
APPLICATION No: EPF/2260/04

Report Item No: 1

SITE ADDRESS:
HALES FARM, NETHER STREET, ABBESS RODING

PARISH: The Rodings

APPLICANT: Mr & Mrs J Cook

DESCRIPTION OF PROPOSAL:

Conversion of farm buildings into two live/work units, comprising of workspace area and one each of one bed, two bed and four bed accommodation.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. The workspace shall be used solely for a use falling within Class B1 of the Schedule 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.
3. Materials of construction to be agreed.
4. Erection of screen walls/fences.
5. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A - G shall be undertaken without the prior written permission of the Local Planning Authority.
7. Submission of a landscape scheme.

8. The development shall be carried out in accordance with the amended plans received on 9 August 2005 unless otherwise agreed in writing with the Local Planning Authority.
9. The work space and office area for the two properties identified on the approved plans shall remain as workspace areas in B1 use only and shall not be used for residential purposes at any time, and shall not be used by any persons other than those residing within the associated residential properties at Hales Farm.

Members will recall this application was presented to the last committee meeting when it was deferred to allow officers to negotiate revisions to the scheme because of concerns relating to one of the buildings. This has now occurred and the proposal has been amended to provide two live/work units instead of three as originally indicated. The report that follows has therefore been revised from the original.

Description of Proposal:

The application is for the alteration and conversion of existing disused agricultural buildings to two 'live/work' units, each with both residential and business (B1) accommodation and use. The works include removal of 6 individual barns and groups of outbuildings (total 294 sq m), and external alterations.

The buildings, which it is proposed to convert, are three groups of barns. The largest (Building 'B') is a 1930's blockwork structure, white painted which is understood to have replaced a much older barn on the same 'footprint'. This is a substantial 2 storey building with corrugated pitched roof, and the upper level nearly as extensive as the ground floor.

Of the other two narrow building groups comprising the intended 2 units, that lying alongside Nether Street is the oldest, with part (Building 'A') dating from the late 16th century, and the remainder (Building 'B' to be used for garaging for the existing farmhouse and workspace for unit B) more modern. Both are weatherboarded.

Description of Site:

The site is an irregular shaped area of land adjoining Hales Farmhouse and within the former farm holding, now sold off and administered separately. Hales Farm is a Grade II listed building. The site shares its access from Nether Street with the farmhouse, along an unmetalled driveway running to the

north of the outbuildings, then curving around them to end in an informal parking area. These farm buildings were last actively used in the early 1990's, for pig rearing. Adjacent fields are cultivated for arable production.

The site is relatively isolated, lying around 3m NE of Abbess Roding, and a similar distance away from Leaden Roding (Uttlesford), which has some local facilities.

Relevant History:

EPF/1030/96 - Change of use of agricultural building for the restoration of furniture - Approved. This relates to the easternmost barn of modern prefabricated construction (proposed for demolition).

EPF/1547/81 - Stationing of caravan - Refused

Policies Applied:

Local Plan Policies:

GB2, GB8 Green Belt

HC10, HC13 Listed buildings.

LL7, LL10, LL11 Landscaping.

DBE9 Effect on neighbours

T17 Traffic.

Structure Plan Policies:

RE2 Re-use of rural buildings

C2 Development within MGB

H2 sequential approach to housing development

CS4 Sustainable new development

HC3 protecting listed buildings and their settings.

Issues and Considerations:

The main issues here are considered to be whether the proposal is acceptable in terms of the impact upon the Green Belt, the effect on the setting of the listed building, any impact on the neighbouring house, highway safety implications and the sustainability of the site for residential purposes.

Green Belt

Policy GB2 (viii) enables a change of use to be considered where it is in accordance with another Green Belt policy.

Policy GB8 (i) of the Local Plan allows for the conversion of buildings where they are permanent, substantial, capable of conversion without major reconstruction and in keeping with their general surroundings.

A structural and condition survey submitted with the

application indicates that the barns are capable of conversion, subject to re-roofing (including new rafters), repair or replacement of any timber found to be locally decayed timber, new concrete slabs and damp proof course. The report sets out structural calculations, although it does not detail all works necessary for new services or the minor alterations to layout involved. Although some work would be required to convert the buildings, there is no evidence of extensive ongoing structural movement. It is considered that the works envisaged now although quite extensive do not relate to the dwelling units themselves but more to the ancillary structures used for garaging and storage.

