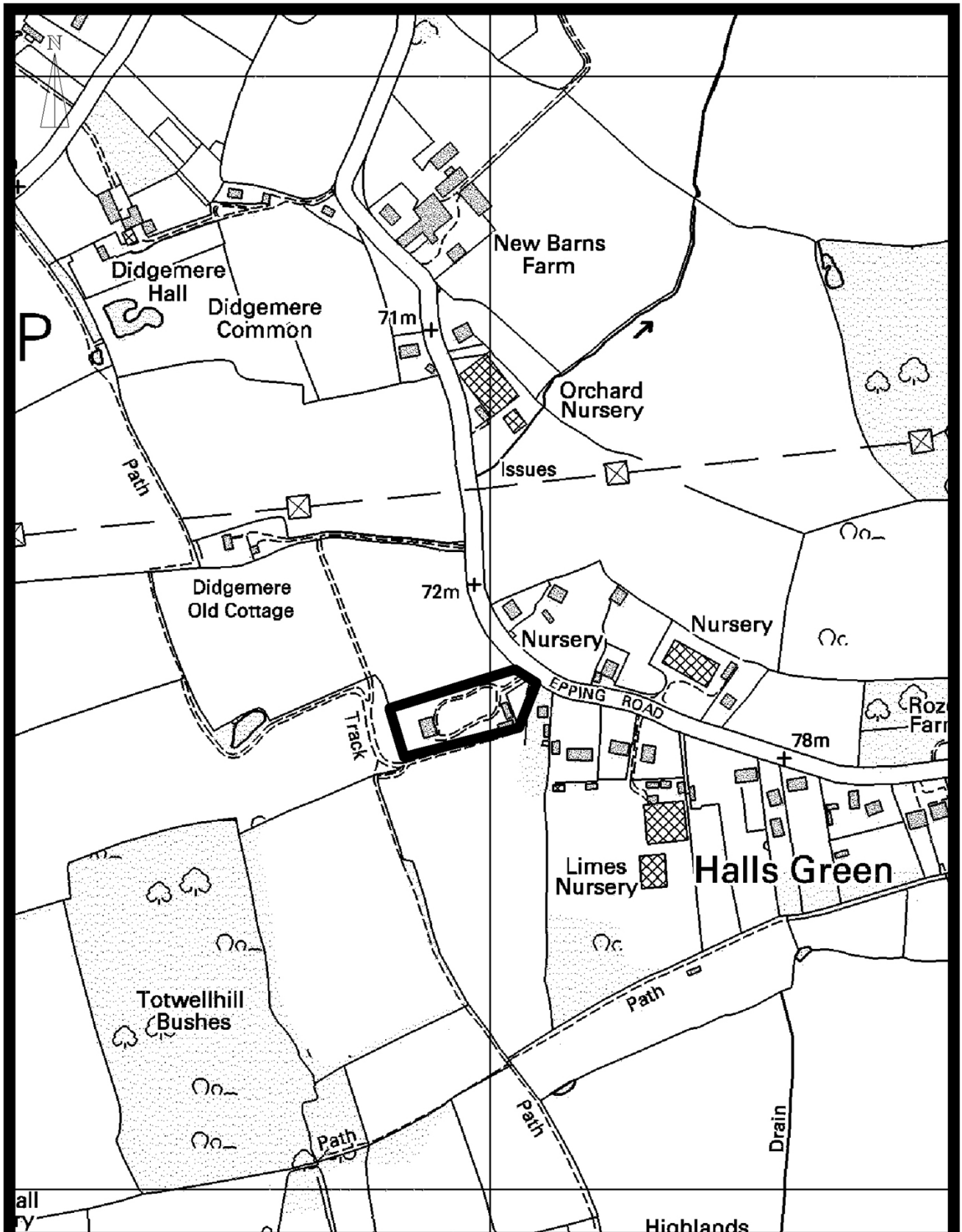
Conclusion

The proposed development accords with the requirements of adopted planning policy. Being within the Green Belt, where the creation of residential units is not normally permitted, it is recommended that the use be restricted to ancillary accommodation for the existing dwelling house.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object. Property can be viewed from the "The White House". Parish has concerns. Property must remain within the grounds of Harkendown and at no time sold as an independent property. Should be use for staff employed or the family and not rented out. The height of the rear wall shall not be increased. Nor the roof, which is important as it would then be visible to neighbours. Coach house appears to be built on higher ground. Materials of construction should be in

keeping with the property and that of Harkendown. No windows are shown on the rear elevation but understand that velux windows are proposed. Window is shown just below roof level, with note indicating that lounge would be open to rafters. Hoped that this will not be amended to 2 storey area.



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Item No: 06
Scale: 1:5,000



APPLICATION No: EPF/577/05

Report Item No: 7

SITE ADDRESS:

LOW HILL COTTAGE, LOW HILL ROAD, ROYDON

PARISH: Roydon

APPLICANT: Mr & Mrs K Squires

DESCRIPTION OF PROPOSAL:

Demolition of existing detached dwelling, and erection of new detached house with detached garage.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. Tree protection measures required.
4. Prior to the commencement of the development, details of the proposed surface materials for the access and driveway shall be submitted to and approved by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
5. Prior to first occupation of the building hereby approved the proposed window openings in the first floor south facing elevation shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
6. Prior to commencement of development details of proposed level of development above the level of the adjacent road shall be submitted to and agreed by the Local Planning Authority.
7. No further side windows without approval

Description of Proposal:

Demolition of existing bungalow and erection of replacement dwelling. The proposed chalet bungalow, is a 5 bedroom development, with a slightly smaller footprint than the existing house and a ridge height about 1.2m higher than the

existing. The proposed position on the plot is essentially the same as existing, only straightened up to be parallel with the road rather than at an angle to it. The design is "Potton" style of brick and render with dormer windows to front side and rear.

Description of Site:

The site is located on the eastern side of Low Hill Road within a ribbon of residential development. Low Hill Road is a narrow, single track road. The front boundary is well treed and the existing bungalow is largely hidden from view. There is a large detached garage to the north of the house which it is intended to retain. There is extensive screening between this property and its neighbours.

Relevant History:

Extensions were approved in 1966 and 1995 and a rear conservatory was approved in 2001.

