

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2156/09
<b>SITE ADDRESS:</b>	Nine Ashes Farm Rookery Road Ongar Essex CM4
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Stuart Harding
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from agricultural use to B1 and B8 use. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

**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 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order, the premises shall be used solely for B1a and B8 use classes as identified on the approved drawing EQX\_204 rev. B and not for any other use.
- 3 Before the commencement of the development, or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:
  - (a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.
  - (b) An assessment of condition, and value.
  - (c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.
  - (d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.
- 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.

- 5 The development, including site clearance, must not commence 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 completion of the development hereby 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.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of employees and visitors vehicles.

- 7 Prior to the commencement of the development hereby approved details of the proposed refuse and cycle stores shall be submitted to the local planning authority for approval in writing.

- 8 Prior to the first operation of the uses hereby permitted, the refuse and cycle stores shall be erected in accordance with details agreed by the Local Planning Authority.

- 9 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the

completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 10 There shall be no open storage of equipment, materials or other goods within the site.
- 11 The use hereby permitted shall take place Monday to Fridays only between the hours of 0800 and 1800 and at no other time at weekends or bank holidays.
- 12 No deliveries shall be received onto the site other than on Monday to Fridays only between the hours of 0800 and 1800 and at no other time at weekends or bank holidays.
- 13 No unbound material shall be used in the surface finish of the driveway within 8 metres of the highway boundary of the site.
- 14 Any gates provided at the vehicular access shall only open inwards and shall be set back a minimum of 8 metres from the nearside edge of the carriageway.

And Subject to the applicant/developer signing up to and completion of a **SECTION 106 LEGAL AGREEMENT**, within 12 months of the date of this Committee's resolution, to secure the following:

- The payment of a financial contribution to the sum of £5,000 (five thousand pounds) index linked for improvements to the two existing bus stops adjacent to the site.
- Both accesses, as shown on drawing no.EQX\_204 rev. B, shall be constructed by way of a bellmouth with minimum radii of 7.5 metres.
- A footway, with a minimum width of 1.8 metres and tactile paving where appropriate, to be constructed from the existing bus stop on the eastern side of Rookery Road to the southern access into the site.

*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).*

*This application is before this Committee since it is an application for commercial 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:**

This application seeks planning permission for the change of use of the site from agriculture to mixed B1a (Office) use (1030m<sup>2</sup>) and B8 Storage and Distribution (430m<sup>2</sup>). Hours of operation of the uses are sought from 9-5 Monday to Friday.

### **Description of Site:**

The application site is located on the eastern side of Nine Ashes Road, to the south of the junction with King Street. The site contains several redundant agricultural buildings. There is an area of open agricultural land to the east of the site, to the north and south are residential properties.

### **Relevant History:**

- EPF/2074/01. Change of use from agricultural to storage/light industry. Refused 08/03/02 for the following reason:

*The proposed development is of a scale that would result in significant increased activity on the site leading to additional disturbance detracting from the amenities of nearby residential properties and from the area as a whole, contrary to the requirements of policies GB8, E12 and DBE9 of the adopted Local Plan.*

- EPF/0015/03. Change of use to light industrial and storage and distribution (B1c and B8) uses. Refused 04/06/03 for the following reasons:

*The proposed change of use of the application buildings is considered unacceptable due to the impact such use would have upon the open character and amenities of this rural area by reason of noise, disturbance and traffic generation contrary to Policy GB8 of the District Local Plan.*

*The proposed commercial use of these rural buildings would lead to additional highway dangers for pedestrians in the immediate vicinity particularly given the layout, condition and inadequacies of the surrounding highway network contrary to policies GB8 and T17 of the District Local Plan.*

- EPF/2188/04. Change of use from agricultural to residential use and the building of 3 no. detached blocks containing 12 no. units with associated parking. Demolition of existing barn. Refused 16/03/05 for the following reasons:

*The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4 and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

This was subsequently DISMISSED at appeal. Reasons: Inappropriate development in the Green Belt, non-sustainable location and undesirable precedent.

- EPF/2232/05. Demolition of existing buildings and redevelopment with 10 no. dwellings (Revised application). Refused 17/03/06 for the following reasons:

*The application site is located within the Metropolitan Green Belt wherein there is a presumption against new development. The redevelopment of the site for residential purposes is inappropriate development in the Metropolitan Green Belt which is contrary to Government advice contained in PPG2 and is contrary to policies GB2 and GB7 of the adopted Local Plan and policies C1 and C2 of the Essex and Southend on Sea Replacement Structure Plan.*

*The development of this site in a location isolated from existing urban settlements would not be sustainable. The proposal is contrary to policies CS1, CS4, and CS5 of the Essex and Southend on Sea Replacement Structure Plan; and, policies CP1-CP5 of the Epping Forest District Local Plan Alterations First Deposit.*

- EPF/1419/09. Change of use from agricultural use to B1,B2 and B8 use. Refused 28/09/09 for the following reasons:

*The proposed change of use is unacceptable due to the impacts the uses would have upon the open character and amenities of this rural area by reason of disturbance and traffic generation contrary to Policies CP2(i); ST4 (iv) and GB8A (iii) of the Adopted Local Plan and Alterations.*

*Insufficient information has been submitted to enable full consideration of the impact of the proposed development on trees within the application site, contrary to policy LL10 of the Adopted Local Plan and Alterations.*

*The proposed change of use is unacceptable due to the impacts the uses would have upon the amenities of the occupiers of neighbouring dwellings by reason of noise, disturbance and traffic generation contrary to Policies RP5A and DBE9 (iv) of the Adopted Local Plan and Alterations.*

### **Policies Applied:**

#### Adopted Local Plan and Alterations

CP2 – Quality of the built and rural Environment  
RP5 – Adverse Environmental Impacts  
HC12 – Development affecting the setting of Listed Buildings  
LL10 – Adequacy of landscaping provision for retention  
LL11 – Landscaping Schemes  
GB1 – Green Belt Boundary  
GB2A – Development in the Green Belt  
GB8A – Change of Use or Adaptation of Buildings in the Green Belt  
E4A – Protection of Employment Sites  
ST4 – Road Safety  
ST5 – Travel Plans  
ST6 – Vehicle Parking  
DBE1 – New Buildings  
DBE2 – Neighbouring Amenity

## **Summary of Representations:**

Notification of this planning application has been sent to High Ongar Parish Council and to 38 neighbouring residents. Letters of objection have been received from the Parish Council and from the following 34 neighbouring properties:

- 1, 3, 4, 6 Nine Ashes Farm Cottages, Rookery Road;
- “The Rookery”, “Rookery Cottage”. “Elnor”, “Gainsborough”; “Much Ponds Orchards”; “The Manor House” Rookery Road;
- 215, 219, 236, 237, 244, 247, 255, 256, 257, 263, 265, 266, 267-269, 280, 284, 288, 294, 298, 300 Nine Ashes Road;
- “Copyhold Farmhouse”, Blackmore Road;
- “Elmfield”, King Street;
- 60 Nursery Road, Hook End; and
- “Crosse House”, Church Street.

HIGH ONGAR PARISH COUNCIL. Objection. With reference to the above planning application, the parish council wish strongly to object to this new application on the following grounds:

1. The site is within the designated Green Belt
2. There are major concern regarding road safety - see comments below.
3. Noise – such a development will cause excessive noise, and even if restrictions are placed on working times, the continuing breaches of restrictions at Paslow Common Farm, Nine Ashes means that this council has little confidence over the effectiveness of such restrictions. The continual disturbance to local residents, as experienced at Paslow Common, is to be avoided whenever possible.
4. Two previous applications, EPF/15/03 and EPF/207/01, whilst recommended by planning staff were refused by the Committee. The key reasons for final refusal were:
  - i. The impact on local; surrounding in terms of noise
  - ii. Highway related issues such as pedestrian danger and traffic generation contrary to Policy GB.
5. Safety.
  - i. The parish council consider that both these aspects still apply. In addition, the entrance to Nine Ashes Farm is near to a busy and potentially dangerous road junction, and there is limited turning space within the site. Limited space for turning or parking of delivery/collection vehicles is available, and vehicles would have to queue and either reverse in or out of the site, therefore creating a danger to other road users and pedestrians. It is also unclear how much space would be allocated on site for the parking of vehicles.
    - ii. The effects of additional large vehicles in that area is the main concern both for the parish council, and for local residents in Nine Ashes and Rookery Road area.
    - iii. A significant amount of traffic from Rookery Road travels in excess of a safe speed and enters a 40mph limit immediately on a very poor junction with traffic from King Street emerging at 45 degrees. The site lines are limited, especially for vans and good vehicles, and there have been numerous accidents and near misses at that junction.
    - iv. There no pavements for people walking to and from the bus stop, and in particular, children walking to and from the school bus pick-up point (at the bus stop) in the dark during the winter months.

v. Rookery Road cannot take the existing heavy goods traffic and passing vehicles continually damage the existing carriageway and grass verges. Any development of industrial storage and distribution will further exacerbate this existing problem.