The group of buildings is of some interest and the two wings of traditional barn scale contrast with the landmark two storey end building. As such they are in keeping with their rural surroundings and the listed Hales Farmhouse. The existing mature yew and evergreen trees to the north of the buildings are now to be retained and further screen planting added around the new garden area of one of the units (the second to be in the internal courtyard), improving the present rather open aspect of the driveway and parking area across neighbouring fields.

Policy GB8 continues at (ii) that if the first requirement is met, then the new use should be one that is associated with open uses acceptable in the Green Belt, or commercial activities of benefit to the local area involving recreation or tourism, or business or commercial uses which would not involve open storage or significant vehicle parking.

In this case the applicant's agent argues that the buildings are not suitable for modern agricultural uses, and in any case the land has been sold away and they are situated close to the residential property at Hales Farm.

Policy GB8 (ii) goes on to state that residential use will only be accepted where the building is unsuitable for the other uses set out above, but where the council considers it desirable that the buildings be brought back into beneficial use.

In this instance one of the buildings is quite substantial and prominent, and the others are single storey vernacular barn buildings within the curtilage of a listed building. The buildings are too extensive to be reasonably used only as storage or other ancillary activity in connection with the existing dwelling, and they have clearly remained unused for any agricultural use for a significant period of time. The proposal for live/work units offers the opportunity to regain economic use with a measure of employment activity, whilst reducing journey to work movements. The area is served by broadband Internet services.

Finally in relation to GB8(ii), the access onto Nether Street (B184) is on an unrestricted section of the main road, north of

a bend with poor visibility that results in some danger particularly in egress to the north, as confirmed by the Engineering service. Intensified use of the access by slow-moving commercial vehicles, as would probably be the case with a wholly business conversion would therefore be undesirable. Due to the floorspace of the barns (approximately 422 square metres), Local Plan standards would call for up to 17 parking spaces (2 + 1 per 15 sq m), compared with the 6 proposed spaces for the 2 live/work units (based on residential as the larger use). More frequent deliveries would also be required for an all-business use, with the sub-standard access visibility. Historically, the applicant reckons that up to 184 vehicle movements per week were generated by the previous agricultural activities.

Policy GB8(iii), the last relevant sub-section envisages potential for appropriate benefits to Green Belt or countryside objectives. A total of 294 sq m of more modern outbuildings are to be demolished, some in poor physical condition and none of visual merit. This would reduce the outbuildings at Hales Farm by 43%, in an open countryside location, which would be of demonstrable Green Belt policy benefit.

Listed Building Considerations:

The outbuildings are not listed in their own right but are "curtilage buildings" of the late 16th century house (Building A being apparently of at least the same age) and so listed building consent is required for work to them. A separate Listed Building application has been submitted and is next on the agenda. The Council's Conservation Officer has inspected the buildings and (following amendment to the alterations for Building A) is now satisfied that the works are sympathetic to their rural character and appearance, and not detrimental to the setting of the listed farmhouse. The conversion is 'natural', keeping the layout of all existing spaces with the sole exception of Building A, where a vertical division is proposed which maintains the full height of the area up to the existing mezzanine floor. A relatively small number of additional openings are involved, some facing in to the inner courtyard and none detracting from the overall rural character of the group, or the special character of the listed house.

Impact on neighbours

The only property affected is the farmhouse itself. As the business activity would be likely to be office-based, and would in any case be associated with living accommodation, no significant adverse impact is envisaged.

Highway Issues

For the reasons of visibility already referred to, the Highway Authority has no objections to this proposal. A condition is requested to secure covered cycle and motorcycle parking, and

there is room in the buildings for some provision, as well as around the curtilage. Ample parking is available within the site.

Sustainability

The site is separated from Abbess Roding, itself a hamlet with a church but no shops or services. Just over a mile away, however, Leaden Roding does have a primary school, convenience store and public house, with an hourly weekday bus service between Harlow and Chelmsford running within 400m of Hales Farm. It is clear that occupiers would rely on the car for access to work, shops and other facilities, but only one of the units is now of family size, which reduces the range of facilities such as schools that would be needed. The development would enable working from home to reduce traffic movements, compared with either previous agricultural or potential business uses that would both be likely to have staff coming in by car from the wider area. This small-scale change of use is seen as assisting implementation of transport sustainability.