Policies Applied:

Local Plan policies:

GB2 and GB15 relating to development and replacement dwellings in the Green Belt.

DBE1 and DBE4 relating to design and DBE2 relating to impact on neighbouring properties.

LL2, LL10 and LL11 relating to protection of trees and provision of landscaping.

Structure plan Policies:

C2 development in the Green Belt.

Issues and Considerations:

This site, although within a ribbon of residential development is within the Metropolitan Green Belt. The main concerns therefore are whether the proposed development is appropriate in Green Belt terms, the impact on the street scene and the impact on neighbouring properties.

Green Belt.

Policy GB15 of the adopted Local Plan allows for the replacement of existing permanent dwellings provided the replacement is not materially larger than that it would replace, that it would enhance the countryside and not constitute isolated or sporadic development. In this instance the proposed dwelling has an additional volume of only about 65m³ which is approximately an 8% increase over the size of the

existing dwelling. The overall footprint is comparable and the ridge height is increased by only 1.2 metres. Although therefore there will be a significant increase in floorspace this increase is accommodated within the roofspace of the new dwelling so that the increase in size is kept to a minimum. It is considered that in this well screened location within a ribbon of residential development this increase in volume and height will have little impact on the openness of the Green Belt.

Impact on the Street Scene

The design of the proposed dwelling is such that subject to the retention of the existing trees around the site, it will have very little impact on the street scene. The design is considered appropriate to this location and although the higher ridge line may make it more visible than the existing dwelling there are a number of large properties in the road and the proposed house would not be overly prominent.

Impact on Neighbouring Properties.

Objections to the proposal have been received from the three nearest neighbours, White cottage immediately to the south of the site and The Shack and Restawhile, which lie on the opposite side of the road. Concerns relate to overshadowing and overlooking. As the proposed dwelling is no nearer to the boundary with White Cottage than the existing dwelling, (about 4m from the boundary and has a low eaves level on that side with the roof sloping away from that boundary, it is not considered that there will be a significantly adverse impact on that property. There will be no loss of light because of the position of the new house to the north of its neighbour. There is extensive vegetation between the properties, however it is accepted that this will be thin during the winter months. It is therefore proposed that there be an obscured glazing condition on the first floor side facing windows, which are a secondary bedroom window and a bathroom, to prevent the possibility of overlooking. With regard to the impact on the properties on the opposite side of the road, it is considered that although the new building may be more visible and will have first floor windows facing the properties opposite, this is not an unusual, or unacceptable feature. The fronts of properties are not normally private and there will be about 35m between the front of the new dwelling and the fronts of the houses opposite. It is not therefore considered that there will be an unacceptable impact on those properties.

Other issues.

Concern has also been raised about the problems of access and disruption during the construction period. Although it is acknowledged that the road here is particularly narrow and that this may lead to problems with construction traffic, this is not a valid reason for withholding planning consent.

Conclusion.

It is considered that the proposed development is in accordance with the adopted policies of the Local Plan and the application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

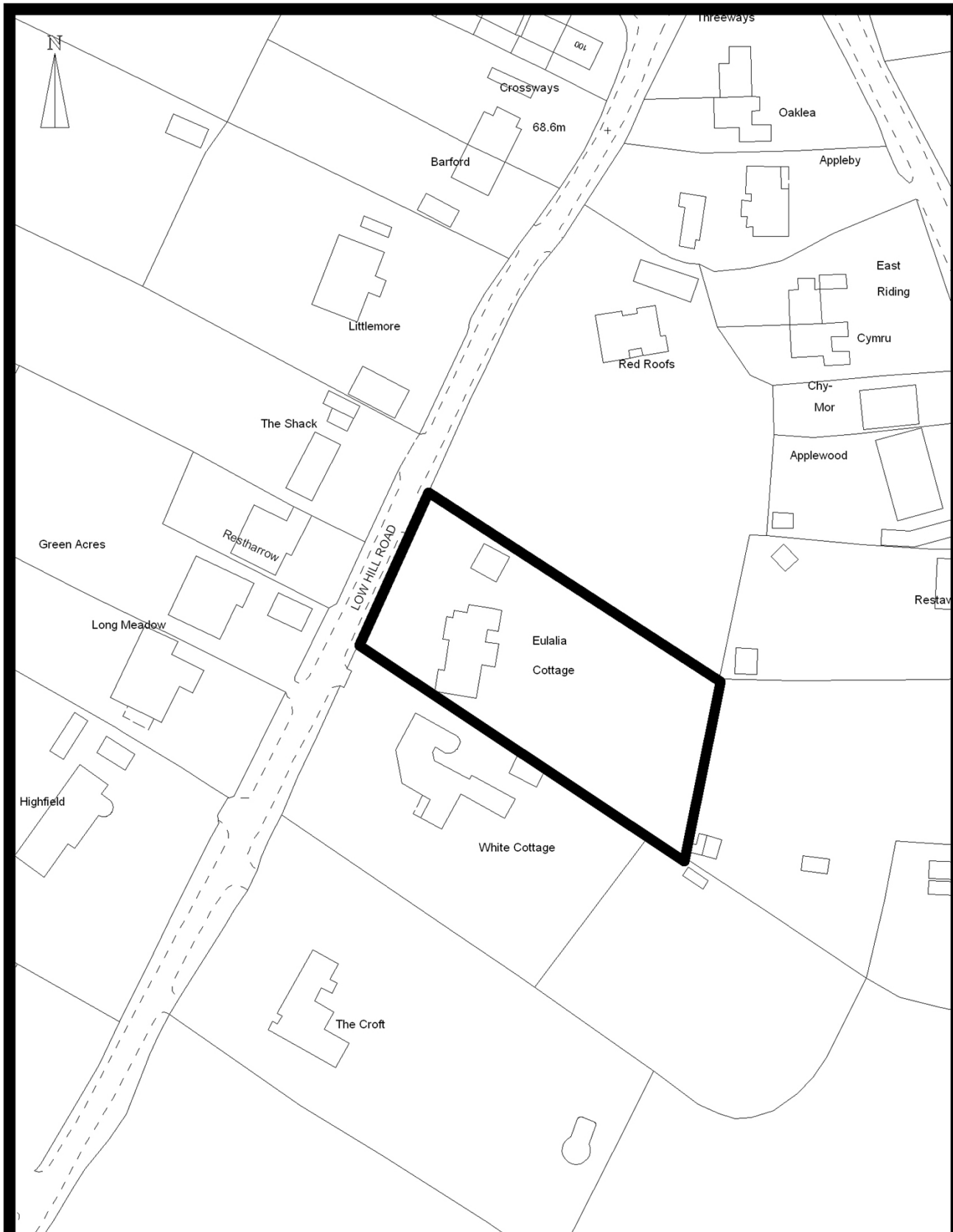
WHITE COTTAGE, LOW HILL ROAD - Object. At present both bungalows, to change to a two storey building changes the environment and character, to the detriment of White Cottage, which will be overpowered and overlooked. Loss of privacy, two windows overlooking directly overlooking our two main bedroom windows. We will have view only of side of house. Loss of natural light. Line of deciduous trees between properties do not provide privacy. Shrubbery on Low Hill side could be destroyed by building work. Potential harm to trees from excavation work.