The parish council requests that careful consideration be given to this new application, and that previous objections and refusals are taken into account, together with the overwhelming concern of local residents who have submitted their own objections separately.

## SUMMARY OF NEIGHBOUR COMMENTS

### *Amenity*

Worried that problems occurring at Paslow Common Farm will happen here; many reported instances of machinery noise, smells and rubbish burning. Noise of passing vehicles is exacerbated by the open setting. Buildings could be used to store dangerous/inflammable materials – putting residents at risk. Potential for land contamination.

### *Highways*

The use of the site for general industrial and storage or distribution inevitably means an increase in lorry traffic, increasing the problem of heavy traffic and destroyed roads. Residents have also raised the issue of danger to pedestrians as there is no footpath and danger to children walking to/from and waiting for school buses. The bus stop is directly opposite the farm. Surely a child's journey to and from school should not involve the worry of 'playing dodge the arctic lorry'. The road is narrow (intended for domestic and agricultural use), when large vehicles use the road it is often necessary for passing vehicles to either slow down or stop. The roads are little more than country lanes and are not capable of supporting an increase in any kind of traffic. The entrance to be used to the Nine Ashes Farm is located in very close proximity to houses and, more importantly to the very dangerous and 'blind' junction with King Street. The use of this entrance can only increase the likelihood of a very serious accident at this junction. We do experience large agricultural vehicles on our roads but this traffic is generally slow moving and travels only short distances from the farm buildings to the land being worked. Highway improvements would mean the removal of established trees/hedgerows and the filling in of ponds and ditches which would be harmful to the environment. A planning condition requiring no HGV's would not be enforceable. Drivers attempting to manoeuvre off the site may block the road and endanger other drivers. The Traffic Assessment states that the roads are suitable for cyclists, but they won't be due to the movements of heavy vehicles. Details of previous vehicle movements from the site are disputed.

### *Paslow Hall Farm as a precedent*

Paslow Hall Farm is not a good argument for the development – it has caused nothing but problems for the Council and local residents. Fire Brigade have been called to unattended fires.

### *Other Matters*

#### *Harm to the Green Belt.*

Some residents have expressed an interest in purchasing the buildings and retaining their existing use.

There are several vacant industrial units and offices locally.

#### *Harm to flora and fauna.*

Consideration as to possible preserved status of buildings. (Officer's note – the farm buildings are not listed).

Local residents would prefer to see a residential development of the site, but this has previously been refused by EFDC and dismissed on appeal.

Following an amendment to the application to relocate the car parking within the site (to retain the existing 'green' area) and remove part of a building to accommodate the necessary parking local residents were reconsulted. Several residents responded to reiterate their previous comments.

### **Issues and Considerations:**

The main issues in this case are the acceptability of the re-use of the buildings in accordance with policy GB8A of the Local Plan; the impact of the proposed use on neighbouring amenity and the impacts on the surrounding highway infrastructure. This appraisal will have regard to all material considerations, including the planning history of the site and the precedent referred to by the applicant, at Paslow Hall Farm.

#### Re-use of buildings

Policy GB8A of the local plan requires the conversion of buildings within the Green Belt to be considered against five criteria. This proposal has been considered in relation to this policy and the conclusions are as follows:

- I. The buildings appear to be of permanent and substantial construction and capable for re-use without major reconstruction.
- II. There are five purposes for including land in the Green Belt:-
  - to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns from merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Subject to planning conditions ensuring that there was no further encroachment (e.g. from open storage etc) it is not considered that the use would be contrary to purposes for including land in the Green Belt.

- III. Traffic movements will be considered further in the Highways section of this report. However, it is not considered that the level of movements would be such that there would be harm to the character and amenities of the countryside.
- IV. There is nothing to suggest that works have been carried out within the last 10 years to secure a planning approval (indeed there has been no material change since the consideration of the 2001 application).
- V. The proposed use would not harm the vitality of a town or other centre.

#### Neighbouring Amenity

Following the removal of the B2 element which was proposed in earlier planning applications, it is not considered that the proposed use would cause material harm to the amenities of the occupiers of neighbouring properties. This current application proposed B1a (office use) and B8 (storage



and distribution use). Concerns raised by neighbouring residents in relation to the impact on their enjoyment of their properties have included concerns of excessive noise, smells and burning of rubbish. Some comparison has been made between the proposed uses on this site and the uses which take place at Paslow Common Farm, which have generated considerable levels of complaints.

With regard to the uses proposed in this application, it is considered that the most likely disturbance would be caused by vehicle movements to and from the site. This may be restricted by the use of a planning condition restricted delivery times, which would ensure that they did not take place at anti-social times of the day.

Further to the refusal of the previous planning application, this application is supported by a Transport Assessment which predicts vehicle movements in association with the proposed uses. It is predicated that the proposed uses would generate approximately 82 daily vehicle movements, compared with a calculation of 81 associated with the previous use. Contrary to the information provided within the Transport Assessment, it is considered that the level of vehicle movements generated by the proposed use would exceed those relating to the previous agricultural use, which is thought to have been considerably less than the 81 vehicle movements suggested by the applicants. This view is supported by long standing local residents which have considered that the vehicle movements when the farm was in operation were considerably less than those reported in the Transport Assessment. Notwithstanding this, it is not considered that the level of vehicle movements associated with the proposed use would be excessive, bearing in mind the nature of the surrounding highway, or cause material disturbance to neighbouring amenity.

#### Highways Matters

Based on the submitted Transport Assessment and their own findings, Highways at Essex County Council have raised no objection to this planning application. They have however, identified a need for a financial contribution of £5,000 towards highway improvements needed due to increased traffic movements. They also propose planning conditions. One of the suggested planning conditions relates to the provision of a footpath linking the site to the bus stop on land outside the applicant's ownership. This footpath would need to be secured by legal agreement and is recommended as such.

#### Other Matters

Some concern has been raised by the Council's Conservation Officer regarding the potential impact for harm to the nearby listed buildings due to the increased traffic movements of heavy vehicles in association with the proposed use. This is recognised as being a material consideration in the determination of this planning application. However, it is not considered that this would have sufficient weight to justify the refusal of planning permission - particularly as the existing use of the site would have associated heavy vehicle movements, albeit fewer. The surrounding agricultural land is not specifically mentioned in the listing for the nearby listed buildings and on this basis it is not considered that change of use of the land would be seriously harmful to their setting.

This application recognises the trees which exist on the site at present and proposes their retention. It is considered that their retention can be ensured by the use of planning conditions. Some additional landscaping will be required to soften the impact of the development, including the car parking and the associated small scale development (including the refuse and cycle stores). This may also be secured by the use of a planning condition.

## **Conclusion:**

In light of the above appraisal, it is considered that the removal of the B2 use and the submission of additional information and improved site layout plans have addressed the concerns raised in relation to the previous application. It is considered that the uses now proposed would not be detrimental to the residential properties located in close proximity to the site. The concerns of local residents are noted and understood. However, concerns regarding highway safety are not shared by the Highway Authority and some improvements suggested by the County Council can be secured by legal agreement. It is further considered that concerns raised by residents in relation to issues concerning amenity may be addressed by the use of planning conditions. Residential use as an alternative has been dismissed on appeal and is not appropriate in this remote location. As the buildings are conversions in the Green Belt, policy GB8A is supportive, subject to other criteria (which has been considered acceptable in this case), of the re-use of former agricultural buildings.

