

Report Item No: 1

APPLICATION No:	EPF/1020/09
SITE ADDRESS:	Caffe Nero 271 High Street Epping Essex CM16 4DA
PARISH:	Epping
WARD:	Epping Lindsey and Lindsey and Thornwood Common
APPLICANT:	Nero Holdings Ltd
DESCRIPTION OF PROPOSAL:	Retention of ground floor A1/A3 use.
RECOMMENDED DECISION:	No Recommendation

This application is before this Committee because;

- *it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions) following discussions at the Area Sub-Committee East on 13th May 2009.*
- *it is an application contrary to the provisions of the approved Development Plan (Pursuant to Section P4, Schedule A (a) of the Council's Delegated Functions).*

Description of Proposal:

The applicant seeks consent for the retention of the ground floor mixed A1/A3 use. The proposals seek to retain the business trading as Caffe Nero.

A similar application was refused under EPF/1456/06, enforcement action has been initiated and the appeal against the enforcement notice has been dismissed.

The current application differs from that which was previously considered as follows:

- The business has now been successfully trading since April 2007 and additional generic information has been supplied detailing consumer habits of customers suggesting the Cafe increases footfall in the High Street.
- The current application includes a proposed window display of a floor-to-ceiling set of 4 shelves to display goods for retail across the front window, replacing existing table and chairs in this area.
- The current economic climate differs from when the application was previously considered.
- Recent planning applications and appeals which have taken place subsequent to the determination of the previous application.

Description of Site:

271 High Street is a terraced unit situated between two A2 uses, the Halifax on the corner with Buttercross Lane and the Abbey National. The site is situated within the Conservation Area and within the Retail Core of Epping High Street. The property is not listed.

The site is currently trading as Caffe Nero with a mixed A1 and A3 use. The size of the unit and habits of consumers results in approximately 21% of customers taking food products away for consumption off the premises, with the remaining eating onsite. Some food products are heated or reheated onsite, however no cooking takes place. The store currently maintains 48 seats with an additional 4 seats in the window.

Relevant History:

EPF/1456/06 – Retrospective application for Change of Use to mixed A1/A3
This application was refused under delegated powers for the following reason:

The development results in an unacceptable amount of non-retail units within the identified primary shopping frontage and will result in more than two non-retail units together. The development therefore undermines the retail function of the Town Centre contrary to policy TC4 of the adopted Local Plan.

No appeal was lodged against the planning application and enforcement proceedings were commenced. The Enforcement proceedings were appealed and dismissed. The Enforcement proceedings require the primary function for consumption of food and drink on the premises to cease and remove all furniture facilitating the primary purpose (food and drink consumption onsite). Some limited seating could remain and sale for consumption off the premises can continue.

Policies Applied:

Epping Forest District Local Plan and Alterations policies:

CP1 – Achieving Sustainable Development Objectives
CP6 – Achieving Sustainable Urban /Development Patterns
TC1 – Town Centre Hierarchy
TC2 – Sequential Approach
TC3 – Town Centre Function
TC4 – Non-retail Frontage
TC5 – Window Displays
DBE9 – Loss of amenity
DBE12 – Shopfronts
ST1 – Location of Development

The following National Guidance is also of relevance:

PPS1 – Delivering Sustainable Development
PPS6 – Planning for Town Centres
Consultation Paper on a new Planning Policy Statement 4 – Planning for Sustainable Economic Development (published for consultation in December 2007, not yet adopted).

SUMMARY OF REPRESENTATIONS:

The two immediate neighbouring properties were notified and a site notice was erected in the Cafe window. The following responses were received:

EPPING TOWN COUNCIL: Committee object to this application. Council noted the successful defence of the Local Plan provisions against non-retail frontage in regard to the applicant property. The Planning Committee are concerned that if this application is now approved, it will be impossible for the planning authority to defend Epping Town Centre against further erosion to the non-retail frontage in accord with Policy TC4. Committee therefore request the District Council to look very closely at this issue so as to ensure a consistent approach in conformity with published Local Plans.

- 2 Letters of objection:

23 CROWS ROAD – Object on the grounds of the previous refusal.

ST AGNES, 62A BOWER HILL – Object on the grounds of the previous refusal and expenditure of the Council to date.

- 9 Letters of support:

23 HIGHFIELD GREEN – Support a business attracting people to the High Street and a vacant unit would not benefit the High Street.

20 SILVER BIRCH AVENUE - Support a popular shop that is an attraction in the High Street and attentive to customers with disabilities.

34 BEAUFORT CLOSE – Support a busy business which encourages trips to surrounding shops and allows training assistant dogs on the premises.

20 SILVER BIRCH AVENUE – A popular meeting place for the local community

179 LINDSEY STREET – A well frequented business which operates as well as other coffee shops. A vacant unit would be difficult to fill in present economic climate.

67 ST JOHNS ROAD – A popular outlet attracting customers to the High Street. An enforced closure would be detrimental and unreasonable with other service providers such as hairdressers and nail bars allowed.

20 LADYFIELDS, LOUGHTON – A popular venue with good access for buggies, part of the Epping experience.

47 WEALD BRIDGE ROAD – A good refuge when waiting for buses and a good facility for elderly customers.

Issues and Considerations:

The main issue for Members to consider is whether the information which is supplied in this fresh application is sufficient to justify a departure from policy and the previous decision issued.

In principle the application remains contrary to Local Plan policy resulting in a non-retail frontage of more than 30% (32.5%) and three adjoining non-retail units. As a mixed use with predominant sales relating to the A3 (Restaurant and Café) element, little emphasis can be placed on the A1 (Shop) use of the unit, as such Members would be justified to uphold the previous decision issued by Officers. The Council's shopping policies are intended to support the vitality and viability of Town Centres by retaining attractive, varied retail core centres in accordance with PPS6.

The applicant has now been trading since 2007 and has been able to demonstrate a regular custom of in excess of 2200 visits per week, more than 300 daily. Many customers visit the unit specifically to meet friends or because of the ease of accessibility in the spacious layout which is

particularly attractive to the elderly, those with disabilities and those with children: this is evident from the letters of support detailed above.

The applicant has now provided information relating to a survey for the reason for customers visiting Town Centres, the information submitted specifically relates to a study in Rugby, however whilst clearly not being in our district or local, this information can be considered indicative of consumer trends. This information established the main purpose of the visit to the Town Centre, 39% were shopping, 24% were not visiting solely to shop but would do so, 17% were visiting solely to visit Caffe Nero and the remainder were meeting friends, working or using non-retail facilities elsewhere. This information suggests not only that footfall is increased around the store, but also that the Café itself is an attraction.

Members may view this additional information cumulatively with the letters of support, as sufficient to demonstrate that although not a primarily retail use, the presence of a mixed A1/A3 café does not detract from the viability of the Town Centre in this location as other non-retail uses may.

Members may also wish to reflect on planning appeals and applications which have been considered subsequent to the previous application, many of which have been viewed in the current economic downturn. At the enforcement appeal for this site the Inspector made comment on the number of visiting clientele to the store and the apparent support from surrounding businesses and the public. Officers would suggest that Members may view this unit as a function supporting the vitality and viability of the Town Centre.

More recently, in an application in Theydon Bois, Members permitted an additional non-retail unit beyond usual policy with the addition of Belgique, although not in an area with a retail frontage policy, this application did permit a non-retail use where retail use should be encouraged. In this instance it was considered the unit did not result in dead daytime frontage and that it increased local footfall. The same principle may be considered for Epping Town Centre, although it is acknowledged that there are other café type uses in the locality, but with the addition of a shop window display, Members could consider the proposals more acceptable than the previously refused scheme.