RESTAWHILE, LOW HILL ROAD - Proposed building directly overlooks our property, with views directly into our living space and bedrooms at the front. Loss of privacy.

Inconvenience for residents to have large building contractors lorries blocking the road. Contractors lorries likely to block our drive. Heavy lorries could damage the road. Drains and water mains have caused problems for several years.

THE SHACK, LOW HILL ROAD - Concerned about insufficient access for safe access for large construction vehicles. Further damage likely to be caused to the road. Large vehicles will inevitably block the road. Concerned that the height and siting will reduce privacy. What level above the road will the new building be constructed at? Concerned that the quiet and private environment of the conservation area will be jeopardised.

(NB: The site is not within the conservation area)



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Item No: 07
Scale: 1:1,250



APPLICATION No: EPF/1826/04

Report Item No: 8

SITE ADDRESS:

SEWARDSTONE HALL, SEWARDSTONE ROAD, SEWARDSTONE,
WALTHAM ABBEY

PARISH: Waltham Abbey

APPLICANT: E W Davies Farms Limited

DESCRIPTION OF PROPOSAL:

Change of use of site to a mixed use for B1(c), B2 and B8 use and storage and parking in connection with haulage contractors business. (Retrospective application)

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.

2. The use of the premises hereby permitted shall not involve operation of machinery that is audible outside the buildings on the land during the following times:
 - a) Before 7.00am and after 6.00pm Monday to Friday.
 - b) Before 8.00 am and after 1.00pm on Saturdays.
 - c) At any time on Sundays or Public Holidays.

3. There shall be no goods vehicle movements on the land or running of engines of goods vehicles or buses on the land during the following times:
 - a) Before 7.00 am and after 6.00 pm Monday to Friday.
 - b) Before 8.00 am and after 1.00 pm on Saturdays.
 - c) At any time on Sundays or public holidays.

4. No open storage shall take place above a height of 3 metres above ground level on any part of the site and no open storage at all shall take place on land to be landscaped in accordance with a scheme of landscaping for the site to be submitted to and approved by the Local Planning Authority pursuant to Condition 5 of this planning permission. No open storage shall take place within 5 metres of any site boundary until a scheme of landscaping approved by the Local Planning Authority has been fully implemented.

5. Notwithstanding the details indicated on Landscaping Plan, (Plan DP1), submitted with the application, within four months of the date of this planning permission a scheme of landscaping and a statement of the

methods of its implementation shall be submitted to the Local Planning Authority for approval. The landscaping of the site must be carried out in accordance with the approved scheme and written statement by the end of the first planting season following their approval, unless the Local Planning Authority has given its prior written consent to any variation.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place unless the Local Planning Authority agrees to a variation beforehand in writing.

The statement must include details of all means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

6. Notwithstanding the details indicated on Landscaping Plan, (Plan DP1), submitted with the application, within four months of the date of this planning permission a scheme of surface treatment for the site shall be submitted to the Local Planning Authority for approval. The ground surface of the site shall be surfaced in accordance with the approved scheme of surface treatment within 6 months of its approval. If no scheme of surface treatment for the site is submitted within 4 months of the date of this planning permission or the Local Planning Authority is unable to approve a scheme within 8 months of the date of this planning permission the entire ground surface of the site not within five metres of any boundary shall be resurfaced in tarmac within a period of 1 year of the date of this planning permission.

7. Notwithstanding the details indicated on Landscaping Plan, (Plan DP1), submitted with the application, within 4 months of the date of this planning permission a scheme of boundary treatment for the site shall be submitted to the Local Planning Authority for approval. The boundaries of the site shall be enclosed in accordance with the approved scheme of boundary treatment within 6 months of its approval. If no scheme of boundary treatment for the site is submitted within 4 months of the date of this planning permission or the Local Planning Authority is unable to approve a scheme within 8 months of the date of this planning permission the entire site boundary shall be enclosed by 1.5m high timber post and rail fencing and all existing site boundary treatment removed within 1 year of the date of this planning permission.

Description of Proposal:

It is proposed to use the site for purposes within Use Classes B1(c) (Business), B2 (General Industrial) and B8 (Storage or

Distribution). The application is retrospective in large part since most of the site is already being used for such purposes.

Description of Site:

The application site is located on the west side of Sewardstone Road, opposite its junction with Mott Street and north of a small residential estate at Butlers Drive. To the south the site is partly bounded by a tarmac footpath that separates it from houses off Butlers Drive, and is partly bounded by Sewardstone Hall together with its garden and a small grassed field. Sewardstone Hall is a farmhouse that shares its access to Sewardstone Road with that to the site. To the north, west and southwest are open fields. The site is within the Metropolitan Green Belt and Lea Valley Regional Park.

The parts of the site not in current use for purposes within Use Classes B1, B2 and B8 are a large modern barn at the western end of the site an open-sided single storey agricultural storage building at the eastern end of the site and a two-storey brick agricultural building opposite. The barn at the western end of the site is in mixed use with the greater part, approximately three quarters, used for agricultural storage and the remainder in use for storage by a removal firm.

A small commercial stables together with paddock on the northern site boundary is accessed through the site but is excluded from it.