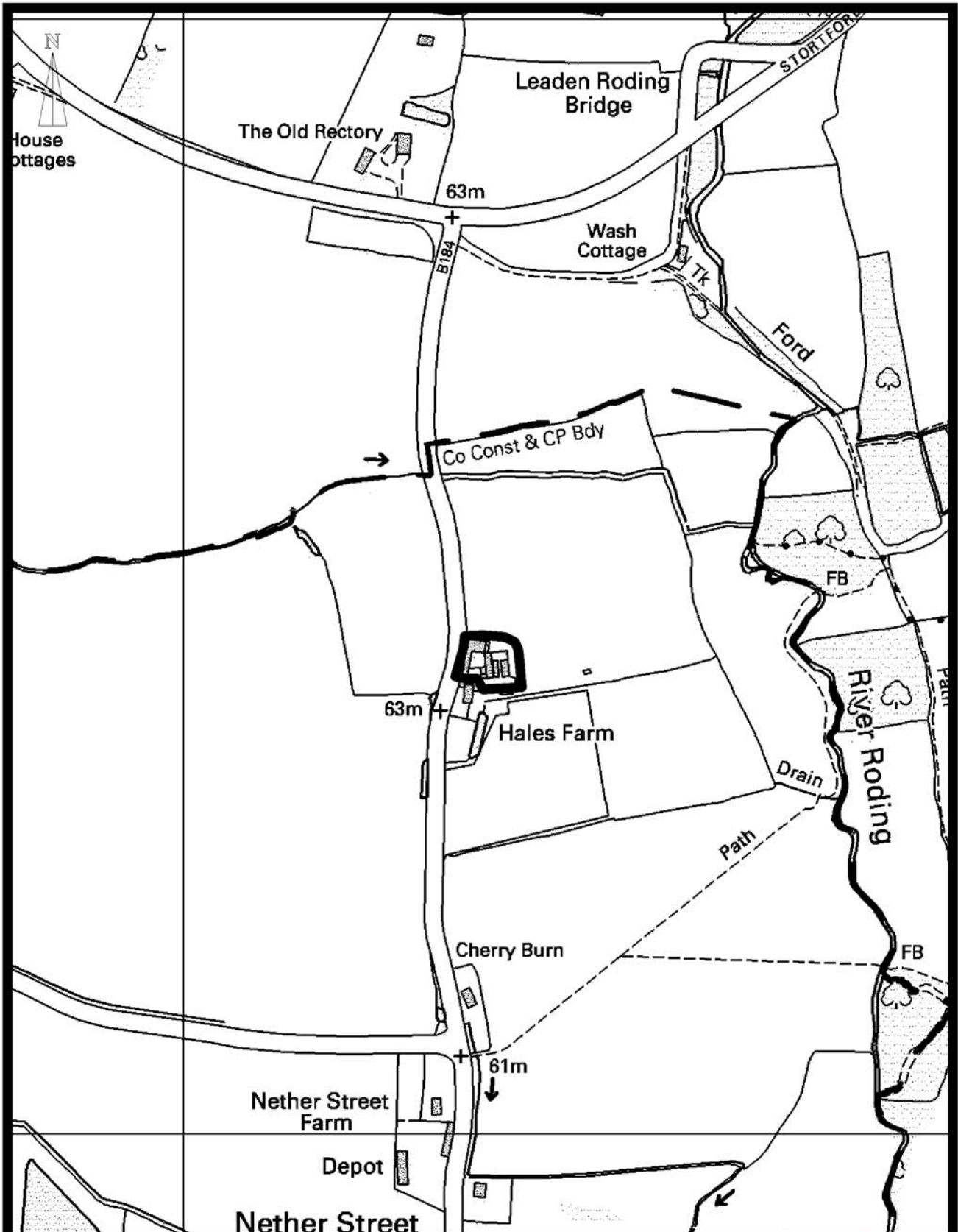
Conclusion

It is considered that this relatively small-scale change of use to two live/work units is acceptable in Green Belt terms. There are no amenity impacts, and there are practical benefits in removal of nearly half the ground floor area of outbuildings in the rural curtilage of the listed building. The traffic movements, will be fewer and involve mainly cars, which would better suit the dangerous location on the B184 than business uses, and the mainly non-family accommodation minimises the need to rely on facilities further away in the nearest town of Ongar.

Permission is recommended.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - No objection.