Should Members consider that the applicant has now demonstrated that there is no loss of vitality to the Town Centre as a result of the occupation by Caffe Nero, then whilst there is a departure from retail frontage policies, the objective underpinning policy to retain vitality in Town Centres may not have been compromised. This view could be supported by emergent PPS4 which supports flexibility to changing economic climates and consumer trends in line with a view to delivering sustainable development (PPS1).

Summary

Officers have presented this application to Members without recommendation. This is because on this occasion the application details are very finely balanced. There is clear policy reason to refuse planning permission and the application has been previously refused and enforcement has been upheld, therefore the Council is in a position to continue these proceedings. However, this is the first time this planning application has been directly in front of Members and the applicant has now come forward, offering the insertion of a window display and additional information to demonstrate that the operator use does not detract from the viability and vitality of the Town Centre. Members need to reach a view whether this demonstration is sufficient to override policy principles to achieve underlying policy objectives. This flexibility is promoted by emergent PPS4, however this policy remains to be formally adopted.

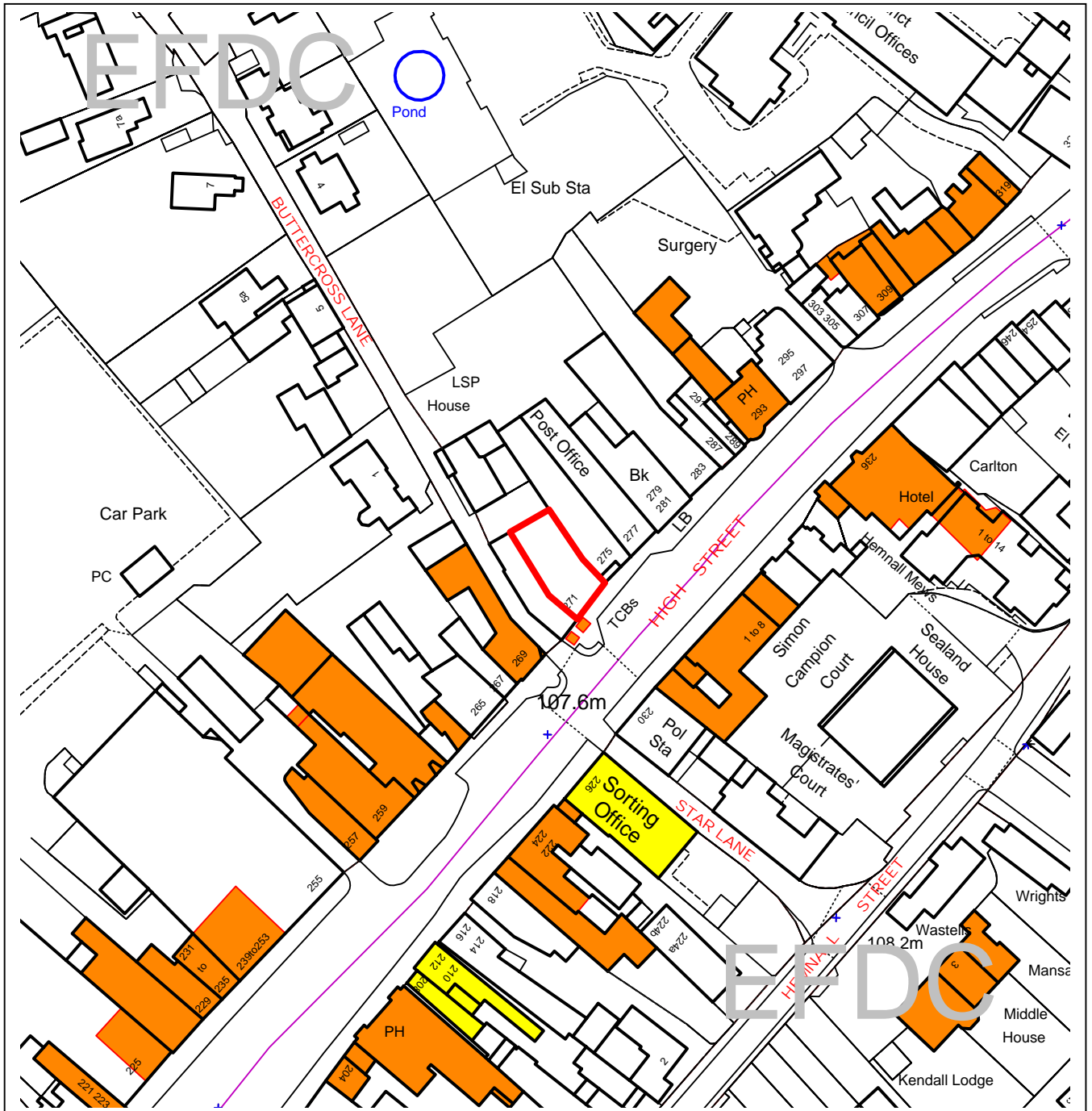
Should Members be minded to refuse the application, it would be reasonable to do so on the same basis as the previous application and Officers will seek to resume enforcement action.

Should Members be minded to approve the scheme in light of the additional information, Officers would recommend a condition requiring the window display to be retained and the use to be only mixed A1/A3 and not sole use as A3 at any time to ensure the premises is not later used solely as a restaurant or purely a seating hot food Café. As it would be contrary to adopted Local Plan policy, particularly TC4 because of the town centre's percentage of non-retail being more than 30%, the matter would then need to be referred on to District Development Control Committee for a decision.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/1020/09
Site Name:	Caffe Nero, 271 High Street Epping, CM16 4DA
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0979/09
SITE ADDRESS:	Dame Annys Farm Norwood End Fyfield Ongar Essex CM5 0RW
PARISH:	Fyfield
WARD:	Moreton and Fyfield
APPLICANT:	Mr Toby Power
DESCRIPTION OF PROPOSAL:	Change of use of stables A and B from ancillary domestic stabling to private non-residing horse keeping and retention of manege with associated hard and soft landscaping, for use by landowner only.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The stables shall not be occupied until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the submission of the details approved.

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

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

- 2 The stables shall be for solely private use of the landowner only and not for any use relating to business or livery whatsoever.

This application is before this Committee since it is an application for non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Description of Proposal:

The application seeks permission for the change of the use of existing stables A and B from ancillary domestic stabling to private, non-residing horse keeping and retention of ménage with associated hard and soft landscaping for use by landowner only.

The applicant indicates the land is sufficient to support 5 horses on a regular basis.

The applicant previously lived in the property known as Dame Anny's Farm, but has now rented this independently. This application seeks to retain the use of the stables, paddocks and ménage structures (which are still being constructed), whilst no longer residing onsite. The applicant has demonstrated that they work daily at the farm and on the land for prolonged periods.

Description of Site:

The application site is situated within the Metropolitan Green Belt, on the northern side of Norwood End towards the upper reaches of the lane which is a long single track into the countryside. Norwood End is a dead end surrounded by countryside with a number of detached, largely isolated properties along its length.

Dame Anny's Farm is a reasonable sized farm comprising a number of fields, ponds and ancillary structures which are concentrated around the farmhouse.

Relevant History:

AGR/EPF/0988/00 – Agricultural Determination for erection of a steel framed building – Permission not required

EPF/0682/04 – Extension to existing agricultural building for the storage of hay and straw – Approved

EPF/1785/07 – Proposed ménage – Withdrawn

EPF/2072/07 – Certificate of lawfulness for existing use of buildings as livery use, land for associated parking and grazing – Withdrawn

EPF/0241/08 – Certificate of lawfulness for existing use of buildings as livery use, land for associated parking and grazing – Not lawful

EPF/1189/08 – Certificate of lawfulness for existing use of stables 1 and 2 for livery of up to 7 horses – Not lawful

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A – Development in the Green Belt

RST4 – Horse Keeping

RST5 – Stables

DBE1 – Design of New Buildings

DBE9 – Loss of Amenity

LL1 – Rural Landscape

ST1 – Location of development

ST4 – Road Safety

SUMMARY OF REPRESENTATIONS:

FYFIELD PARISH COUNCIL - No objections to this application providing the application is for use by the landowner only. Planning conditions should ensure this is upheld.