Relevant History:

WHX/144/49 - Erection of 3 Nissen huts - Approved 05.10.49
WHX/144/49 - Erection of 3 Nissen huts - Approved 12.11.59
WHX/144/49 - Machinery Stores and workshop - Approved 02.10.69
EPF/93/75 - Erection of storage building for agricultural use - Approved 14.04.75
EU/EPF/1/88 - Application for established use certificate for parking and storage in connection with haulage contractors business - Granted 08.04.88. The certificate related to the entire current application site except the barn at the western part of the site and the open-sided agricultural storage buildings at the eastern part of the site. It included the land immediately north of the barn across which it is accessed and it included the stables outside the application site but not the associated paddock.

CLD/EPF/679/04 - Application for Certificate of Lawfulness for existing use of site as a mixed use comprising a haulage yard, stables and for purposes within Use Classes B1(c), B2 and B8 - Refused 26.05.04

Policies Applied:

Structure Plan:

CS2 - Protecting the Natural and Built Environment
CS3 - Encouraging Economic Success
CS4 - Sustainable new development
C2 - Development within the Metropolitan Green Belt
NR10 - The Urban Fringe
BE2 - Mixed Use Developments
BE7 - Minimising Pollution Impacts
BIW1 - Employment Land Provision
BIW3 - Business Development - The Sequential Approach
BIW6 - Small Firms Location
LRT2 - Lee Valley Regional Park and Thames Gateway Community Forest
RE2 - Re-Use of Rural Buildings
T12 - Vehicle Parking

Local Plan:

GB2 - Development in the Green Belt
GB8 - Change of Use of Buildings in the Green Belt
RP5 - Impact of development on amenity
RST - 24 Development Within or adjacent to the Lee Valley Regional Park
LL11 - Provision for Landscaping
T14 - Car Parking Provision
T17 - Highways: Criteria for assessing proposals

Issues and Considerations:

The main issues to be considered in this case are the appropriateness of the development in the Green Belt and Lee Valley Regional Park, its impact on amenity and whether adequate provision for landscaping has been made.

The fundamental aim of Green Belt Policy is to keep land permanently open. The proposed use of the land is inappropriate development in the Green Belt and would normally be expected to cause harm to its open character and appearance thereby prejudicing the purposes for including the land in the Green Belt. It is therefore necessary to consider whether any very special circumstances exist that are of sufficient weight to overcome the harm caused to the Green Belt by inappropriateness. The background to this application is that the lawful use of the land is as a haulage yard and evidence previously submitted demonstrates most of the buildings have been used for a variety of uses within Use Classes B1(c), B2 and B8 for a number of years although not generally continuously for any one of those purposes for a period of 10 years or more. Given that the greater part of the site has

not been used for agriculture since at least 1964 and since it would appear from Council records the land to which the Established Use Certificate relates had been used as a haulage yard from 1920 until at least the mid 1990's, the historic usage of the site amounts to very special circumstances that are unique to this particular case. The principle of the use of this part of the Green Belt for purposes within Use Classes B1(c), B2 and B8 is therefore considered to be acceptable.

With regard to the barn at the western end of the site, local Plan policy GB8 permits the change of use of buildings in the Green Belt where they are of permanent and substantial construction, are capable of conversion without major or complete reconstruction and are in keeping with its surroundings by way of form, bulk and general design. An inspection of the building reveals the barn clearly meets the first two criteria. With regard to its design, it is a large relatively tall building that essentially appears as an industrial shed. Although it is an unattractive building it is typical of many modern barns and in that sense it is in keeping with its surroundings. Moreover, the lawful use of all the land across which it is accessed is as a haulage yard as is land to the east. It is therefore considered the use of the building as proposed is in accordance with adopted policy.

The agricultural storage buildings at the eastern end of the site raise similar issues. Although the open sided store does not meet the first two criteria of the policy, given the lawful use of all the land across which it is accessed is as a haulage yard and since it is a relatively small and very low building seen within the context of the remainder of the site, its use as proposed would not be harmful to the green belt. As such it would be appropriate to make an exception to Policy GB8 in the case of the open side store building.

There is, however, the matter of whether the proposal amounts to such an intensification of the use of the site that it could be inappropriate to this location. It is not known how intense the use of the land as a haulage yard was but it can reasonably be assumed this varied during the long period of time it continued. Nevertheless, it was only one business and the existing unlawful use of that land and that proposed involves a number of small firms. The amount of activity generated by them and the numbers of people working at the site or visiting it can reasonably be assumed to be a more intense use. In terms of appropriateness within the Green Belt and Lee Valley Regional Park that intensity of use is not considered desirable but given the sites history and the presence of a number of unattractive buildings on the site it would be appropriate to mitigate the impact of the use through enhancing the appearance of the site. Indeed, without such visual enhancement it is likely the proposals could be considered unacceptable in their context because of their intensity. The applicant has therefore agreed to the principle of enhancing the appearance of the hard surfaces of the site,

improvement of boundary treatment and to additional tree planting as part of a landscaping scheme to be submitted for approval. This can be secured by the imposition of appropriate conditions on any consent granted.

The proposed visual enhancement of the site would in part address issues of impact on the amenities of the locality. Given the intensity of the proposed use it is also considered necessary to impose conditions on any consent granted limiting the times of operation and height of any open storage.

Conclusion

The proposed use of the land constitutes inappropriate development within the Metropolitan Green Belt but very special circumstances exist that overcome the harm caused by inappropriateness. Furthermore, the proposals provide an opportunity to mitigate the impact of existing uses on the site on the character of the Green Belt, the Lee Valley Regional Park and amenities of the locality. Therefore, although the proposed development generally does not comply with adopted planning policy it is considered appropriate to make an exception to those policies in this case since it is acceptable in the context of the site history and because of the proposed improvements to the appearance of the site.