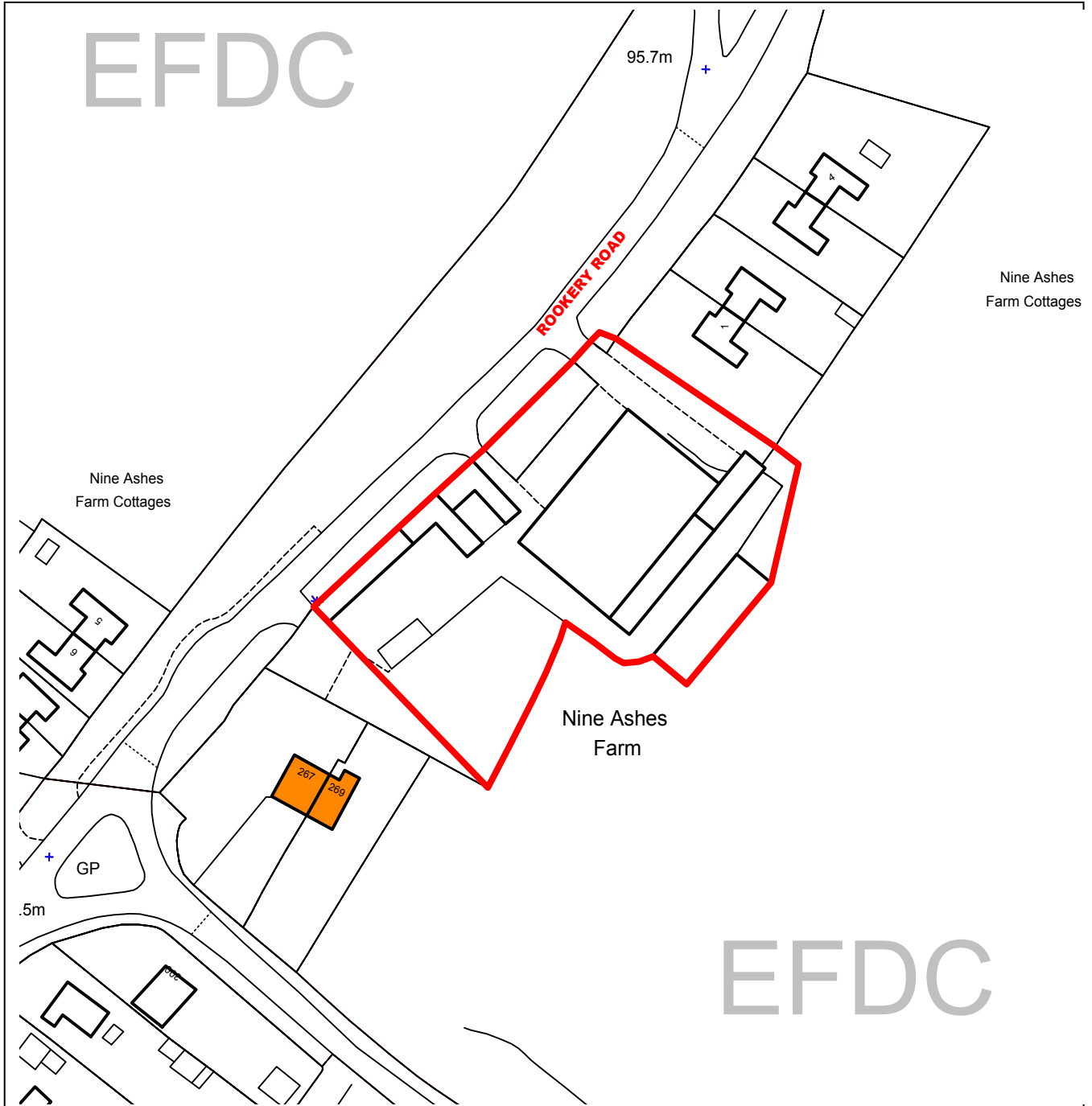
Accordingly, it is recommended that the Committee resolves to grant planning permission subject to the completion of a Section 106 legal agreement to secure the following:

- The payment of a financial contribution to the sum of £5,000 (five thousand pounds) index linked for improvements to the two existing bus stops adjacent to the site.
- Both accesses, as shown on drawing no.EQX\_204 rev. B, shall be constructed by way of a bellmouth with minimum radii of 7.5 metres.
- A footway, with a minimum width of 1.8 metres and tactile paving where appropriate, to be constructed from the existing bus stop on the eastern side of Rookery Road to the southern access into the site.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/2156/09
Site Name:	Nine Ashes Farm, Rookery Road Ongar CM4
Scale of Plot:	1:1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0015/10
<b>SITE ADDRESS:</b>	Ongar War Memorial Hospital Fyfield Road Ongar Essex CM5 0AL
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Shelley
<b>APPLICANT:</b>	Ms Anne-Marie Grant
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing hospital (C2) and erection of new 3 storey primary care centre with ancillary car parking, to provide modern health service facilities to local community (D1). Accommodation to include space for 2 local GP practices, consultant and treatment rooms, PCT community accommodation, dental suite, relevant support/service spaces, staff facilities including office space.
<b>RECOMMENDED DECISION:</b>	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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The parking area shown on the approved plan 2492/00-002 Rev F shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff, patients and visitors vehicles. The parking shall be provided strictly in accordance with the detail shown on the approved plan, unless otherwise agreed in writing by the Local Planning Authority.
- 4 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 5 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations,

appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

6

No development or demolition of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

7

Notwithstanding the information provided in the Flood Risk Assessment, proper to the commencement of the development hereby approved details of the maintenance and management of the proposed surface water storage tank and surface water package pumping station shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details and the drainage systems shall be maintained in accordance with the manufacturers recommendations.

8

The development, including site clearance, must not commence 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 completion of the development hereby 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.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

9

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.

10

A methodology statement detailing the methodology for the preservation of materials from the existing building and their incorporation into the construction of the building hereby approved shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

11

Prior to the commencement of the development hereby approved, details of adequate turning and off loading facilities for delivery /construction vehicles together with an adequate parking area for those employed in developing the site and wheel washing facilities within the site shall be submitted to the Local Planning Authority for approval in writing. The agreed facilities shall be provided on site prior to the commencement of the development and shall be retained for the duration of the construction of the development.

12

Prior to the commencement of the development hereby approved, details of temporary road barriers to be installed around the grass verges in the vicinity of the site shall be submitted to the Local Planning Authority for approval in writing. The barriers shall be installed prior to the commencement of the development and shall be retained for the duration of the construction of the development.

13

No development hereby approved shall take place until measures to enable the provision of highway improvements to the local area, necessitated by this development, are secured.

14

Prior to the first occupation of the development hereby approved, details of bollards to be provided along Fyfield Road shall be submitted to the Local Planning Authority for approval in writing. Prior to the first occupation of the development hereby approved, the bollards shall be provided in accordance with the approved details.

15

Notwithstanding the detail shown on the approved drawing 2492/00-002 Rev F, further detailed design of the access arrangements and footway to include appropriate radius kerbs, clear to ground visibility splays of 90m by 4.5m by 90m, footway widening, signage and markings shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with

the approved details.

16

Prior to the commencement of the development hereby approved, details of the location and design of secured covered storage for powered two wheelers and bicycles shall be submitted to and approved in writing with the Local Planning Authority. Prior to the first occupation of the development hereby approved, the facilities shall be provided in accordance with the approved details.

17

Prior to the commencement of the development hereby approved, details of a pedestrian crossing, appropriate to the speed of traffic, on Fyfield Road shall be submitted to the Local Planning Authority for approval in writing. Prior to the first occupation of the development hereby approved, the pedestrian crossing shall be provided.