2 neighbouring properties have been consulted (Wayside and Norwood End House) and a site notice has been displayed. 3 letters of objection have been received:

Bon-Aire – Object to use of the road for additional traffic, livery use, dogs which accompany riders and retrospective nature of the application.

Lee Farm – Object to additional traffic on Norwood End, use of horseboxes, riding on Norwood End and fields, dogs which accompany riders and concerns in respect of livery use.

Anonymous – Object to use of Norwood End on highway grounds, insufficient access for horseboxes and additional traffic and additional stabling in barn area.

The barn stabling is not under consideration in this application and is subject to separate enforcement enquiries.

Issues and Considerations:

The main issues that arise with this application are considered to be the appropriateness of the retention of the stables and ménage for non-residing use in the Green Belt, the design, layout and appearance, access and highway issues and potential impact upon neighbouring properties.

Green Belt

This application may be considered acceptable under policy GB2A for the purposes of outdoor participatory sport and recreation or associated essential small-scale buildings. Furthermore the application is for the retention of existing structures and those which have been significantly completed. In respect of the stable blocks, these appear to have been in situ a number of years and letters of objection support the same.

Design, Layout and Appearance

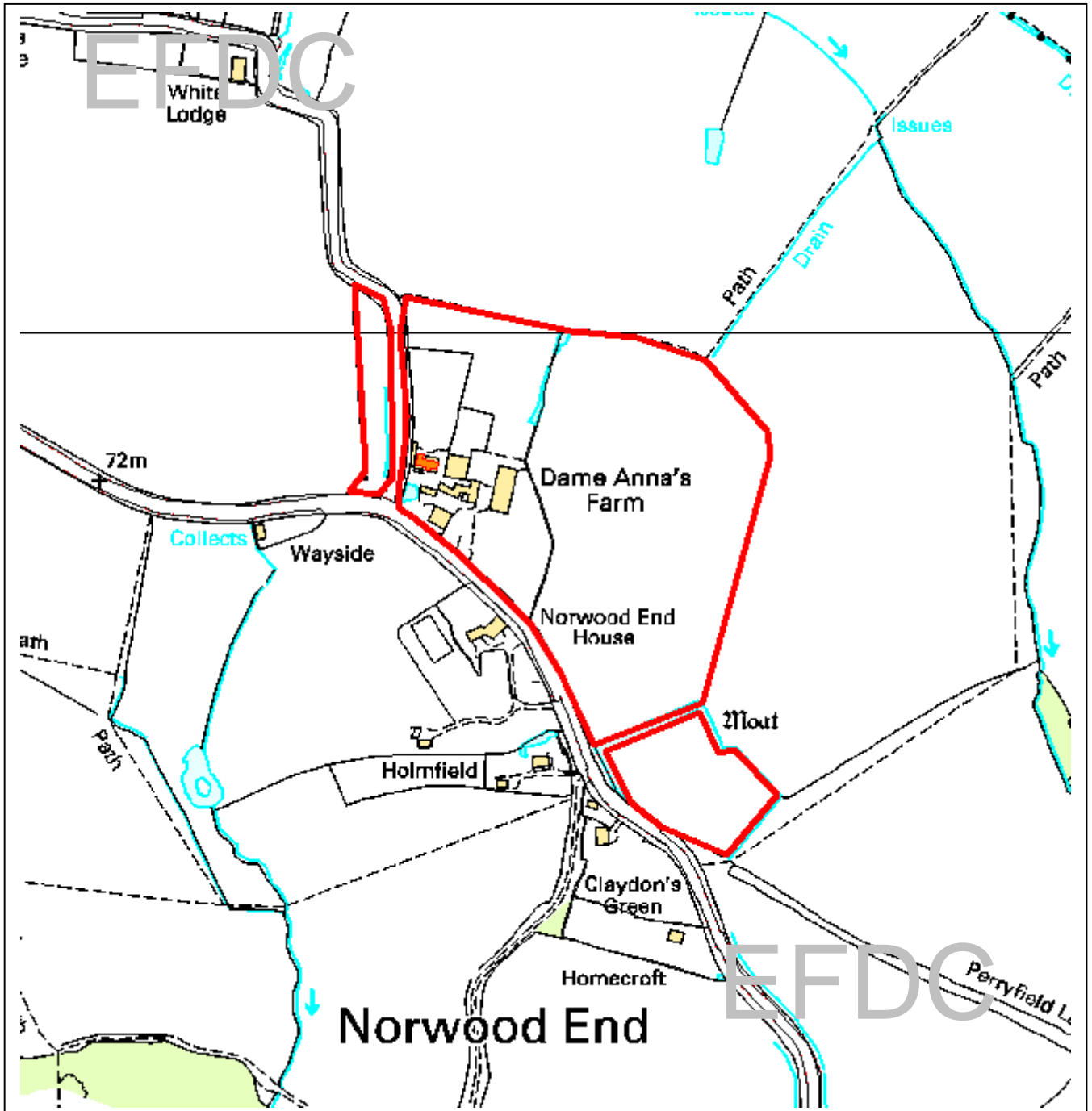
The existing stable blocks are of traditional stable design, constructed with brick, dark timber and clay tiled roofs. The design and appearance of the stables is in keeping with the appearance of the ancillary farm buildings and does not appear out of context on the site.

The ménage building is a steel framed exercise area with walls some 2.1m in height. This structure is in a relatively open area to the rear of the existing farmhouse and ancillary buildings. Notwithstanding the prominence of the position of the structure and scale, large structures associated with farm works are not unusual in this area and the ménage and exercise areas will be viewed in the context of the other buildings, therefore subject to appropriate landscaping, Members may consider that these structures are acceptable.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0979/09
Site Name:	Dame Annys Farm, Norwood End Fyfield, CM5 0RW
Scale of Plot:	1/5000

Report Item No: 3

APPLICATION No:	EPF/0648/09
SITE ADDRESS:	Mulberry House Chelmsford Road High Ongar Essex CM5 9NL
PARISH:	High Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash High Ongar, Willingale and the Rodings
APPLICANT:	Mr Ray George
DESCRIPTION OF PROPOSAL:	Variance of condition 7 of EPF/2131/00 allowed on appeal 30 May 2002. Application for restaurant use to be permitted in dining room and garden room (conservatory) from 7am until 11.30pm - seven days per week.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The extension in hours hereby approved shall take place only in the dining room and conservatory, as shown by cross-hatching on drawing 405.01 (accompanying Inquiry document 24 for the appeal decision relating to EPF/2131/00). [Previously Appeal Decision condition 6 on EPF/2131/00]
- 3 The restaurant use hereby permitted shall not operate other than between the hours of 07:00 to 23:30 Monday to Sunday inclusive. Other than on New Year's Eve. the use of the function rooms by guests shall cease at 23.30 on any day. The function rooms are, for the purposes of this permission, the dining room, conservatory, conference rooms 1, 2 and 3 and the chapel conference room at the first floor of Mulberry Cottages as identified on drawings nos. 405.01 and 02. [Previously Appeal Decision condition 7 on EPF/2131/00]
- 4 No amplified live music shall be played externally, nor other amplified noise source deployed externally nor shall fireworks be set off within the land edged red and blue on the site plan submitted as part of the original application - EPF/2131/00 and subsequent appeal decision.