SUMMARY OF REPRESENTATIONS:

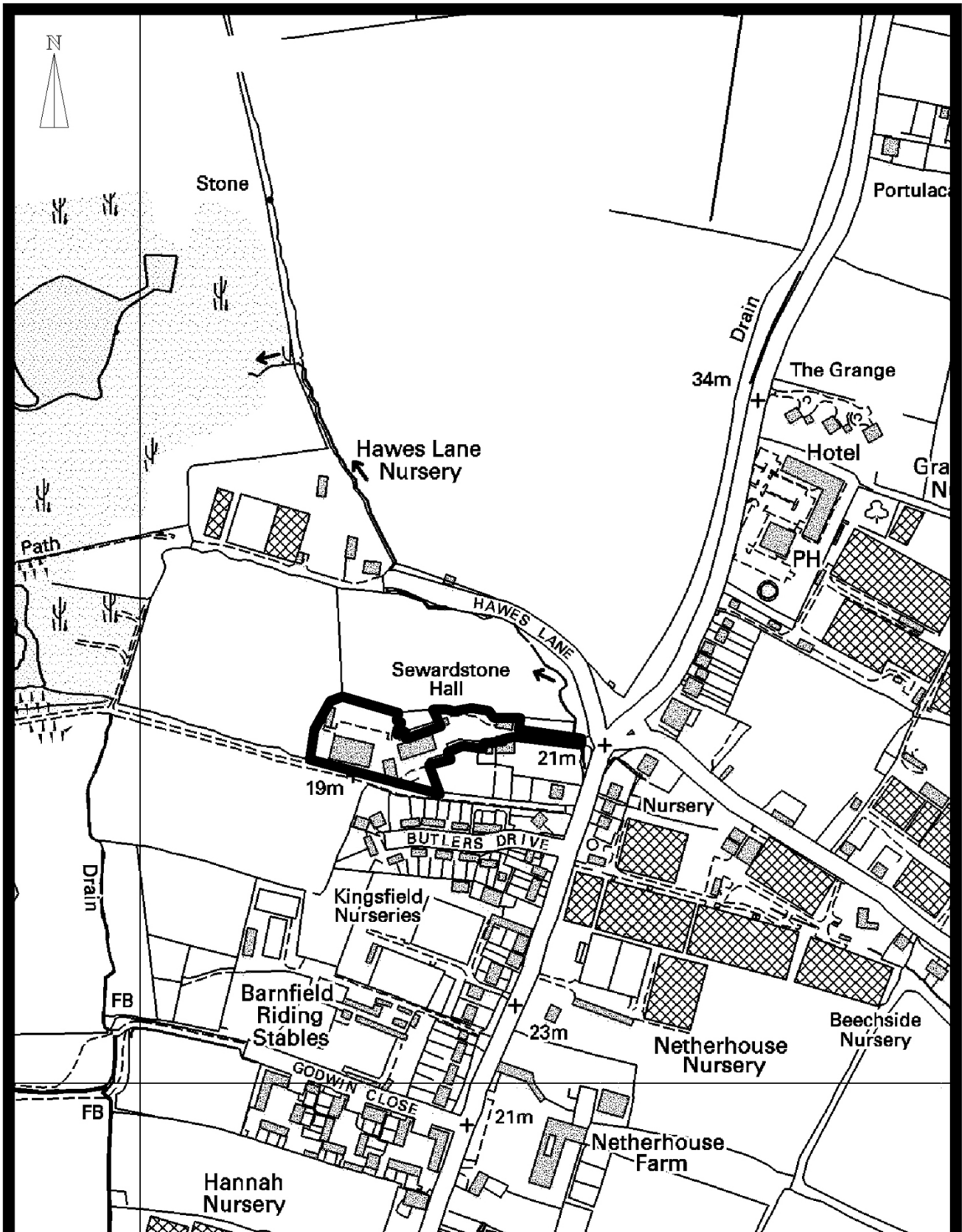
TOWN COUNCIL - No objection.

LEE VALLEY REGIONAL PARK AUTHORITY - No objection subject to the imposition of a landscaping condition.

THE COUNCIL FOR THE PROTECTION OF RURAL ESSEX - Objection. The proposal would appear to be a traffic hazard.

ESSEX COUNTY COUNCIL (Highways): No objection

NEIGHBOURS - No response received.



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Item No: 08
Scale: 1:5,000



APPLICATION No: EPF/216/05

Report Item No: 9

SITE ADDRESS: FORMER PBI SITE, SEWARDSTONE ROAD, WALTHAM ABBEY
PARISH: Waltham Abbey

APPLICANT: Tesco Stores Ltd

DESCRIPTION OF PROPOSAL:

Approval of details regarding opening hours of a) Tesco retail store;
b) petrol filling station, c) service yard and d) recycling area.

RECOMMENDED DECISION: Subject to the written undertakings given in their letters being adhered to, that Tescos be informed that the proposed hours of opening of the retail store, petrol filling station, and recycling centre, and times of associated operations are acceptable to the Council. With regard to the services yard they be informed that the proposed hours for deliveries of goods are not acceptable.

Description of Proposal:

Following the grant of outline planning permission on 17/4/02, and detailed planning permission on 7/1/04, approval is sought to details of opening hours of the new Tescos store, and its associated petrol filling station, service yard and recycling area. In respect of the new store Tescos propose that it is open 24 hours Monday to Fridays, but closing for the night at 10pm on Saturdays and 4pm on Sundays.

Description of Site:

A large site on which the former Pan Britannica chemical factory once stood, together with the former health clinic. A new Primary Health Care Centre opened earlier this year, and the Tescos store, nearing completion, is due to open this summer on the 7th July. The store is being built alongside Sewardstone Road, with a 458 space car park to the rear. This car park, to be free for use for up to 2 hours, will also be used by visitors to the Health Centre. Access to the site will be via a new and larger traffic light controlled junction where Denny Avenue meets Sewardstone Road. The petrol filling station is located next to this junction, with the service yard for the store lying to the immediate east. Flats and houses in Joyce Court to the north, Howard Close to the east, and Denny Avenue to the south, border on to the site.

Relevant History:

Condition No. 27 of the 17/4/02 outline permission required opening times of the retail store, petrol filling station, service yard, and recycling area to be agreed by the Council before works commenced on site. On 31/3/04 a variation of this condition was approved and, as a result, opening times were required to be agreed before the retail store commenced trading.

Policies Applied:

STC3 Retail stores acceptable subject to criteria.