18

Within six calendar months of the date of this planning permission a Travel Plan to include a Car Parking Management Plan shall be submitted to the Local Planning Authority for approval in writing. The car park shall be operated in accordance with the agreed details thereafter.

*This application is before this Committee since it is an application for a non-householder development and the recommendation differs from more than one expression of objection (Pursuant to Section CL56, Schedule A (f) of the Council's Delegated Functions).*

#### **Description of Proposal:**

This application, submitted by West Essex Primary Care Trust (PCT), seeks planning permission for the construction of a medical centre to replace the existing Ongar War Memorial Hospital. The medical centre would be a three storey building of contemporary design, which would accommodate:

- two local GP surgeries (including 11 consultation rooms and 6 treatment rooms);
- community accommodation (including a large clinic hall, physiotherapy accommodation, 3 consultation rooms and one speech and language therapy room);
- a dental surgery;
- and associated support including staff admin, staff changing and rest facilities, social and support accommodation.

Whilst serving its primary function of providing the local NHS services identified above, the Medical Centre would continue the role of the existing Hospital as a War Memorial. The status of the site as a War Memorial has been a fundamental aspect of the design process, being a key element to both the design of the building and the hard landscaping surrounding it, to facilitate the continued use of the site for Remembrance Day services.

The layout of the proposed Medical Centre is based on a compact plan with a central courtyard area. The elevations of the building would be finished in a palette of materials including render, glass, brick and stone work. Brickwork from the existing building would be included on the building facades, in recognition of the efforts of the 'Drum and Monkey Club', the original group who raised the funding for the construction of the existing hospital. This brick work will be on parts of the building where it will be either visually prominent to the local community, or where it can be readily seen and touched by users of the Medical Centre. The stonework will be constructed from long smooth 'bricks', which can be carved with the names of the fallen. The prominent feature of the building will be the glazed stairwell to the front elevation. This feature will be clad in colour

changing glass and will host large lettering identifying the building as 'Ongar War Memorial Medical Centre'. Space will be provided on the building for the display of up to five wreaths.

21 car parking spaces would be provided on the site, including 2 bays designated for disabled users, these will all be provided to the rear of the site, with some being partly contained under the upper floors of the proposed building. The location of the parking to the rear of the site is partly to provide a 'tidy' appearance onto Fyfield Road, but also to allow for the hard landscaping at the front of the site to accommodate the Remembrance Day services, which attract about 200 people each year.

### **Description of Site:**

The application site is located on the western side of Fyfield Road, outside the Metropolitan Green Belt. The site is presently occupied by the now vacant Ongar War Memorial Hospital, a two storey brick building with a slate tiled roof. The existing building was constructed with funds raised by the local population and opened in 1933, becoming a NHS hospital in 1948. Following the closure of the hospital in July 2009, the Memorial plaques are presently being safeguarded by The British Legion. This was previously situated on the front of the building on the lift shaft, where there are also attachments for wreaths to be displayed on the front of the building.

The site is located within an area of mixed, although predominantly residential, uses. To the rear of the site is Finch Court, a care home for the elderly. To the north of the site, separated by an area of overgrown land, are residential properties. There are also dwellings located opposite the site on the other side of Fyfield Road. To the south of the site is the car parking area for Smith's Brasserie and the Bowling Green. Along this southern boundary of the site is a row of protected Elm trees. To the south east of the application site is the vehicle access, via The Gables, to Ongar Leisure Centre and the associated public car parking, which extends up to Fyfield Road to the north of the site where there is a pedestrian link.

### **Relevant History:**

EPF/1140/84. Four detached houses. Approved 05/12/1984. **Partially implemented.**

EPF/0212/84. Erection of home for 18 frail elderly persons, plus sheltered accommodation comprising of 13-2 bed flats, 14-1 bed flats and 3 staff flats. Approved 26/04/84.

EPF/0210/86. Construction of access road and erection of 34 dwellings. Refused 22/05/1986.

GD/EPF/0001/87. Single storey rear extension to provide improved Chapel of Rest and staff accommodation. Raise no objection.

EPF/1081/93. Two storey side extension. Approved 14/12/1993.

EPF/1989/02. Lift shaft. Approved 06/12/2002.

EPF/0295/05. Erection of front entrance door canopy and ramp. 18/04/2005.

### **Policies Applied:**

#### National Planning Policies

(Emerging) PPS 15: Planning for the Historic Environment

#### East of England Plan



## ENV7 – Quality in the Built Environment

### Adopted Local Plan and Alterations

CP1 - Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 - New Development  
CP4 - Energy Conservation  
CP5 - Sustainable Building  
CP7 - Urban Form and Quality  
ST1 - Location of Development  
ST2 - Accessibility of Development  
ST4 - Road Safety  
ST6 - Vehicle Parking  
DBE1 – Design of New Buildings  
DBE2/9 - Impact of New Development  
GB7 - Development Conspicuous from the Green Belt  
CF2 - Healthcare Facilities  
CF10 - Provision of Public Art  
RP4 - Development of Contaminated Land  
LL1 - Rural Landscape - character, appearance and use  
LL10 - Retention of Landscaping  
LL11 - Provision of Landscaping

### **Summary of Representations:**

Notification of this application was sent to Ongar Town Council and to 62 neighbouring properties.

The following representations have been received:

ONGAR TOWN COUNCIL. Support. The Council is concerned about the issue of parking for patients and visitors top the building and also the loss of light to neighbouring properties. The Council would oppose any restriction on the pedestrian use of the footpath in front of the building and believes that this should be appropriately incorporated into the design for this area. This Council supports the provision of a pedestrian crossing but is concerned that its design incorporates flashing lights that would be intrusive for neighbouring properties. Councillors believe that overflow car parking at the sport centre should be used primarily by staff, enabling patients and visitors to park at the hospital. The Council believes that the materials on the middle level of the building should harmonise as much as possible with neighbouring properties. The Council understands that there will be no particular denominational bias applied to the branding of the building and is grateful for this assurance from the applicant.

36 FYFIELD ROAD. Objection. Our main concern relates to parking facilities and whether the proposed 'ancillary car parking' would be sufficient to accommodate the staff necessary to serve a 3-storey building as well as patients attending. Existing parking for Smith's Brasserie causes obstructions to pedestrians. The car parking facilities for the Sports and Adult Education Centres are also very busy and often filled to capacity. A white lorry being parked there almost permanently takes about 6 spaces. This is a particularly busy part of Fyfield Road and one where the 30mph speed limit is not always adhered to A zebra crossing (300 yards form an island) may held but there are always those willing to take risks and cross elsewhere/ This can be an unsafe area, particularly bearing in mind that patients attending the Care Centre can be frail or physically challenged.

38 FYFIELD ROAD. Objection. Agree with the principle of the development (need to replace hospital and accommodate GP surgeries). However, this new building does nothing to show the history and good taste of the existing building and what a war memorial building should reflect. This building is visually appalling and an eyesore and in 10 years time it will take on the appearance of a concrete ghetto. The outward appearance is not in keeping with the local area – it looks like a factory unit. Unlike other recent developments on Ongar, this proposal has not taken into account the tradition of a small historic town originating from the Saxon times. Will devalue our property. The three storeys will dwarf surrounding properties and restrict our sunlight hours. Object to pedestrian crossing in front of our bedrooms - flashing belisha beacons will disturb our sleep.

57A FYFIELD ROAD. Objection. The appearance of the building is modern and it will, therefore, make a statement in the area. Concerned regarding use of white render which does not blend with the surrounding area. Car parking at the rear of the building will cause some traffic noise. Noise from deliveries. The present generator is intrusive – would this be the same from new plant? Concerned regarding the height of the building and loss of light to the rear of our property. The amount of glass in the side of the building is significant and will overlook our property causing loss of privacy. This could be solved by using opaque glass. Concerned regarding the additional traffic and impact on safety and traffic noise. A Pelican Crossing would have flashing lights and constant beeping. We would not want the crossing to be in front of our home – we appreciate not having street lighting. Parking is already an issue – bollards would help. Opening times are not clear – possible 8am to 8pm which would extend the noise from traffic on the site.. Large building would cause light pollution.