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Item Nos: 1 & 2

Scale: 1:5000



APPLICATION No: LB/EPF/359/05

Report Item No: 2

SITE ADDRESS:
HALES FARM, NETHER STREET, ABBESS RODING

PARISH: The Rodings

APPLICANT: Mr and Mrs J Cook

DESCRIPTION OF PROPOSAL:

Grade II Listed Building application for the conversion of farm buildings within the curtilage of the listed building.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years
2. The development shall be carried out in accordance with the amended plans received on 9 August 2005 unless otherwise agreed in writing with the Local Planning Authority.
3. Materials of construction to be agreed.
4. Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by sections and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

Description of Proposal:

This is the application for listed building consent that accompanies the application reported in the previous item.

Policies Applied:

Local Plan
HC10, HC13 listed buildings.
Structure Plan
HC3 protecting listed buildings and their settings.

Issues and Considerations:

The outbuildings are not listed in their own right but are "curtilage buildings" of the late 16th century house (Building A being apparently of at least the same age) and so listed building consent is required for work to them. The Council's Conservation Officer has inspected the buildings and (following amendment to the alterations for Building A) is now satisfied that the works are sympathetic to their rural character and appearance, and not detrimental to the setting of the listed farmhouse.

The conversion is 'natural', keeping the layout of all existing spaces with the sole exception of Building A, where a vertical division is proposed which maintains the full height of the area up to the existing mezzanine floor. A relatively small number of additional openings are involved, some facing in to the inner courtyard and none detracting from the overall rural character of the group, or the special character of the listed house.

It is therefore considered that the proposals will make only relatively minor alteration to the present character and appearance of the outbuildings, retaining the rural design and materials of the more traditional barns and not affecting the different character of the landmark 1930's white barn.

Listed building consent is recommended.

SUMMARY OF REPRESENTATIONS:
PARISH COUNCIL - No objection.

APPLICATION No: EPF/1112/05

Report Item No: 3

SITE ADDRESS:
SMALLWAYS FARM, NEWMANS END, MATCHING

PARISH: Matching

APPLICANT: Mr B Russell & Ms E Malone

DESCRIPTION OF PROPOSAL:
Conversion of barn and stable to two dwellings.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. Erection of screen walls/fences.
4. Drainage details to be agreed.
5. Garage to be retained.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A - E shall be undertaken without the prior written permission of the Local Planning Authority.
7. 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 on site between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours Saturday, and at no time during Sundays and Bank Holidays unless otherwise agreed in writing to the Local Planning Authority.
8. Submission of tree planting details
9. Retention of existing trees and shrubs

10. Prior to the commencement of the development, details of the proposed surface materials for the access and courtyard shall be submitted to and approved by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
11. Parking area to be provided/maintained.
12. Contaminated land study and remediation.

Description of Proposal:

Conversion of Barn and Stable building to two dwellings. Comprising four bedroom unit within timber frame barn and two bedroom within single storey former stable building, and site works.

Description of Site:

Large detached dwelling house with timber framed barn and brick built stable block adjacent within small hamlet of Newmans End, Matching. Newmans End lies some one mile north of Matching Tye and approximately two miles south of Sheering village.

Dwellings opposite and in ribbon southwards on the opposite side of the road. Several small cottages lying to the rear and north of the site. Open agricultural land to the rear and south.

The barn lies at a 90 degree angle off the back edge of carriageway with stable building at right angles to the barn fronting the road, currently part used for office purposes. A traditional listed telephone box is situated adjacent the barn together with a pole mounted post box both on the carriageway verge.

Relevant History:

Various applications for extensions and alterations to the house.

Policies Applied:

Structure Plan:

- RE2 - re-use of Rural Buildings
- C2 - Development in the Green Belt
- H2 - Sequential approach to housing
- CS4 - Sustainable new Development

Local Plan:

GB2 and GB8 Green Belt
DBE4, DBE5, DBE6, DBE8, DBE9 - Design
LL10 and LL11 - Landscaping
T17 - Highways New development

Issues and Considerations:

The key issues are whether the proposal accords with the policy criteria for the re-use of rural buildings and if so what the impact of the development will be on the local area and on the amenities of neighbours.

Policy GB8 of the Local Plan allows for the re-use of rural buildings subject to a criteria which requires the buildings to be permanent and of substantial construction, capable of conversion without major or complete re-construction and in keeping with their surroundings.

The policy continues and specifies the proposed use should be in accordance with Green Belt policy GB2, recreational or tourism related, or for business or storage use, which would not involve open storage or significant vehicle parking; finally residential use where the building is unsuitable for any of the above uses and where it is desirable that the building be brought back into beneficial use.