Issues and Considerations:

The main issues raised by the proposed opening hours relate to noise from late night shoppers, anti-social behaviour, noise and nuisance from late night HGV deliveries, petrol filling station operations and use of the recycling centre.

The Retail Store:

Some 180 nearby properties were consulted on the proposed opening hours, together with the erection of site notices. Some 18 householders responded, 8 via one letter, and these responses, together with the comments of the Town Council, Waltham Abbey Town Partnership, and Essex police, are listed at the foot of the report.

Inevitably use of the store on a 24 hour basis gives rise to concerns of noise and nuisance, and these concerns, together with points raised by Planning and Environmental Health officers, and Essex police were relayed to Tesco's after initial appraisal of their proposals. Tesco's have responded to these points and concerns and the main issues are as follows.

Tesco's state that they require staff to be on site on a 24 hour basis and as such it makes sense to additionally provide a service to customers who wish to shop during night time hours. Significantly, their experience with other 24 hour stores is that customer use is minimal between 11pm and 8am, and only those car spaces nearest to the store entrance are in use. Officers generally concur with this view, but in this case, Tesco's have agreed to 'cordon off' (with bollards that can be lowered) the disabled and parent/toddler car spaces nearest to the store entrance since these spaces also lie close to houses at Nos. 15 to 23 Joyce Court. Use of these spaces overnight could have resulted in noise nuisance but these spaces will now not be available to shoppers from 10pm to 8am. Overnight therefore the car spaces likely to be used by shoppers will be

a minimum of 65m away from the nearest house, and this is considered to be an acceptable distance.

The large area of car park has the potential to be used for anti-social behaviour. However officers and Essex police share Tesco's view that retaining of a customer presence overnight at the store, together with appropriate staffing, reduces the potential for anti-social behaviour. 3 CCTV cameras will provide views over the car park, and the store will have a nighttime store detective as well as a duty manager in attendance to deal with incidents and contact the police. The police have no objection to 24 hour use since they feel that this improves security and safety. However, this view is conditional on Tesco's applying and receiving a Safer Parking Award - a scheme run by the Association of Chief Police Officers. Such a scheme needs to be reviewed once the store has commenced trading, and Tesco's have confirmed that they will be applying for this award. Finally, with regard to the management of the store and particularly the car park, a Tesco customer panel will be formed at which local residents can discuss issues of concern directly with the Store Manager.

With regard to security of surrounding houses Tesco's have for some months now built a 2m fence along the north boundary of the site with Joyce Court. This close boarded fence also reduces any noise. However, it was not their original intention to erect a similar fence on the southern boundary with Denny Avenue houses, partly because these houses lie on higher ground. However, in the light of comments referred to them in consideration of this proposal for 24 hours opening, they have reviewed this issue, and they are currently erecting a 1.8m close boarded fence along the entire southern boundary. The erection of this fence is a welcome measure since it increases the sense of enclosure and security of residents. It also will act as a noise muffler, and it improves the visual appearance of this boundary.

Lighting proposed in the car park has been considered by the Council's Engineering Services Group and is satisfactory in relation to any impact on surrounding residents.

The entrance to the store is in the north elevation opposite the Primary Health Care Centre. Residents living at 1-6 The Green, and 11 and 12 Sewardstone Road have voiced concerns about late night use of the ATM alongside the entrance, with cars stopping on Sewardstone Road. As a result Tesco's have agreed to re-site the ATM on the east (car park) elevation of the store which will persuade car borne users of the ATM to use the facility via the recognised vehicular access to the site.

In conclusion 24 hour opening of the retail store is recommended for approval, on the proviso that the written undertakings of Tesco's referred to above are implemented.

The Petrol Filling Station:

This petrol filling station is positioned close to Sewardstone Road, and it is not considered by officers that particular problems will arise from it being open on a 24 hour basis. However, Tesco's initial proposals for hours of petrol tanker deliveries were too broad, and they have now agreed to these hours being between 7.30 am and 9pm Mondays to Saturdays and not at all on Sundays. As such this petrol filling station element is satisfactory.

Recycling Area:

This is sited on the southern edge of the car park. Initially Tesco's proposed that it was open to 11pm but this was regarded as excessive e.g. noise of glass breaking late at night. Hours of opening have now been agreed and are 7.30 am to 9pm, with emptying of the facility being carried out between 7.30am and 6.30 pm Monday to Friday, and 8am to 1pm on Saturdays. A sign will be erected indicating opening times, and CCTV cameras over the car park will be able to detect out of hours misuse of the facility.

Retail Store Service Yard:

The service yard will be enclosed by a 4m high acoustic fence, and loading docks with inflatable dock seals will also reduce noise. However officers have made it clear for some months that late night/overnight deliveries to the yard would not be acceptable. This is because houses at 1 and 2 Denny Avenue lie just 25 m from the service yard, and it is the movement and turning of vehicles in the access road outside the service yard that is of particular concern. Officers' requirements are for unrestricted deliveries between 7am and 9pm Mondays to Saturdays and 9am to 6pm on Sundays, with 1 HGV delivery allowed between 9pm and 10pm, and 2 bread lorries allowed between 6am and 7am. At the time of drafting this report Tesco's are unhappy with these times since they wish for an earlier or later HGV delivery so as to be able to put fresh produce e.g. fruit and veg, onto the store shelves ready for customers in the morning. Negotiations are continuing on this aspect, and an oral update on them will be given at Committee.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL - Object - the proposals are unacceptable in a residential area.

WALTHAM ABBEY TOWN PARTNERSHIP - There would be benefits arising from the store staying open 24 hours. These are 1) staff and security would be on site and hopefully patrolling the car park thereby deterring boy racers, youths gathering, and other criminal elements, 2) encouraging the emergency services to use this as a food shop again deterring criminal

elements, 3) members of the community who shop late would keep the area active but not so popular as to be an inconvenience, 4) in general it was felt that if the store closed the area would be open for anti-social behaviour to creep in.

ESSEX POLICE - No objection in principle subject to Tesco's applying for and receiving a Safer Car Park award. (This scheme is run by the Association of Chief Police Officers but is administered by the British Parking Association). It is better to review car park security in the context of the safer car park scheme once the store is open. 24 hour use of the store helps to provide for better security and safety. Support the cordoning off of part of the car park close to Joyce Court.