- 5 Any internally generated noise source shall be limited to 85dB(A)Lamax. This shall be secured through the automatic noise limiting device as specified in a letter to the Local Planning Authority, from Smart Planning Ltd, ref JRF/EJM/02.522 dated 14th July 2003, and the accompanying Leisuretec Minim Plus specification sheet. All equipment and fittings installed in accordance with this condition shall thereafter be retained as approved in a functioning condition and maintained in accordance with their manufacturers' instructions, unless the Local Planning Authority has given its prior written consent to any variation.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

Variation of condition 7 of EPF/2131/00 (allowed at appeal 2002) to allow restaurant use to be permitted in dining room and garden room (conservatory) from 7am to 11.30pm seven days a week.

Description of Site:

A Grade II listed building which is used as a training and conference centre, Christian retreat, guesthouse, restaurant and function rooms. There have been a number of ancillary buildings granted on the site in the last 20 years to accommodate these uses. The site is 150m to the north west of the village envelope of High Ongar and immediately to the south of the A414. The whole site is within the Green Belt.

Relevant History:

Numerous applications and enforcement issues, including:

EPF/1128/00	New pavilion	refused
EPF/2132/00	Increase car parking for conference and training	refused (allowed on appeal)
EPF/2133/00	Improvements to access road	granted
EPF/2131/00	Conference use including weddings and functions	refused but Allowed on appeal.
EPF/2253/02	Conference suite used as a restaurant	refused

Policies Applied:

GB2A	Green Belt Policy
RP5A	Adverse environmental impacts
ST4	Highway safety

Summary of Representation Received

A Site notice was posted, no responses were received.

PARISH COUNCIL – object to the increased opening hours. There are three alternative restaurants within High Ongar which also employ local people and the Parish Council, therefore, feel that this increase is not necessary given the 'retreat' status of Mulberry House. The proposal

will undoubtedly attract non-resident trade which, as a consequence is likely to cause car-parking issues and also increase traffic flow on & off of the busy A414.

Issues and Considerations:

The main issues are the impact of the scheme on the:

1. Green Belt
2. Neighbour Amenity
3. Highways

Green Belt

- This is an existing building and there will be no increase in footprint or volume used for the restaurant facilities.
- The current opening hours for the restaurant and garden room are 1900 – 2330 Mondays to Saturdays and 1200 – 1500 on Sundays and public holidays. In addition, use of the function rooms has to cease by 2330 with the exception of New Years Eve.
- The scheme will see the hours increased on weekdays and Saturdays from 7am to 1130 pm, basically covering breakfast and lunches, and increase the hours on Sundays and Public Holidays to include breakfasts and dinners.
- This increase in hours would have no impact on the hours of use of the other function rooms on the site.
- The applicant has argued that the use will cause no further impact than that which currently occurs from the use of the site.
- The use of the facilities for breakfasts and lunches is largely aimed at guests who are using the facilities for functions and training courses, and it is not expected that there will be a large increase in external use of the facilities.
- It is accepted that there will be some increase in external use for lunches, but this will be limited by the existing space constraints in the restaurant and garden room (which are not excessive in space and consist of around 10 tables in each room) and by the prebooking for courses and functions.
- The aim is to enable the site to be more flexible in dealing with the existing uses allowed at the site and to weather the current harsh economic climate.
- The Council recognises that the facilities are relatively small scale and any extra trade generated by their use outside the current training and function facilities can be easily absorbed into the fabric of the site without any undue harm being caused to the character and appearance of the Green Belt in this location.

Neighbour Amenity

- The scheme will enable the facilities to be open for longer, with the consequent possible risk of unacceptable disturbance to neighbours.
- However the nearest neighbour is over 150m away from the restaurant, and neither room will be open for longer during the week or on Saturdays.
- It is also unlikely that the use of the rooms for breakfasts and lunches would result in any increased impact on the neighbours due to the nature of these meals and the ambient background noise from the A414.
- The increase to include evening meals on Sundays and Public Holidays again needs to be assessed, but it is considered that the reasons explained above would also apply on these days.
- The other possible source of disturbance is from vehicle movements and car doors being slammed etc. However this is also considered to be acceptable due to the siting of the car parks, background noise and significant distance to neighbouring properties.
- There are no objections from the Environmental Health Officers on issues of noise.

Highway Issues

- The main objection from the Parish Council centres around the potential increase in traffic movements and car parking issues.
- As explored above, the potential passing trade is limited by the space available on the site and the current use for functions and courses. It is therefore considered that the minor potential increase in vehicle movements will be so minor as to cause no harm to either parking or safety issues at the site.
- The Highways Department have raised no objections to the scheme on either safety or parking grounds.

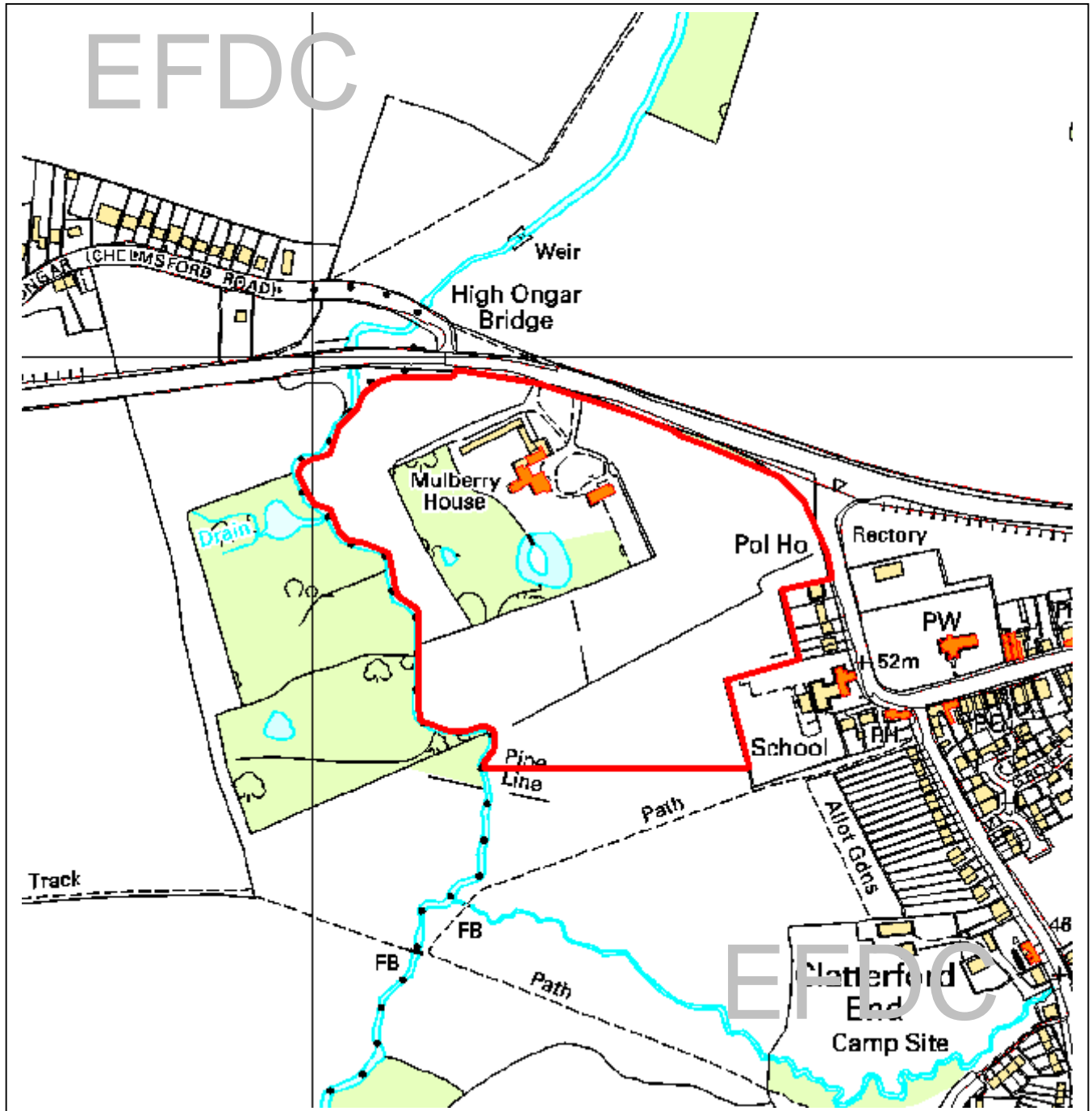
Conclusion

This scheme is for minor change to operating hours for two small areas used as restaurants. It is considered that there will be no harm caused to the Green Belt, neighbours or highway safety as a result of these changes. The recommendation is for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0648/09
Site Name:	Mulberry House, Chelmsford Road High Ongar, CM5 9NL
Scale of Plot:	1/5000