59 FYFIELD ROAD. Objection. Concerned about parking. The space currently allocated is limited and that will probably be taken up by staff parking alone. That just leaves the overflow car park of the leisure centre which was never designed to be a car park for the hospital. There are currently issues from Smiths Brasserie with regard to parking. Even if parking was allowed in the sport centre, the whole road (which is already a fast road) will be a drop off point with grass verges being damaged. In addition to this a zebra crossing is intended to be put in place just 300 yards from an island. I also feel that residents need to be addressed over bollards and anti-parking measures that intend to be put into place as it needs to fit in with the rest of the road. I am also not convinced that the ultra modern hospital fits in with any of the houses that are 1920's built.

SWORDERS AGRICULTURAL (acting on behalf of the owners of adjoining land with extant planning permission). Objection. Parking is significantly below the standard and we do not believe that the application as submitted adequately addresses parking issues. This will cause illegal and unsafe parking and congestion to surrounding roads. Dispute whether there is sufficient capacity within the leisure centre car park to accommodate additional demand and the distance from the hospital may not be acceptable to some hospital users. Existing parking problems associated with Smiths Brasseries may be exacerbated if planning permission for redevelopment into 20 flats is implemented. No account has been taken of the impact of the hospital on the dwellings capable of being erected under EPF/1140/84. Also question the design approach. Indicative elevations suggest that this is an 'off the peg' design which would be better suited to an urban environment.

### **Issues and Considerations:**

*The main issues to be considered in this application are:*

1. The acceptability of the use of the site as a Medical Centre;
2. The impact of the proposed development on the character and appearance of the area;
3. The impact of the proposed development on the amenities enjoyed by neighbouring residents;
4. The conservation of the historic significance of the building;

5. Parking and access arrangements; and
6. Trees and Landscaping.

### Acceptability of Use

Policy CF2 of the Local Plan states that the Council will grant planning permission for proposals to develop or extend existing health care facilities to meet the needs of the residents of the District, provided that:-

- (i) the development will not result in any excessive environmental or amenity problems;
- (ii) the site is readily accessible by car and public transport; and
- (iii) the site is not in the Green Belt.

The application site is located outside the Metropolitan Green Belt and the need for the NHS services proposed is considered necessary by both the PCT and, generally, by local residents who have made representations to the Council. Accordingly, the proposed development is acceptable in principle, subject to all other relevant considerations being satisfactorily addressed.

### Impact on Character and Appearance of the Area

The area immediately surrounding the site is characterised by traditional buildings, the dwellings to the north and east, the care home to the west and Smiths Brasserie to the south, which resembles a traditional barn. The Gables housing development, whilst only recently constructed, is also of traditional appearance.

By comparison, the proposed building would be very different. Its contemporary design, height, flat roof and bold use of materials would result in the building becoming a very prominent and distinctive feature of both the immediate street scene and the wider area.

The contemporary nature of the design of the building has received mixed views from interested parties, with some local residents expressing a strong dislike for the proposal.

However, it is considered that the proposed building would stand out from its surroundings in a positive manner, creating a striking landmark building within the local area. Rather than adopting a functional, utilitarian or generic design, the applicants have incorporated key elements from the history of the site and also from the existing building, resulting in the proposal having a bespoke appearance. The historic and community importance of the site (and existing building) has, in the Officer's opinion, been incorporated into the design as an integral element, resulting in a building that will be visually prominent and distinctive as Ongar's War Memorial building was when built 60 years ago.

The proposed building (approximately 11.7 metres to the main roof and 13.2 metres to the top of the glazed stairway) would be noticeably taller than both the existing building (8.4 metres to ridge) and also its neighbouring properties. However, there would be sufficient space between the building and those either side to ensure that the neighbouring buildings are not dwarfed by the Medical Centre.

### Impact on neighbouring dwellings

The residential properties which would be most affected by the proposed development would be Finch Court, to the rear of the site, 57A Fyfield Road, to the north and the dwellings opposite the site on the other side of Fyfield Road.

With regard to 57A Fyfield Road, the Medical Centre building would be separated from this dwelling by a distance exceeding 25 metres. Due to this distance, it is not considered that there would be any material loss of light, outlook or privacy to either this dwelling or its garden.

An extant planning permission for two dwellings from 1984 remains on the land located between the hospital site and 57A Fyfield Road, as it was partially implemented by the construction of 57A and B Fyfield Road. At least one of those dwellings (that which would be closest to the site) would be capable of being constructed as it formed part of the Building Regulations application at the time that the other two dwellings were built. It is considered that these dwellings, if built, would retain acceptable levels of light and outlook due to the open aspect to the rear. The proposed building would be located approximately 6 metres from the site boundary with this neighbouring land. The position of windows in the first floor of the building would result in considerably less overlooking that from the existing building, as there would be fewer windows on the rear section of the elevation which would have a view into the garden area. At second floor level, the windows serving the staff WC's and showers are shown to be fitted with opaque film or back painted. With regard to the stairwell, this is proposed to be glazed to maximise daylight. It is considered that any overlooking from the stairs into the neighbouring land would be minimal as those users of the building would be in transit. However, landings are proposed at either end of the stairwell. Overlooking from these areas where people are more likely to gather could be prevented by a planning condition requiring that the vertical panels at either end of the stairwell (which align with the landings) are obscured, if considered necessary. Any noise or disturbance arising from the access road would not be at level where it would be considered unreasonable and would not, therefore prevent the future development of this land.

Concerns expressed by residents regarding the lighting for the pedestrian crossing are noted. However, this lighting is an essential part of the crossing, without it the crossing could pose a significant threat to highway safety with drivers being unable to see the crossing of pedestrians utilising it. It is not considered that the disturbance caused would be greater than that which would be considered to be reasonable – particularly having regard to its location on a classified 'B' road.

### Historic Significance

In July last year, DCLG published a consultation paper for PPS15: 'Planning for the Historic Environment'. This emerging policy is intended to be applicable to all historic assets, rather than just those which are protected by a designation. The draft PPS emphasises *'the need to establish the significance of each asset (defined as its value to people now and in the future derived from its heritage interest). That will help to establish which aspects of an asset it is most important to conserve'*. The consultation paper notes that *'by understanding our past, we are better able to plan for our future and pass on those elements of the historic environment that we value to future generations. (People) want the historic environment to be a living and integral part of their local scene'*.

The existing hospital building is of fundamental importance to the local community, both due to its construction, being funded by the local community, and also due to its status as the Ongar War Memorial.

The importance of the building to the local community is recognised by the applicants. The proposal provides for the conservation of elements of the existing building to ensure that both its

historic value and its present day significance as a memorial and as the focal point for local Remembrance Day services remains central to its design.

Prior to the submission of this planning application, the applicants have had discussions with The Royal British Legion, Ongar Remembrance Day Group and Ongar Town Council regarding the design principles in relation to the war memorial status of the building and in memory of those residents who raised the funds for the existing hospital building.

As a result of these discussions, it was decided that the whole building should represent the War Memorial, as is the case with the existing building. Details of the design which reflect this status were discussed between those parties and included: the creation of a 'visual beacon' with the use of colour changing glass and large signage on the main stairs, the provision of a role of honour, the provision of space for wreaths, references within the building to the 'Drum and Monkey Club', the use of the cast name panel from the existing hospital, the cataloguing of the existing remembrance boards and artefacts taken from the existing building, representations of regimental badges within the building, the provision of hard landscaping to facilitate an appropriate setting for Remembrance Day services and the potential for additional wreaths to be accommodated, possibly with the boundary walls.

It is clear from the plans submitted that the applicant understands the importance of the history of the site and the war memorial status of the building and has awarded sufficient weight to this matter throughout the design process. Notwithstanding this, the provision of these details may be secured by the use of a planning condition, if the Committee deems this to be necessary.