69 HOWARD CLOSE - Object strongly because 1) I have suffered for a year from noise dust and pollution, 2) cars pulling up and doors slamming all night would again affect my property, 3) I do not want to hear lorries roaring up at all hours.

2 and 3 NOBEL VILLAS - Concerned about 1) increase of vehicular noise, 2) whether there will be late night deliveries, 3) such a busy and large store would be detrimental to the value of our homes.

17 DENNY AVENUE - Concerned about being exposed and insecure at the rear, and about 24 hour opening.

26 DENNY AVENUE - There is no need for a 24 hour store because they already exist at Brookfield and Harlow. Concerned about noise from HGV movements, affect on amenity in our gardens.

74 HOWARD CLOSE - Movement of cars and slamming doors 24 hours a day will affect our sleep, and aggravate existing noise nuisance from M25.

1-6 THE GREEN and 11 and 12 SEWARDSTONE ROAD - A letter signed by 10 residents objecting to 24 hour opening because the store is far too close to a residential area, and would result in traffic and noise. The recycling area should not be left open as late as 11pm, because of noise of bottles breaking.

2 DENNY AVENUE - Concerned about possible noise nuisance and lighting from 24 hour use. When previously used as a chemicals factory there was noise from unloading of lorries.

137 HOWARD CLOSE - Concerned about noise and possible light pollution from 24 hour use.

C/O 11 SEWARDSTONE ROAD - Although Sewardstone Road is a busy road traffic flow decreases substantially by early evening. 24 hour use is likely to change this.

112 HOWARD CLOSE - 24 hour use could cause noise and disrupt sleep. A 24 hour store is provided at nearby Cheshunt.



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Item No: 09
Scale: 1:2,500



APPLICATION No: EPF/267/05

Report Item No: 10

SITE ADDRESS:

LAND ADJ, ROSEMEAD, PYNEST GREEN LANE, HIGH BEACH,
WALTHAM ABBEY

PARISH: Waltham Abbey

APPLICANT: Mr S Morris

DESCRIPTION OF PROPOSAL:

Conversion of two barns into one single storey dwelling with associated parking and landscaping, and erection of link addition.

RECOMMENDED DECISION: Refuse

1. The site is within the Metropolitan Green Belt. The proposed development is inappropriate in the Green Belt and, by definition harmful. It is at odds with Government advice, Policies GB2 and GB8 of the adopted Local Plan and Policies C2 and RE2 of the adopted replacement structure plan for Essex and Southend on Sea.

Description of Proposal:

Conversion of two barns into one single storey dwelling with associated parking and landscaping, and erection of link addition. The proposal would provide a five bedroom unit of 215 sq m.

Description of Site:

The buildings are typical agricultural/light commercial buildings constructed some 20 to 30 years ago. The two buildings are of similar construction, each about 7.5m wide and constructed in 2.5m bays. The larger eastern unit is 8 bays long and the smaller western unit is 5 bays long.

The buildings are accessed via a single track connecting to Pynest Green Lane. The site is adjacent to a terrace of 3 x two-storey houses which all share the access.

Relevant History:

EPF/594/94 - Change of use of redundant agricultural buildings to business (B1) and storage (B8) - Approved 8/8/94.

EPF/888/00 - Use of buildings for B1 and B8 on a permanent basis - Approved 5/9/00.

Policies Applied:

Structure Plan:

CS2 - Protecting the natural and built environment
C2 - Development within the Metropolitan Green Belt
RE2 - Re-use of rural buildings.

Local Plan:

GB8 - Change of use of buildings in the Green Belt
GB2 - Development in the Green Belt

Issues and Considerations:

The main issue in this case is whether the conversion of two industrial/storage buildings is in accordance with Policies GB8 and GB2 of the Local Plan, and Policies C2, CS2, and RE2 of the Structure Plan. A further issue is the extent to which the proposals might impact on the amenities of adjoining residential property.

Policy GB8 states that planning permission will be granted for the change of use of a building in the Green Belt, subject to certain provisions.

The buildings must be of permanent and substantial construction. They must be capable of conversion without major or complete reconstruction, and in keeping with their surroundings by way of form, bulk and general design.

The Structure Plan states that the re-use of rural buildings for residential use on isolated sites within the countryside located well away from existing settlements, will not be permitted.

The buildings are of substantial construction but will entail the replacement of the existing asbestos roof. It would also require the formation of a number of new openings for doors and windows, resulting in a significant change in appearance of the buildings. It is considered that this would constitute major works to enable the conversion to take place.

The buildings are typical agricultural/light commercial buildings constructed some 20 to 30 years ago. They are timberclad with an asbestos sheeting roof. The buildings have the appearance of sheds rather than traditional agricultural buildings and are not therefore in keeping with their surroundings. The alterations necessary to the buildings will create a domestic appearance inappropriate and harmful to the openness of the Green Belt.

Policy GB8 also requires that the proposed use is in

accordance with Policy GB2, or recreational or tourism related, or business or storage, or residential where the building is unsuitable for such uses, and the Council considers it desirable that the building be brought back into beneficial use.

The conversion of the buildings to residential use in this case would not meet any of the exceptions set out in Policy GB2, and the buildings are considered to be suitable for business or storage use.

A further provision of GB8 is that the proposals should entail appropriate benefits to the Green Belt or countryside objectives in circumstances where the Council considers it necessary or desirable, and the Council needs to be satisfied that in the case of a relatively new building, it was not constructed with a view to securing a use other than that for which it was ostensibly built.

In this case there are no obvious benefits to the Green Belt, and they are relatively new buildings, originally constructed for agricultural purposes. The change of use to business and storage use was granted in 1994.

Residential development in the Green Belt is by definition inappropriate. The issue is whether any very special circumstances have been put forward to justify the proposals.

A design statement submitted with the application makes the points as follows: -

- 1) The barns are set back from the road and are heavily screened by mature trees.
- 2) The buildings have been unoccupied for over a year despite vigorous marketing efforts.
- 3) Apart from a glazed link between the two units the building mass will remain unchanged.
- 4) The roof covering is to be replaced with natural slates to allow the potentially hazardous asbestos to be removed, and to improve the appearance.
- 5) The ability to convert the buildings without replacement or rebuilding has been justified in a structural report.
- 6) Will be benefits in terms of reduction in traffic movements, noise, and nuisance.
- 7) Site is within a residential area and will be better suited to a dwelling than commercial use.
- 8) Redundant barns have Government support for conversion to dwellings.