The Buildings:

The proposal entails two buildings which are both permanent and substantial. Both buildings are attractive and in keeping within this rural area. Because of their prominent location within this settlement it is desirable that a viable use be found for the buildings to ensure their future upkeep.

The larger of the two buildings, the barn, is of traditional appearance and the scheme proposed for its conversion appears sympathetic to its character. A structural report with the application concludes that areas of repair are likely to be required but that this would not amount to major reconstruction. Certainly a cursory site inspection of the building supports this view. Attached to the barn and running parallel with the road is an open fronted cart-lodge which is shown retained for car parking.

The stable building is single storey and remains unaltered to the front. An existing glazed lean-to across the rear elevation is shown removed and replaced by two smaller wings, one partially glazed as a conservatory and the other a solid extension to form the main bedroom. Together these additions have a lesser footprint than the removed lean-to and being on the rear they have very limited impact on the surroundings.

The Use:

Set within a small, well defined residential settlement, albeit devoid of any public facilities, the buildings reuse is a sensitive matter if the character of the hamlet is to be safeguarded and that of its amenities.

The site is laid out as an enclosed courtyard with parking for both units and the existing dwelling set within. Space is limited within this area such that any use which increased the level of traffic and parking could be a problem and might encourage parking on the road outside which would be harmful to the settlement.

Despite the concerns of neighbours in relation to parking and traffic with this proposal no objections have been raised by the Highway Authority who are also satisfied with the parking provision.

In a letter supporting the application the applicants' agent argues that the buildings would not be suitable for tourist accommodation because of their size and the unlikely demand for such accommodation in this part of Essex. He has not provided any documentation to indicate this possibility has been properly tested and appears to rely on assumption which may not be correct.

It must be accepted however, that a tourist use of the buildings would be likely to have a similar impact both in terms of their physical appearance and the traffic generation.

Other commercial uses have been considered but discounted because of the disturbance such uses would have on the area and neighbours and particularly because of the location of the site from a local roads point of view. Newmans End lies between the two settlements of Matching Tye and Sheering the roads into both are narrow and twisting and would not lend themselves easy to the passage of large commercial vehicles.

A small scale storage or office use of the smaller building of the two could be considered and in fact part of this building is currently used by the applicants as a small office. However, they have argued that this is only possible because the user lives on site at the moment and that its small scale limits the amount of traffic to the building and the site itself such that it does not affect local amenities. Greater use of the building or indeed the site for commercial use could increase both traffic and the need for more parking space which could not be accommodated within the site and would be likely to have more effect on neighbours and the appearance of the settlement. This factor would clearly be of concern to neighbours who have commented on parking concerns with the current submission.

Although not supported by any documented evidence these factors

are of merit and on balance it could be accepted are of sufficient weight to support the use of the buildings for residential use.

This conclusion has to be balanced against the proposal of introducing new dwellings into a rural area the occupants of which would be wholly reliant on private motor cars. In broad terms this would be contrary to the sustainability policies within the Structure Plan and that of Government Guidance.

In the past the Council have resisted proposals for such rural development on sustainability grounds, however, this has usually only been supplementary to other grounds for refusal.

Finally when considering residential useage of rural buildings the impact of such a use has to be assessed. In the past Government advice has warned Councils to carefully consider the impact of residential trappings on the countryside landscape and its character. In this case it has to be accepted that the site lies within a rural settlement and that the site is very well screened partly by the layout of the buildings and the quality of the existing landscaping surrounding the site. It is important that if this use is approved however that the existing landscaping is safeguarded and where applicable supplemented, this can be achieved by condition.

Conclusions:

The buildings proposed for conversion are both permanent and substantial capable of conversion to the proposed use without major reconstruction. Both buildings are in keeping with their surroundings and worthy of reuse because of their prominent location and historic connections within the settlement.

Whilst physically capable of reuse for a variety of uses the location of the buildings surrounded by other residential properties and the access and parking capabilities of the site suggests that residential use is likely to be the least disruptive and visually most appropriate use.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - No objections.

2 RED TILE COTTAGES - Disapprove of plans, area too tight to accommodate number of people who could live there. Car parking unsightly, insufficient electricity capabilities, poor water supplies, concerned generally how works would be carried out.

1 RED TILE COTTAGES - Opposed, concerned regarding works to trees on the site previously concerned about business interests of applicants and use of stable as office. Insufficient space for parking, drainage and other services and effect of proposals on area.