#### Parking and Access

Application of the current parking standards suggests that a maximum of 52 parking spaces should be provided on the site (based on 1 per full time equivalent member of staff and 1 per 3 consulting rooms). The application proposes the provision of 21 spaces. Having regard to the location of the public car park on the other side of the road and the proposed pedestrian crossing to provide convenient access to this car park, it is considered that the level of car parking proposed is satisfactory. At the time of the officers site visit (approximately 2pm on a weekday) the section of the car park closest to Fyfield Road was empty, with the exception of a small lorry parked lengthways across several spaces and the main section of the car park, adjacent to the Leisure centre, was approximately two-thirds full.

It is understood that local residents experience some difficulties at present with vehicles (thought to be associated with Smith's Brasserie) being parked along the grass verge outside their houses. Residents are discussing the possibility of having bollards erected along the grass verge with the County Council to try and resolve this problem. However, it is thought that the provision of the pedestrian crossing would encourage drivers to use the public car park, which would be more conveniently accessible.

The Highway Authority's opinion is that the extent of the proposed development will result in an extremely constrained layout for traffic movement and circulation, serving and parking. The Highway Authority has worked with the applicant in an attempt to allay its concerns and now feels it is in a position to support the application in principle subject to further detailed design. However, because of the constrained nature of the site, several planning conditions are proposed to ensure that the operation of the site would not be to the detriment of highway safety.

#### Trees and Landscaping

With regard to existing landscaping within the site, there are a group of Elm trees located along the southern boundary which are protected by a Tree Preservation Order (TPO). Subject to a tree protection condition, the proposed development would not harm these trees. However, the

Council's arboricultural officer is concerned regarding the potential impact of the boundary treatment on these trees. This concern can be addressed by the use of a planning condition requiring the submission of a method statement to ensure that there is no harm to the trees.

The Council's agricultural officer further advises that an extensive landscaping scheme would not be expected for this use. However, it is recommended that details of landscaping of the area around the building and car park and within the courtyard and roof garden are required by condition.

### Other Matters

#### *Principles of Sustainable Development*

This planning application is accompanied by a sustainability report, which predicts that the development should achieve a BREEAM 'excellent' rating, in accordance with Department of Health standards.

#### *Flood Risk*

The planning application is accompanied by a Flood Risk Assessment (FRA). The Council's Engineering, Drainage and Water Team is generally satisfied with the findings of the FRA, although they require further details relating to the proposed surface water storage tank and pumping station. The submission of these details may be secured by planning condition.

#### *Contaminated Land*

The application site has been identified as being potentially contaminated. The Council's contaminated land officer is satisfied that the potential contamination may be dealt with by the use of a standard planning condition.

#### *Public Art*

Policy CF10 of the Local Plan seeks the provision of art as an integral part of development schemes, in appropriate cases. The supporting text notes that the incorporation of art could take the form of '*a sculpture, mural or other work such as specially designed walls railings or paving*'. The provision of public art is intended to '*provide a sense of place thereby building on the character or heritage of a particular area of site*'.

The principles of this policy are directly relevant to this site. It is considered that the requirements of this policy will be appropriately addressed by the elevational detailing of the proposed building, in particular its front facade, including the glazed stairwell which would prominently display the War Memorial Status of the building, the use of brickwork from the existing building as a feature panel of the front facade and the use of stonework carved with the names of the fallen.

#### *Refuse*

The provision made for the storage of refuse is adequate, subject to it being capable of being accessed by a 26 tonne collection vehicle. County Highways are satisfied that this would be possible.

### **Conclusion:**

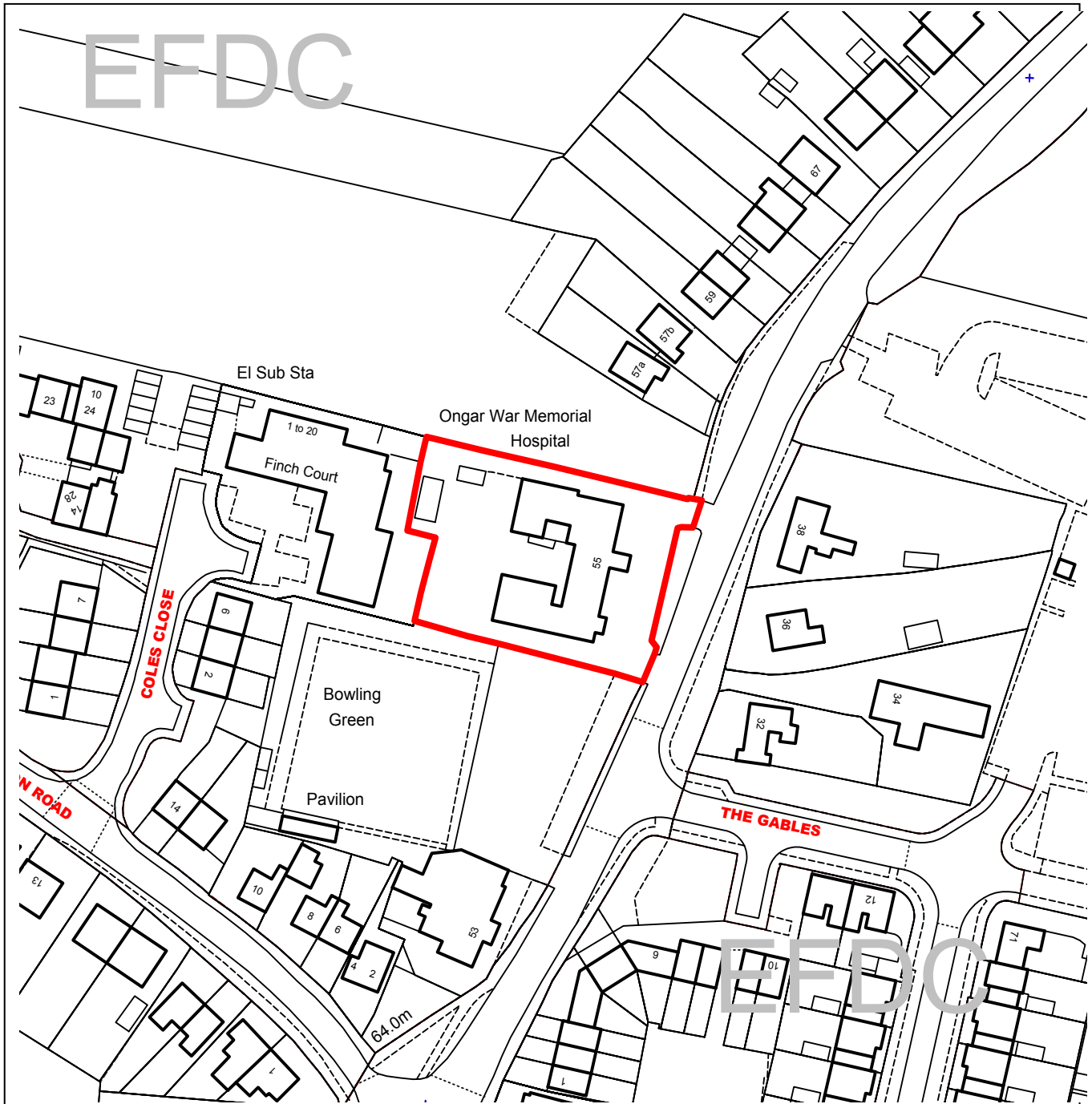
In light of the above appraisal, it is considered that this application proposes a striking landmark building which would provide NHS services for which there is a local demand. The design of the proposed building suitably reflects its status as a war memorial and incorporates design elements

which recognise the efforts of the group of local residents who raised the funds for the construction of the existing hospital. Whilst the level of car parking proposed for the site falls considerably below standard, it is considered that this is acceptable due to the availability of public car parking close to the site and a proposed crossing provision. Local concerns regarding highway safety and neighbouring amenity are noted, but it is not considered that there would be any material harm. Accordingly, it is recommended that planning permission be granted.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	2
<b>Application Number:</b>	EPF/0015/10
<b>Site Name:</b>	Ongar War Memorial Hospital, Fyfield Road Ongar CM5 0AL
<b>Scale of Plot:</b>	1:1250



	<p><b>Report Item No: 3</b></p> <p><b>APPLICATION No:</b> EPF/0149/10</p> <p>208 - 212 High Street Epping Essex CM16 4AQ</p>
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Edgewest (Epping) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of time limit on EPF/0039/06 for the demolition of buildings and redevelopment of site to provide a mixed use development comprising A1 retail and 8 residential units.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions and Subject to a Section 106 Agreement.)