It is agreed the barns are fairly well screened, but this in itself cannot justify the granting of planning permission.

The approved B1 and B8 use is appropriate in a residential area, and the applicant has not provided details of the marketing efforts. The suitability for conversion has been

dealt with above.

The applicant has also made reference to an appeal decision relating to a site in Hemel Hempstead. Although there may be comparisons with the appeal case mentioned, the application being for the replacement of a factory building with a dwelling, the use of the building fell within Class B2, with the potential therefore to cause noise and disturbance in a residential area. The Inspector specifically mentions this point in reaching a decision.

Neighbours have objected on the grounds of loss of privacy. The window to window distances as proposed are however considered to be sufficient to avoid any undue loss of privacy. It would be difficult therefore to justify a reason for refusal on these grounds.

Conclusion

The conversion of the buildings to residential use in this case would not meet any of the exceptions set out in Policy GB2 of the Local Plan, or meet the criteria set out under Policy GB8 of the Local Plan, or Policy RE2 of the Structure Plan. The proposals are contrary to the policy requirements in that major works are necessary to facilitate the conversion, and the buildings are still suitable for the approved use. The proposal does not entail appropriate benefits to the Green Belt or countryside.

SUMMARY OF REPRESENTATIONS:

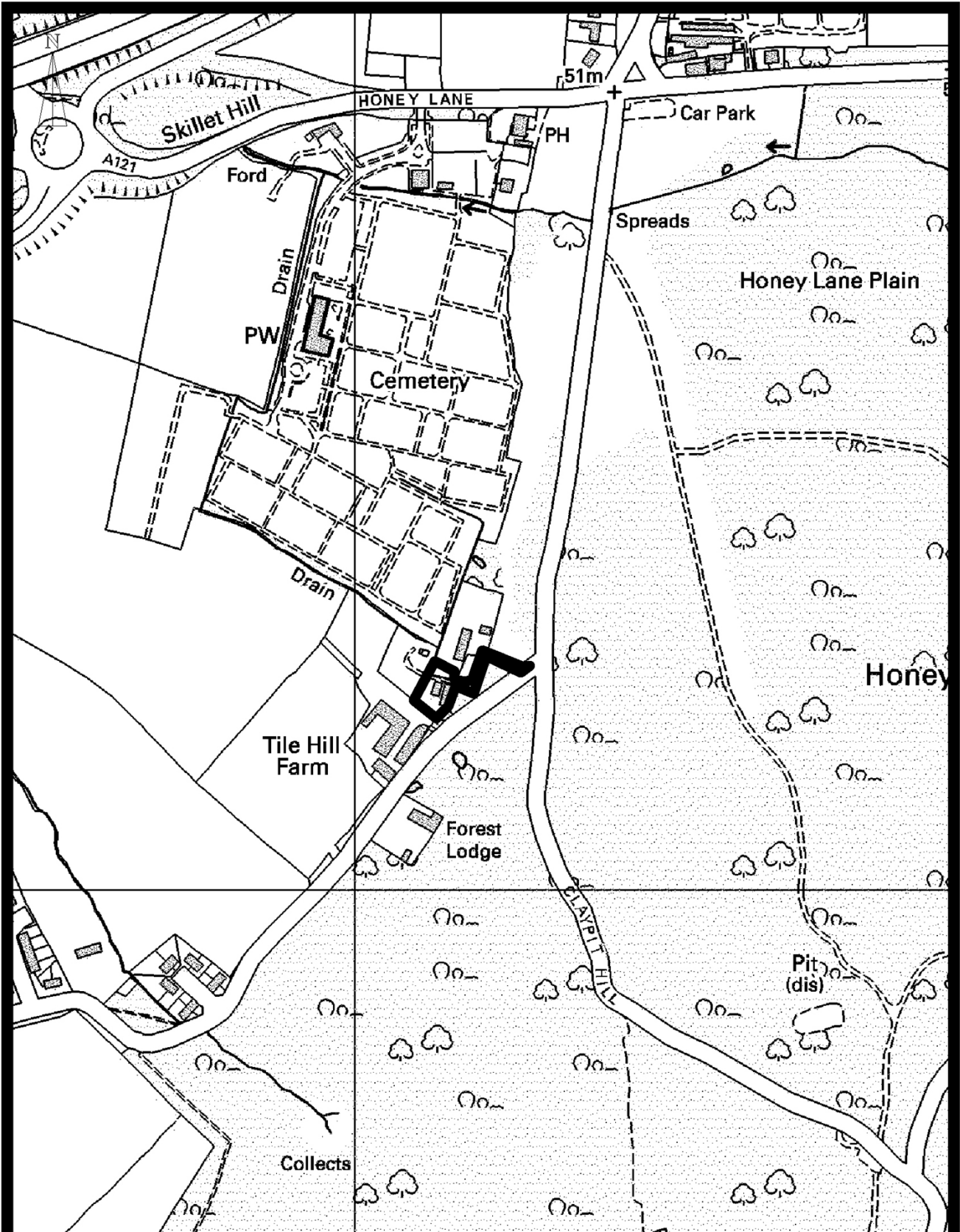
TOWN COUNCIL - No objection subject to strict compliance with Green belt Policy.

TILE HILL FARM - Would like to object to the application. Not a suitable change of use in the Green Belt. The buildings do not appear to be suitable for conversion. Will create greater traffic movements in the Village. The design appears to overlook neighbouring houses.

ROSEMEAD - Loss of privacy. On the south face of the barns new windows will impact on privacy. The plans include the removal of an outbuilding on the boundary. This will create a further privacy issue. Site would be more suitable for a three bedroom house.

ROSE COTTAGE - Property is in the Green Belt, and as such is unsuitable. Properties are not suitable for conversion. Buildings are only 30 years old and designed for housing rabbits. Would constitute overdevelopment. Buildings have not been advertised for their current use. Will be more traffic movements.

THE CONSERVATORS OF EPPING FOREST - No observations.



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