Report Item No: 4

APPLICATION No:	EPF/0894/09
SITE ADDRESS:	4 Nine Ashes Farm Cottages Rookery Road Blackmore Ingatestone Essex CM4 0LG
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr David Cass
DESCRIPTION OF PROPOSAL:	First floor side extension and ground floor rear extension.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The application site is located within the Metropolitan Green Belt. The proposed extension is of a size which does not constitute a reasonable or proportionate extension to a dwelling within the Green Belt. The extension, due to its size and siting, would be an inappropriate development which would be harmful to the objectives of including land within the Metropolitan Green Belt contrary to policy GB2A of the adopted Local Plan and Alterations.
- 2 The proposed extension would be a disproportionate addition which would unbalance the pair of semi detached houses and appear as a dominant and intrusive addition within the street scene to the detriment of the character and appearance of the area, contrary to policies CP2 and DB10 of the adopted Local Plan and Alterations.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for a first floor extension above the existing ground floor side extension and a rear extension infilling the area to the side of the bathroom. The first floor extension to the side would cover the footprint of the existing extension. Its roof would be approximately 0.6 metre lower than that of the main dwelling. The rear extension would be adjacent to the existing ground floor rear extension, which would be re-roofed to be incorporated into the proposed extension. It is considered that this element of the scheme, if constructed independently of the side extension, may be permitted development.

Description of Site:

The application site comprises a semi detached dwelling located within the Metropolitan Green Belt. The dwelling has been considerably extended. It has a ground floor extension to the side, which appears to have been constructed as permitted development. To the rear there is a large (5.1 metre deep) two storey extension with a smaller, single storey, extension to the side.

Relevant History:

EPF/0474/97 Ground and first floor side and rear extensions and detached garage/store Refused 20/05/97. For the following reasons:

1. The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice, the policies of the adopted Local Plan and Approved Essex Structure Plan, in that it does not constitute a reasonable extension to an existing dwelling. Thus this application is unacceptable, because the proposed extension by reason of its size, design and siting would harm the objectives of the Metropolitan Green Belt. Furthermore it would be dominant and intrusive in the surrounding area and the dwelling as existing has accommodation which meets contemporary living standards.
2. The proposed garage by reason of its size and siting, forward of the existing dwelling, would be a dominant and intrusive feature, to the detriment of the character of the area and this part of the Green Belt.

EPF/0931/97 Two storey side extension, rebuilding kitchen and single storey rear extension Refused 12/08/97. For the following reasons:

1. The site is located within the Metropolitan Green Belt. The proposed development is at odds with Government advice, the policies of the adopted Local Plan and Approved Essex Structure Plan, in that it does not constitute a reasonable extension to an existing dwelling. Thus this application is unacceptable, because the proposed extension by reason of its size, design and siting would harm the objectives of the Metropolitan Green Belt. Furthermore it would be dominant and intrusive in the surrounding area; and the dwelling as existing has accommodation which meets contemporary living standards.

EPF/1325/97 Ground and first floor rear extensions Approved 02/12/97.

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Neighbouring Amenity

DBE10 – Residential Extensions

GB2A – Development in the Green Belt

Summary of Representations:

1 property was consulted and no response was received:

HIGH ONGAR PARISH COUNCIL – Support. The Parish Council fully supports this proposal and recommended its approval.

Issues and Considerations:

The main issues in this case are the impacts of the proposed extensions on the amenities of the occupiers of neighbouring dwellings, on the character and appearance of the area and on the open character of the Metropolitan Green Belt. Regard will also be had to the planning history of the site. Three planning applications were considered by the Council in 1997. Whilst this was some 12 years ago, it is considered that the relevant considerations, particularly the designation of the land within the green belt and the presumption against inappropriate development, remain unchanged.

Neighbouring Dwellings

The proposed first floor side extension, due to its location in relation to neighbouring properties, would not have a detrimental impact on amenity. Furthermore the rear extension, due to its height and depth (approximately 2 metres), would not cause a material loss of amenity.

Design and Appearance

It is considered that the proposed rear extension would have an acceptable appearance. However, it is considered that the proposed side extension would be a bulky addition to the property which, albeit partly subservient due to its lowered eaves and ridge height in relation to the main dwelling and its set back from the front elevation, would unbalance the pair of semi detached properties.

Green Belt

The house has been considerably extended in the past. Its original floor area of approximately 100 square metres has been increased to 160 square metres. It is considered that the proposed rear extension is a fairly minor addition, both in terms of its size and also due to its position, located at the rear of the dwelling adjacent to the large two storey extension approved in 1997. Accordingly, it would not be detrimental to the open character of the Metropolitan Green Belt. However, the proposed first floor extension would add considerable bulk to the property and would detract from the open character and appearance of the green belt, restricting the existing view of the open countryside from Rookery Road. A very similar scheme was refused planning permission in 1997 (EPF/0931/97). Since then, the existing ground floor side extension has been added (presumably as permitted development) and the large two storey rear extension has also been added, with the benefit of planning permission. Accordingly, the existing dwelling is substantially larger than when the previous similar scheme for this development was proposed and refused planning permission.