## 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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 4 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report and/or publication of all the required archaeological works.
- 5 Details of a screen to surround the first floor terrace area shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The screen shall be erected in accordance with this agreed scheme and be permanently retained thereafter.

- 6 Details of a wall to be erected to the boundary of number 2 Hemnall Street shall be submitted to and approved by the Local Planning Authority and the boundary wall shall be erected in accordance with these approved plans and permanently retained thereafter.
- 7 The rating level of noise (as defined by BS4142:1997) emitted from any air conditioning units, condensor units and other mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.
- 8 The servicing of the retail unit hereby approved shall not take place between the hours of 06:30 and 18:00 every day and the unit shall be serviced from the High Street entrance only and not from the rear Hemnall Street side of the premises.
- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 10 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 The retail unit hereby approved shall be let as one unit and not sub-divided without the prior written consent of the Local Planning Authority.
- 12 The development shall be carried out in accordance with the amended plans received on 21/03/07 unless otherwise agreed in writing with the Local Planning Authority.
- 13 Prior to the commencement of the development, and notwithstanding the approved plans, details of a bin store shall be submitted for approval in writing by the Local Planning Authority (LPA). The bin store shall be provided in accordance with these details and be permanently retained as such thereafter, unless the Local Planning Authority gives it's written consent to any variation.

And subject to the developer first entering into a legal agreement under Section 106, within 12 months to secure the sum of £15,000 to be used by the Council towards the enhancement of the Epping Conservations Area.

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 permission to extend the time limit of planning application EPF/0039/06 which is due to expire 22<sup>nd</sup> March 2010. This is a new form of application that has been introduced by the Government to enable developers to extend the life of a planning consent

without the need for a whole new application. The only matters for consideration therefore are whether there have been any material changes in circumstances or policies since the original approval that would justify reaching a different decision. The existing approval is for the demolition of existing buildings and the redevelopment of the site to provide a mixed use development comprising an A1 retail premises and 8 residential units comprising five 1 bed, and three 2 bed flats.

### **Description of Site:**

The application site is approximately 750m<sup>2</sup>, comprising a three storey building at the front (High Street) elevation (Old Pearce's Bakery Building). This building contains elements of the original 17<sup>th</sup> Century timber framed building, although it has been remodelled in the 19<sup>th</sup> and 20<sup>th</sup> Centuries. It is however an example of an evolved urban building and is on the Council's Local List of buildings of local architectural or historic interest.

To the rear there are more modern single and 2 storey buildings fronting Hemnall Street, which are in a dilapidated state. The site is located in the centre of Epping Conservation Area within the key shopping frontage of the town centre. The site is not within the Metropolitan Green Belt.

### **Relevant History:**

EPF/0150/10 – Extension of time limit application for Conservation Area Consent for demolition of 208-212 High Street and buildings to rear - Concurrent Application EPF/0039/06 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A1 retail and 8 residential units – Approved

EPF/0060/06 – Conservation Area Consent for demolition of 208–212 High Street and building to rear – Approved

EPF/1853/05 – Change of use from offices (B1) to a wellness studio (D1) – Approved

EPF/1878/79 – Change of use to manufacture of optical components – Refused.

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

CP1A – Achieving Sustainable Development

CP3 – New Development

E4A – Protection of employment sites

H2A – Previously developed land

HC7 – Development within Conservation Areas

HC9 – Development within Conservation Areas

HC12 – Development affecting the setting of listed building

HC13A – Local list of buildings

DBE1 – Design of new buildings

DBE2 – Detrimental effect on existing surrounding properties

DBE 9 - Excessive loss of amenity for neighbouring properties

TC3A – Town Centre Function

ST4A – Road Safety

ST6 – Vehicle Parking

### **SUMMARY OF REPRESENTATIONS:**

EPPING TOWN COUNCIL: Object to the renewal of this permission in the same form as previously planned. The original application was predicted on use of the site by Marks and Spencer and aspects of the proposals were dictated by their needs. Current proposals would see the loss of a building which has elements of considerable antiquity. The shop front is about 100

years old and represents the local vernacular. The conservation area will be damaged if a modern generic 'heritage' shop is installed. If this development goes forward care should be exercised to ensure a shop front is installed that reflects the existing historic shop front. The proposed roof line lacks the articulation which is a feature of Epping High Street. Apparently, at the rear of the building, there is an ancient brick tower and committee requests this matter is further investigated.

#### NEIGHBOURS

23 properties were consulted and a site notice erected – No responses received.

#### **Issues and Considerations:**

This is an application for an extension of time limit on a currently extant approval. The main issues therefore relate to whether there has been a material change in circumstance or policy since the previous approval.

The Policies applied remain essentially the same, and the original report setting out the issues and considerations at the time of the original consent is attached for information. There have, however, been two changes of note since the original consent, firstly the change to the Essex Parking Standards, and secondly the opening of Marks and Spencer on the opposite side of the High Street in what was the Co-Op building.

The revised parking standards have moved away from the previous "maximum" standards and back to minimum standards for residential units. The new standards suggest that 1 bed flats, should have 1 space per unit and two bed flats should have 2 spaces per unit, however the standards do acknowledge that situations may arise where the local economic environment and the availability of alternative means of travel to the private care may lead to parking provision that is more appropriate to the local circumstances. In this instance 10 spaces are provided which is now one short of that suggested by the standards. Given this town centre location and the nature of the units proposed it is considered that this level of provision is acceptable, and unlikely to give rise to parking problems, given the proximity of public car parks in the locality.

The Parish Council have objected to this proposal as it was predicted at the time of the original application that Marks and Spencer would be the end occupier, and this will not now be the case as M & S have opened on the opposite side of the road. However it was made clear on the previous application that whilst the scheme had been designed for the requirements of Marks and Spencer (and this retailer at the time appeared to have a strong interest in the new unit), a planning approval cannot guarantee the occupier of the retail premises or indeed its future occupier. On this basis, approval was given on the premise of a 'large retailer' occupying the site rather than a specific store, and a condition added to the permission to avoid the sub-division of the retail space.

With regards to the Parish Council objection on the grounds of the loss of a locally listed building within the conservation area, this issue was considered as part of the previous application where it was deemed the building has a neutral impact on the High Street and the replacement building has been designed to respect the character and appearance of the Conservation Area. A full Historic Analysis and Report on the building has been submitted as part of a condition attached to the earlier permission and an archaeological investigation will still be added as a condition.

Furthermore, as stated in the original planning report the building was considered for 'Spot Listing' by English Heritage during the initial proposal. It was decided by English Heritage that there was insufficient evidence of any 17<sup>th</sup> Century timber and therefore not acceptable to be added to the statutory list of buildings of special architectural and historic interest.