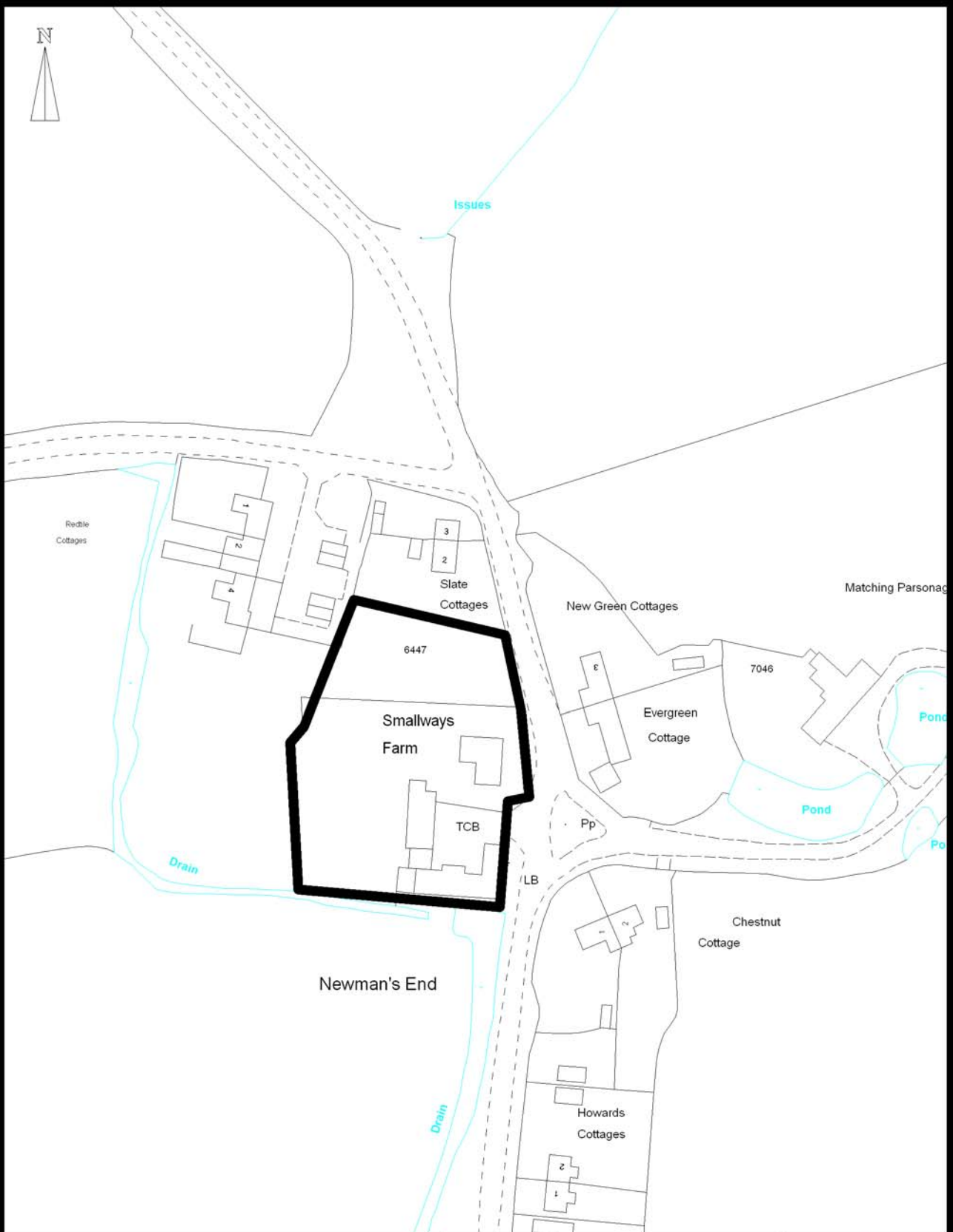
4 RED TILE COTTAGES - Opposed, concerns about current use of

building and information on application. Concerned about previous works to trees, insufficient drainage facilities and environmental impact of proposals.

WHEELERS FARM - Any increase of residential units in small hamlet would be detrimental, parking would be major problem.

Worries about sewer and water management and flooding.

3 RED TILE COTTAGES - There does not appear to be adequate parking for development. Listed telephone box and letter box must remain in situ.