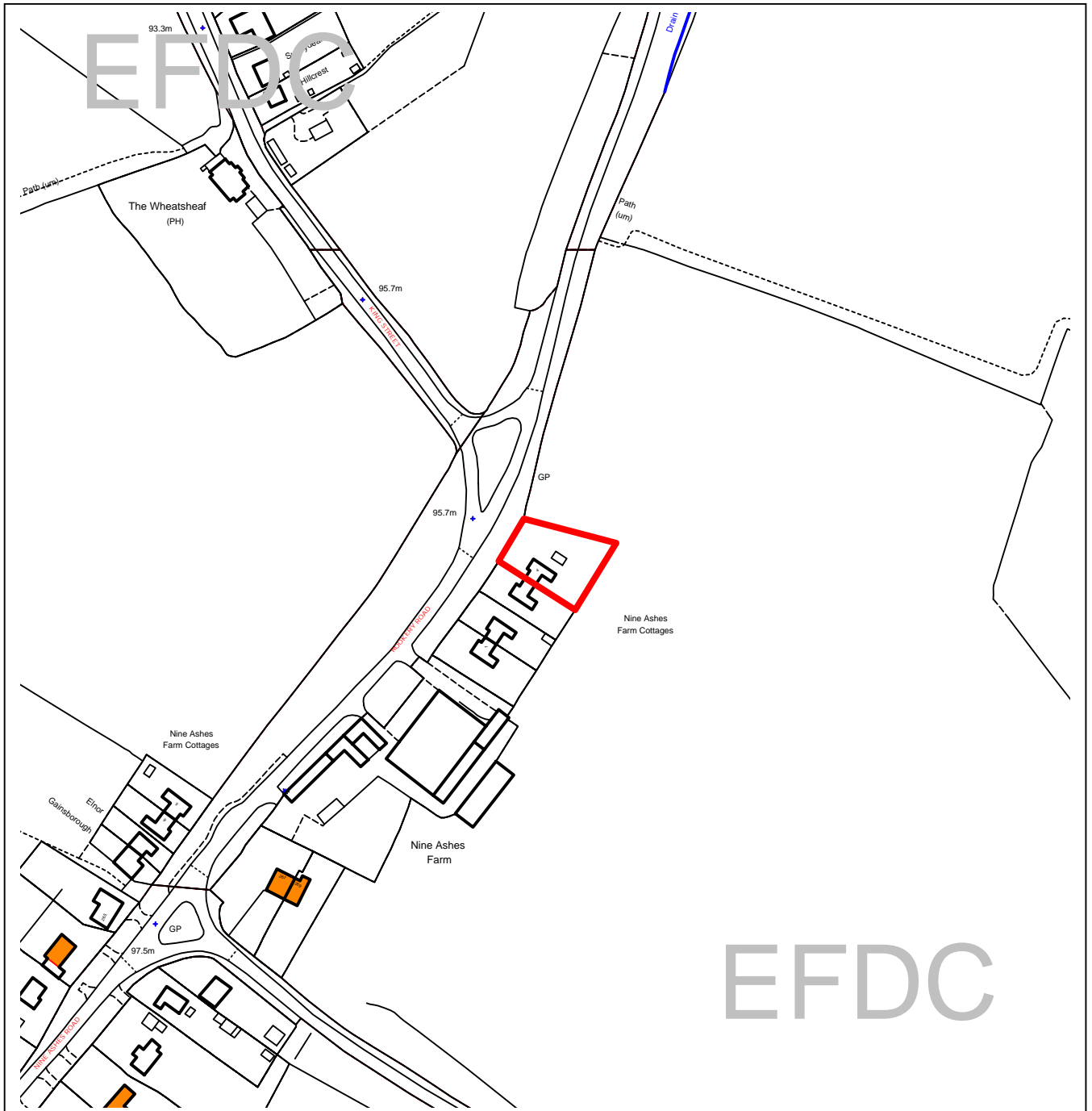
Conclusion

It is considered that the proposed first floor side extension would be a disproportionate and bulky addition which would unbalance the pair of semi detached houses. Due to its disproportionate scale, the development would be inappropriate within the Green Belt and no case for very special circumstances has been made. It is recommended that planning permission be refused for these reasons.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0894/09
Site Name:	4 Nine Ashes Farm Cottages, Rookery Road, Blackmore, CM4 0LG
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0950/09
SITE ADDRESS:	Land to the rear of Branscombe & Rozel Loughton Lane Theydon Bois Epping Essex CM16 7JY
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Spencer Hammond
DESCRIPTION OF PROPOSAL:	Erection of detached house and garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Application for the approval of details reserved by this permission must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the details reserved by this permission or, in the case of approval on different dates, the final approval of the last matter approved.
- 2 Details of the design, external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of the dwelling hereby approved and maintained in the agreed positions.
- 4 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of proposal:

Outline application for the erection of a detached house and garage. All matters are reserved for future approval except for the layout and means of access.

Description of Site:

An 'L' shaped area which comprises part of the rear gardens of Rozel and Branscombe (properties which front Loughton Lane). Access is via an existing access road off of Loughton Lane. There is a preserved tree on the site. The ex youth centre is to the other side of the lane.

Relevant History:

EPF/0774/07	Outline application for two houses	refused
EPF/1684/07	Outline application for two houses	refused
	Appeal in respect of above	Dismissed

Policies Applied:

CP1, 3, 6 & 7 Core Policies re sustainable development
H1A, H2A, H3A, H4A Housing Provision
DBE 1, 2 Design of new buildings
ST4 & 6 Highways & Parking
DBE 6 Parking
DBE 8 Amenity Space
DBE 9 Amenity for neighbours
LL10 Landscaping

Summary of Representations Received

PARISH COUNCIL – object, it is a blatant example of the “garden grabbing” phenomena which has become prevalent in recent years. It is noted that the application is in outline only and suggests a possible layout with no detail which is reserved. This is a concern as the exact layout and dimensions are presently unknown. We recommend the protected lime Tree should be inspected by EFDC Arboriculturist. Our concerns regarding the access have not been addressed. Access is via a narrow single track private access way leading to a busy public highway.

13 properties were consulted, a site notice erected and the following responses were received:

THEYDON BOIS RURAL PRESERVATION SOCIETY – object, appears an improvement but there is insufficient detail as it is an outline application. The tree must be inspected by qualified EFDC staff. The development is still out of character with the surrounding area. Access and egress is still a problem and right of way is still to be proved.

27 AVENUE ROAD – object, no access to the site without demolishing hedges and laying a drive across the grass verge which I believe is green belt. Would allow an application for a second property once this has been granted. Highway access is hazardous on this site.

7 WOODLAND WAY – object, this scheme will cause damage or the loss of the TPO tree.

Issues and Considerations:

The main issues in this application are:

1. Context
2. Sustainability
3. Neighbours Amenity
4. Landscaping and preserved trees
5. Highways

The scheme is an outline application which aims to establish the principle of the suitability of the site for a residential house. The previous dismissed appeal was for 2 houses. Details of design of the new building will be left to a further application. The scheme shows an indicative outline of the proposed new house which will be 2 stories in height.

In considering this application, the Planning Inspector's Appeal Decision for the second 2007 application is a material consideration. In this appeal he stated that:

“There is no objection to the principle of residential development in this location...and I consider the two main issues are the effect of the proposed development on the protected lime tree at the front of the site and the effect of the proposed development on highway safety”.

His decision was to refuse the appeal based on the plans not being practical for the retention of the tree. He did not refuse the scheme on the highway safety grounds, stating:

“I am not convinced that the marginal addition to the use of the junction resulting from two additional dwellings would be significantly harmful to highway safety. The development would therefore be consistent with Policy ST4”.

Building in Context

- The plot to be created from the two rear gardens would be 30m deep by 31m wide and have an 'L' shape. The preserved lime tree is on the southwestern boundary of the site with the access road.
- These plans now show a single detached dwelling house with an 'L' shaped plan on the southeast boundary with Rozel. A detached garage would be erected in the north-west corner of the site. This is opposed to the previous appeal that wanted two houses.
- Both of the donor gardens would remain of an acceptable size.
- The applicant has stated that whilst the design is reserved, the proposal will reflect the character and appearance of the buildings adjoining the site, and a two storey building is appropriate.
- As it is in outline with all matters reserved, Officers consider that one house could be accommodated on this plot, with a separate garage and by careful design, can integrate well into the area and avoid harm to neighbouring properties.
- This is not a cramped or overly restricted site and can easily and comfortably accommodate a single dwelling of this size whilst avoiding harm to the tree. The layout is therefore acceptable.

Sustainability & Urban Development

- This is previously developed land. In both Policy CP6, 7 and national policy PPS3, priority is given to the reuse of previously developed land in urban areas, but this should not be at the expense of the quality of the local environment and unsympathetic change.

- It is considered that this has the potential to be a good quality and sympathetic scheme once the reserved matters regarding design and appearance are dealt with.
- Whilst the comments of the Parish Council are noted regarding the development of rear garden areas this is not against national or local policy and in principle not supported on appeal.

Amenity & Impact on Neighbours

- Whilst this aspect will need to be considered under a reserved matters application the Inspector commented:
- *“In my view the distance of the proposed dwellings from the properties in Maple Close and Avenue Road would be sufficient to prevent significant harm from overlooking”.*

Landscaping and Protected Tree

- This was the sole reason for the refusal of the 2007 appeal.
- The Landscape Officer has commented that *“This is an outline application, as such detailed plans have not been submitted. There is a lime tree on site which is protected by a Tree Preservation Order. The tree report submitted suggests that it would be possible for a property to be built on this land without detrimental impact on this tree. A root protection radius of 10m is recommended. The report suggests that the tree would benefit from some reduction - should the applicant wish to proceed with any of the suggestions made within this report an application will need to be submitted. The requirement for a landscape scheme will ensure that the final property is suitably landscaped to blend with its surroundings”.*
- The case for 2 houses was lost on appeal by the applicant, but now it is for one house that can be located away from the tree, there is every likelihood of a carefully sited house not harming the health and safety of the tree conditions.