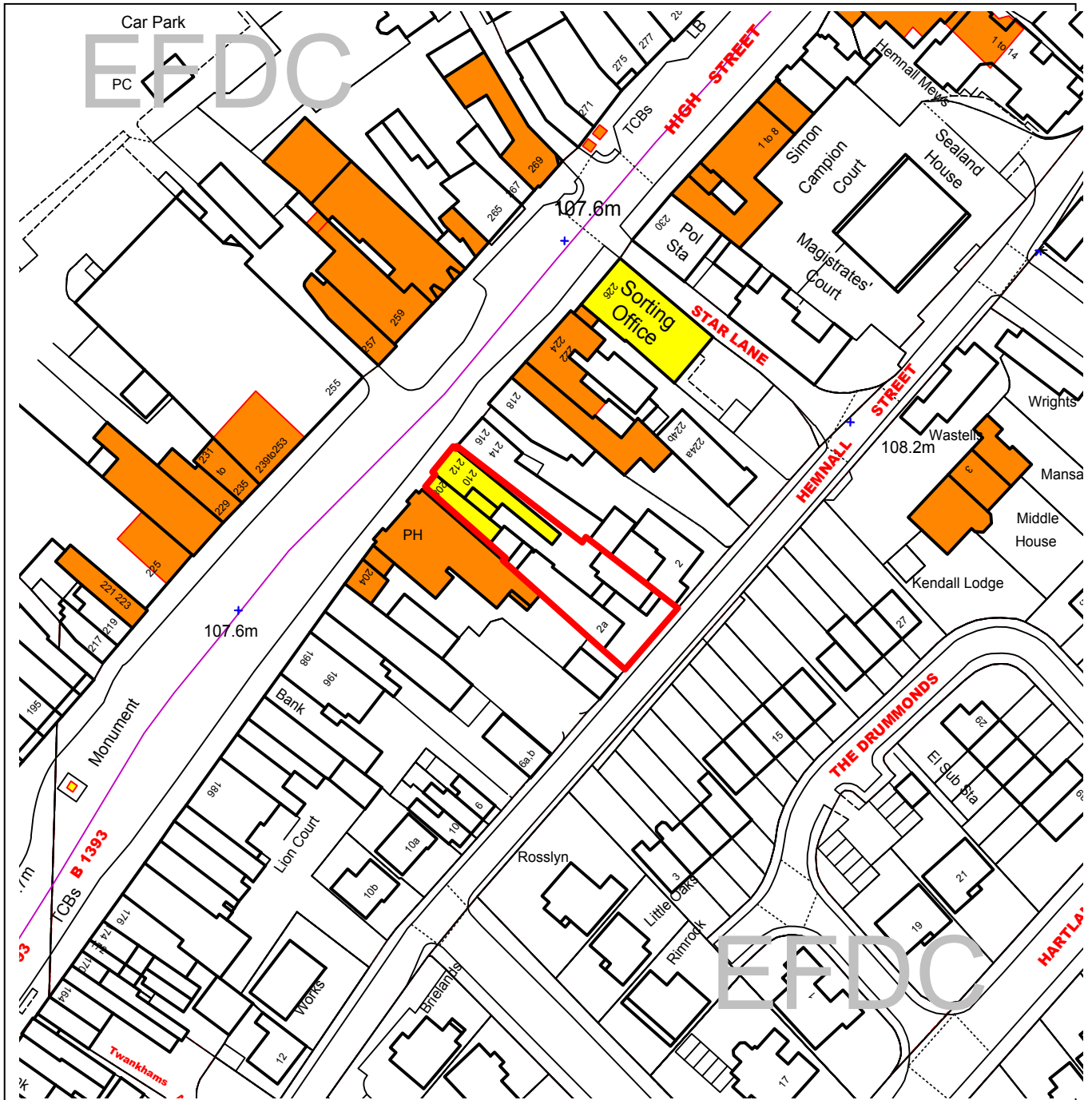
**Conclusion:**

In conclusion, it is considered that there has been no significant change in either policy or circumstances and therefore the development is considered to be in accordance with adopted policies and the application is therefore recommended for approval subject to the imposition of conditions and legal agreements that were applied to the original consent.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3 and 4</b>
Application Number:	EPF/0149/10 & EPF/0150/10
Site Name:	208 - 212 High Street, Epping CM16 4AQ
Scale of Plot:	1/1250

	<p><b>Report Item No: 4</b></p> <p><b>APPLICATION No:</b> EPF/0150/10</p> <p>208 - 212 High Street Epping Essex CM16 4AQ</p>
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Edgewest (Epping) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of limit on CAC/EPF/0060/06 for conservation area consent for demolition of 208-212 High street and buildings to rear.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to S106)

## CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

And subject to the applicant entering into a legal agreement under section 106, within 12 months, to ensure that demolition does not take place until a contract has been entered into for the construction of the replacement building.

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 permission to extend the time limit of conservation area consent EPF/0060/06 which is due to expire 29<sup>th</sup> June 2010. This application seeks consent for the demolition of existing buildings at 208 – 212 High Street Epping. A planning application has been submitted simultaneously for the redevelopment of the site to provide a mixed use development comprising an A1 retail premises and 8 residential units comprising five 1 bed, and three 2 bed flats.

### **Description of Site:**

The application site is approximately 750m<sup>2</sup>, comprising a three storey building at the front (High Street) elevation (Old Pearce's Bakery Building). This building contains elements of the original 17<sup>th</sup> Century timber framed building, although it has been remodelled in the 19<sup>th</sup> Century and 20<sup>th</sup> Centuries. It is however an example of an evolved urban building and is on the Council's Local List of buildings of local architectural or historic interest.

To the rear there are more modern single and 2 storey buildings fronting Hemnall Street in a dilapidated state. The site is located in the centre of Epping Conservation Area within the key shopping frontage of the town centre. The site is not within the Metropolitan Green Belt.

### **Relevant History:**

EPF/0149/10 – Extension of time limit on EPF/0039/06 for the demolition of buildings and redevelopment of the site to provide a mixed use development comprising A1 retail and 8 residential units – Concurrent Application  
EPF/0039/06 – Demolition of buildings and redevelopment of site to provide a mixed use development comprising A1 retail and 8 residential units – Approved  
EPF/0060/06 – Conservation Area Consent for demolition of 208-212 High Street and buildings to rear - Approved  
EPF/1853/05 - Change of use from offices (B1) to a wellness studio (D1) - Approved  
EPF/1878/79 - Change of use to manufacture of optical components - Refused

### **Policies Applied:**

#### Epping Forest District Local Plan and Alterations

HC7 - Development within Conservation Areas  
HC9 - Demolition within Conservation Areas  
HC12 - Development affecting the setting of listed building  
HC13A - Local list of buildings

### **SUMMARY OF REPRESENTATIONS:**

A site notice was erected and the proposal was advertised in the local paper the following representations were received;

EPPING TOWN COUNCIL: Object to the renewal of this permission in the same form as previously planned. The original application was predicated on use of the site by Marks and Spencer and aspects of the proposals were dictated by their needs. Current proposals would see the loss of a building which has elements of considerable antiquity. The shop front is about 100 years old and represents the local vernacular. The conservation area will be damaged if a modern generic 'heritage' shop is installed. If this development goes forward care should be exercised to ensure a shop front is installed that reflects the existing historic shopfront. The proposed roof line lacks the articulation which is a feature of Epping High Street. Apparently, at the rear of the building, there is an ancient brick tower and committee requests this matter is further investigated.

### **Issues and Considerations:**

This is an application for an extension of time limit on a currently extant approval. This is a new kind of application that the Government has introduced to enable developers to more simply extend the life of a planning approval, without the need for a complete resubmission. The only matter for consideration therefore is whether there have been any material changes in circumstance or policy since the previous approval that would now justify a refusal of permission.

In this instance the Policies applied remain essentially the same, and there do not appear to have been any other material changes in circumstances. The original report to committee that sets out the issues that were taken into account on the original application is attached for information

With regards to the Parish Council objection on the grounds of the loss of a locally listed building within the conservation area, this issue was considered as part of the previous application where it was deemed the building has a neutral impact on the High Street and the replacement building has been designed to respect the character and appearance of the Conservation Area. A full



Historic Analysis and Report on the building has been submitted as part of a condition attached to the earlier permission.

Furthermore, as stated in the original planning report the building was considered for 'Spot Listing' by English Heritage during the initial proposal. It was decided by English Heritage that there was insufficient evidence of any 17<sup>th</sup> Century timber and therefore not acceptable to be added to the statutory list of buildings of special architectural and historic interest.

As with the previous approval for Conservation Area Consent the granting of the consent can be subject to a Section 106 Agreement to ensure that the building is not demolished before a contract for redevelopment is made, this will ensure that the High Street is not left with a permanent gap in the frontage.

**Conclusion:**

In conclusion, it is considered that there has been no significant change in either policy or circumstance and therefore the development is considered to be in accordance with adopted policies and the application is therefore recommended for approval subject to a Section 106 Agreement to ensure that the building is not demolished until there is a contract for redevelopment of the site, to ensure that we are not left with a vacant site within the High Street that would be harmful to vitality and to the character of the conservation area. .