Highways

- The Highways Section has objected on the grounds that this is an intensification of a substandard access onto a secondary highway. They have also commented that the applicant does not appear to have the rights to access the proposed development.
- Whilst the highway objection is noted it is clear that this is not a sustainable reason for refusal due to the comments of the Inspector on the original appeal and it would thus be unreasonable of the Council to refuse the application on this ground. There is no difference between this and the last application other than it is for one less unit. The means of access detail is therefore acceptable.
- The matter of ownership of land and access rights is not a material planning consideration.
- An objector has commented that the highway verge is Green Belt – this is not the case.

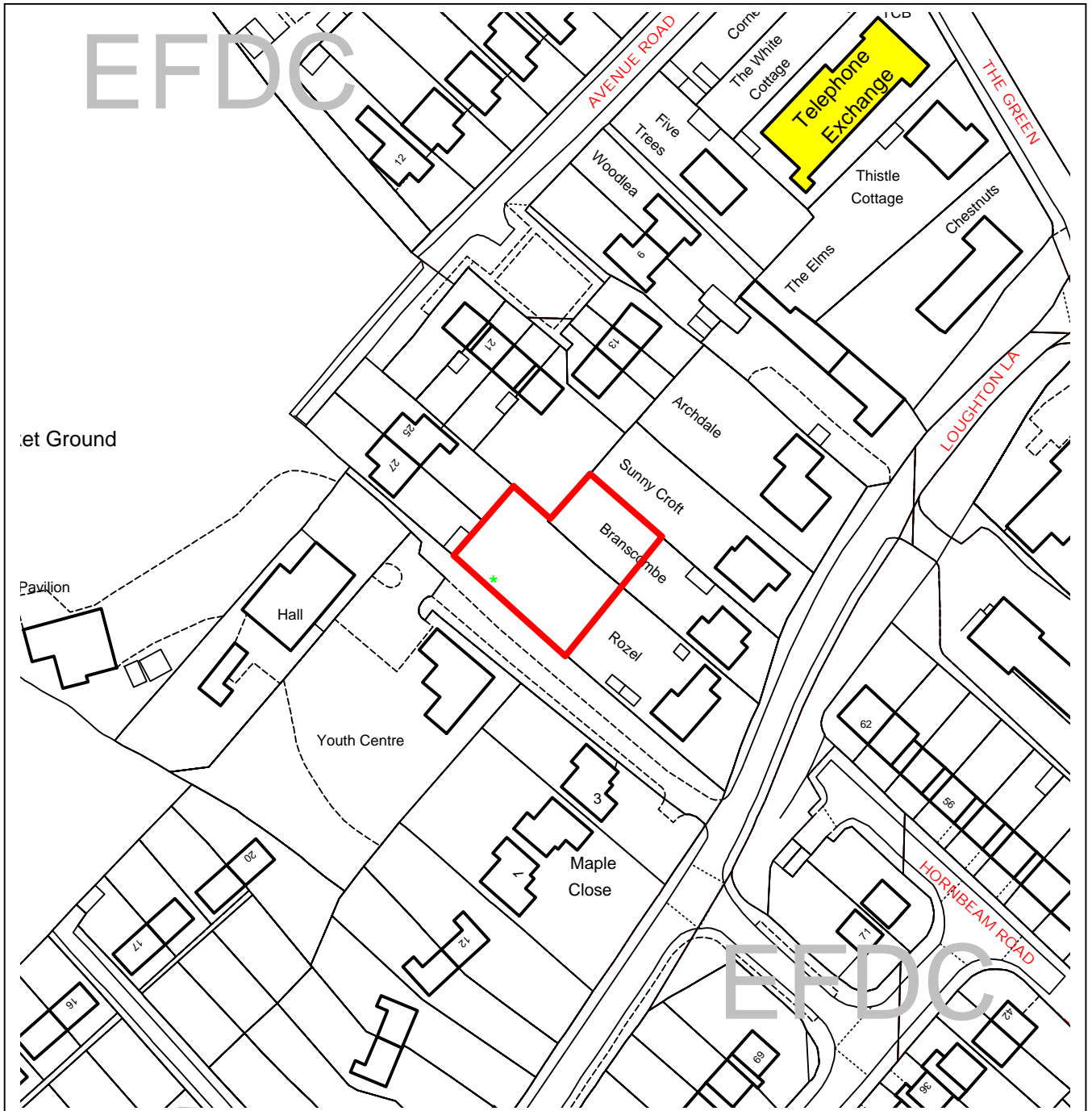
Conclusion

Whilst much of the detail of a new two storey dwelling house and the garage will need careful consideration at the reserved matters stage, it is clear that this scheme has overcome the only sustained reason for objection of the 2007 appeal which was the potential harm to the preserved tree. The recommendation is therefore for approval.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0950/09
Site Name:	Land to the rear of Branscombe & Rozel, Loughton Lane, Theydon Bois, CM16 7JY
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0994/09
SITE ADDRESS:	Stapleford Tawney Trout Farm Epping Lane Stapleford Tawney Essex RM4 1ST
PARISH:	Theydon Mount
WARD:	Passingford
APPLICANT:	Mr & Mrs Hubert Norton
DESCRIPTION OF PROPOSAL:	Temporary permission for a demountable prefabricated agricultural worker's dwelling. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 This consent shall inure for a limited period expiring three years from the date of this Notice, at which time the chalet shall be removed and the site reinstated.
- 2 The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.
- 3 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of proposal:

Temporary permission for a demountable prefabricated agricultural workers dwelling (revised application).

Description of Site:

The application site is a 5.13 hectare fish farm consisting of a large lake, small ponds, a paddock, stables, a service building and some small temporary buildings/containers. The site is accessed off of Epping Lane and is enclosed on this boundary by a large established hedgerow.

Relevant History:

EPF/0439/95	Fish Farm service building	granted
EPF/1436/99	Portable buildings for breeding unit, office and tickets	granted
EPF/0645/08	Gates and brick piers	granted
EPF/0643/08	Fish rearing and processing barn	granted
EPF/0644/08	Temporary permission for an agricultural dwelling	withdrawn

Policies Applied:

National Policy

PPS 7 Sustainable Rural Development

East of England Plan

SS7 Green Belt

Local Plan

GB2A Green Belt Policy
GB17A Agricultural Workers Dwellings
DBE 1, 2, 4 Design
LL1, 2 Rural landscapes
ST4, 6 Highways

Representation Received

3 properties were consulted, a Site Notice posted, and no responses were received:

PARISH COUNCIL - Have made a site visit and satisfied themselves that the fishery is a genuine business. Our only reservation is that, whilst the owner still lives so close to the trout farm the need for a dwelling is possibly difficult to justify. As this is a significant development for a new house to be built in the Green Belt we recommend this be submitted to the Planning Committee for a decision.

Issues and Considerations:

The main issue in this application is whether there is a proven agricultural need for an agricultural worker to be housed on the site, which would overcome the presumption against development in the Green Belt, effects on amenity and highways.

Green Belt

The site is a long established business that also offers recreational fishing. The farm was granted permission in 2008 for a new purpose built barn to house the fish rearing and processing facilities, which has now been erected. The rearing of these fish requires carefully monitored levels of lighting and water filtering that needs to be done in a controlled environment. The barn contains a feed room and office within the roof space served by front and rear gable windows and roof lights.

This scheme would see a two storey, chalet style log cabin being erected on the western side of the current building complex. This would measure 12m x 9.4m by 6.8m high, and would be a prefabricated building which would be capable of being removed from the site at the end of the permission if granted.

Policy GB17A of the current local plan states that permission may be granted for a dwelling for a horticultural worker only when the Local Authority is **completely** satisfied that:

1. The dwelling is essential taking into account the nature of the enterprise, possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the holding and the outcome of any approach made to the Council as a housing authority.
2. If (1) is inconclusive there is firm evidence of the viability of the horticultural enterprise at the time of application and continued viability in the long term.
3. Genuine and sustained efforts have been made to find alternative accommodation within reasonable travelling distance (unless the accommodation is required to house a specialist worker who needs to live on the holding).
4. The floor area of the living accommodation does not exceed 150m²

This policy equates generally with Government Advice contained within Planning Policy Statement (PPS) 7, and Annex A of the guidance.

On the above 4 criteria the following factors have emerged:

Dwelling is Essential, and Financial Viability - The applicant's agent has argued that there is an essential need for on site accommodation to enable supervision of the fish stocks (which comprise trout and crayfish) on site and to provide site security.

The site has suffered a number of attempted and actual break ins over the past few years which have been reported to the Police, and permission was granted in 2008 for the erection of gates to provide security to the site. There has also been some poaching on the site of fish, leading to the requirement for a permanent on site security.

In addition it is argued that there is a need for a permanent on site presence to ensure the water quality and welfare of the stock is maintained. The management of this type of stock is very vulnerable to sudden changes in the water quality, speed and temperature, and is much more vulnerable than other types of livestock such as cattle. Several severe losses of stock have occurred as there was no one on site, and could have been avoided if there had been.

The Council has assessed these arguments with their Agricultural Advisor and Officers are of the opinion that they are genuine and accurate, and there is a need for constant on site supervision for stock welfare and security.

Accounts and a business plan for 2008 have been submitted with this application and have been assessed by the Council's Agricultural Advisor. He has commented "*I do however have concerns as to whether or not the demand within the local restaurant trade and at gate sales can be maintained at sufficient levels to achieve and maintain substantial sales to these higher value customers. Building up the enterprise is likely to be considerably more time consuming and require greater resources than indicated within the Applicant's budget projections. Nevertheless, and despite these reservations when the whole of the enterprise operated at the Norton Fishery is taken into account I consider that the terms of the financial test are satisfied in respect to the need for the provision of temporary accommodation*".

Efforts to find other accommodation – although the applicant lives locally, as has been seen above, the need is for accommodation on the site to respond to welfare issues with the fish stock.

Therefore the Council considers that the first 3 tests are met. In addition, if the use then fails to become viable the chalet can be easily removed, and would be easily resold.

The floor area - is 149m², just under the 150m² as laid out in the Councils policy.

PPS 7 Annex A is quite clear: *“It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse (eg through speculative proposals) the concession that the planning system makes for such dwellings. In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby”.*

The Council is of the opinion that this is a genuine agricultural enterprise, and the scheme meets National and Green Belt policy.

Design and Landscape

The proposed scheme is for a relatively modest building, which meets the criteria with its footprint. It is of a rural appearance and would not be out of place on this site, and will integrate well with the recent barn building. Whilst it is normal for a temporary building to be a mobile home or caravan there is no reason why it cannot be a structure such as is proposed here, so long as it is demountable, as in this case. It will not have any serious adverse impact on the openness, character and appearance of the Green Belt in this location

Highways

An existing access would be utilised for the dwelling and the Highways Section have raised no objection to this scheme subject to suitable conditions.

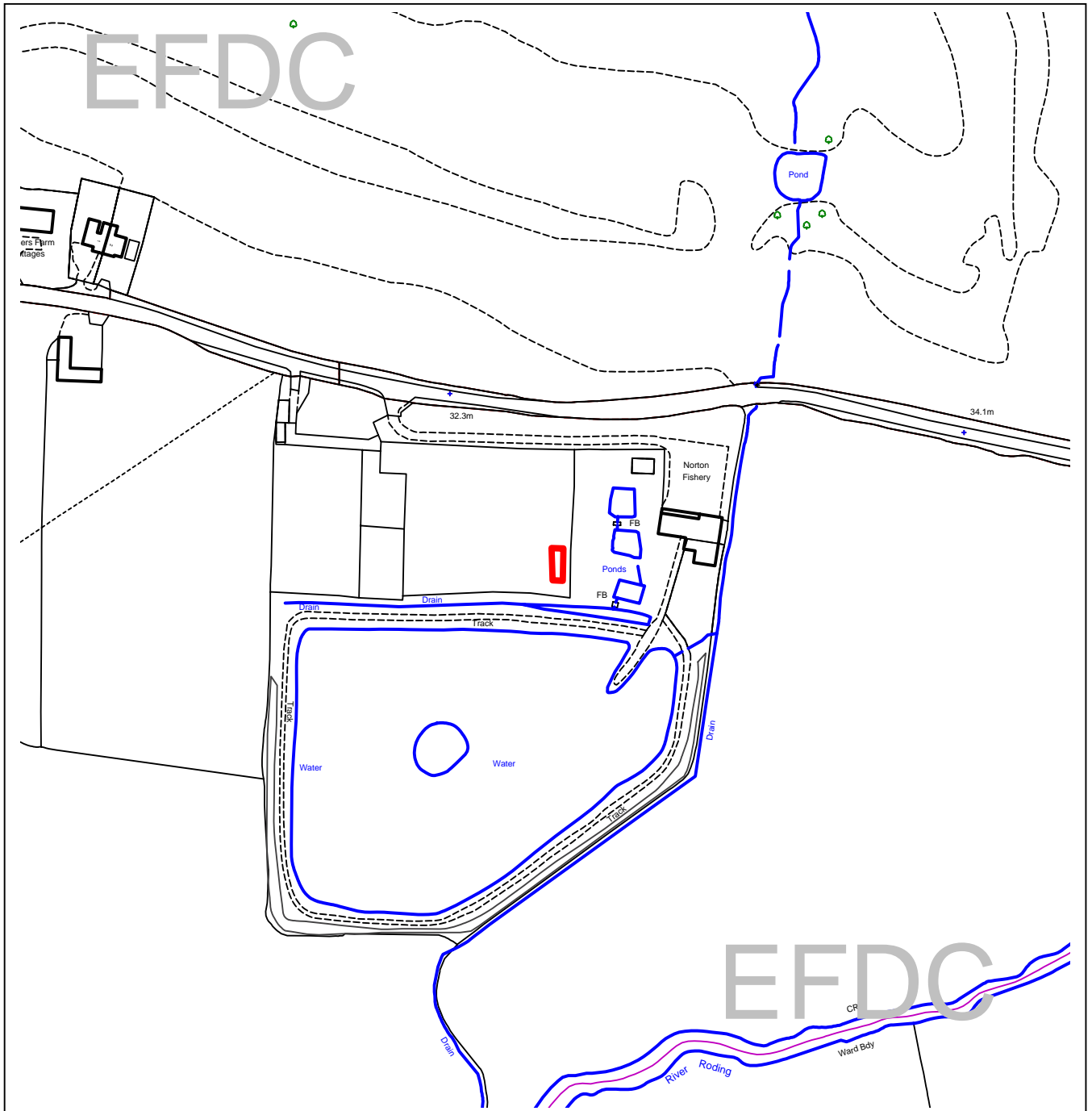
Conclusion

It is therefore recommended that this application be approved for a temporary period of 3 years to allow the enterprise to show its viability.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/0994/09
Site Name:	Stapleford Tawney Trout Farm, Epping Lane, Stapleford Tawney, RM4 1ST
Scale of Plot:	1/2500