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Item No: 03
Scale: 1:1250



APPLICATION No: EPF/824/05

Report Item No: 4

SITE ADDRESS:
32/34 (SHOP) ST PETER'S AVENUE, ONGAR

PARISH: Ongar

APPLICANT: Adrian Chan

DESCRIPTION OF PROPOSAL:
Change of use to A5 Chinese take-away.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. The use hereby permitted shall not be open to customers outside the hours of 17.00 to 22.30 Monday to Saturday and 17.00 to 22.00 on Sundays and Bank Holidays.
3. Prior to commencement of the development, equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved in writing by, the Local Planning Authority and the equipment shall be installed and be in full working order prior to the commencement of use.
4. The rating level of noise (as defined by BS4142:1997) emitted from the 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.
5. Prior to commencement of the development, details of foul drainage from the kitchen shall be submitted to and approved in writing by the Local Planning Authority. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installation for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.
6. Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for the adequate storage of refuse from

this use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.

7. Prior to the commencement of the development, details of the external appearance of the extract flue, which shall be painted in a dark colour and be permanently maintained as such, shall be submitted for approval in writing by the Local Planning Authority and installed in accordance with those details.

Description of Proposal:

This application is for a change of use from a retail unit (class A1) to a takeaway food business (class A5) with ancillary extraction equipment.

Description of Site:

The application site comprises a ground floor unit of a three storey building that contains "shop" premises with residential properties above. The site is set on the northern side of St. Peter's Avenue in a predominantly residential area. A car parking/garaging area is located directly to the rear of the site, with residences also nearby.

Relevant History:

No planning history.

Policies Applied:

Recycling & Pollution, Shopping & Town Centres, Amenity and Highway Policies from Epping Forest District Council's Adopted Local Plan:-

RP5 - Impact from noise and air pollution.
STC10 - Change of use of village shops.
DBE9 - Amenity considerations.
T14 - Car parking.

Issues and Considerations:

The main issues with this application relate to the principle of changing the use and how it affects the shopping parade and the effect of the use on the amenities of the surrounding area.

The premises is not identified as being within a shopping parade in the local plan, however it is appropriate to class it

as a village shop and is therefore covered by the requirements of STC10. This states that changes of use to non-retail will not be granted unless it can be demonstrated there is no market demand for the existing use, or that the existing use is continued to be provided within the locality.

Discussion with the Council's Estates division has established that the shop unit has been vacant since March 2004. It has been established that all but one of the enquiries relating to this unit were for non A1 uses (the A1 enquiry posing an uneconomically viable rent). In the light of this it is considered that to ensure occupation of all of the units of this parade (thereby contributing to the vitality of it) a non A1 use such as this would be appropriate. It is likely otherwise that the unit will remain vacant, thereby detrimental to viability and the amenity of the street scene.

In addition to this, the parade currently comprises an A2 finance office together with two A1 units (a hairdressers and general shop). In light of the fact that two 'active' existing A1 units will remain, it is considered that there will be a wide range of uses available to the local community and that refusal on the basis of loss of an A1 unit, given the length of time the premises has been marketed for rent would be difficult to substantiate on appeal.

The submitted plans show details of extraction equipment, which is to be sited at the rear of the building. Aesthetically, the details on the plans show a tall flue, which Environmental Health Officers would require to ensure that no adverse effects arise from fumes or smells from cooking. Since this is to be at the rear of the building, and the nearest residential building (that would view this) is some 20 metres away it is considered that this would be acceptable. Were the flue painted a dark colour (which can be requested in a relevant condition) its effect would be less dominant). A condition requesting that the full details of such a structure be submitted for approval will ensure that control will be had over its detailed visual appearance and function.

The position of the flue itself is quite close in location to a rear facing window on a top floor flat within the block, above the site. The visual impact from this property is considered to be minimal, and Environmental Health Officers state no objections to the flue, or the use itself in principle in terms of smell and noise (which a condition will ensure is not to an excessive level).

The hours of operation of the take-away can be restricted to ensure that neighbouring amenity is protected. Policy RP5 supports resisting proposals that give rise to noise or smells close to residential, except where it is possible to mitigate adverse effects by the use of conditions. This is considered to be the case with this proposal.

Significant concern has been raised with regard to the issue of youths congregating around a take away, together with the risk of litter and possible vermin infestations arising from this. The issue of youths congregating could in fact occur whether or not the take away is in place or not, however it is acknowledged that later opening hours may give rise to this. In the light of the fact that other legislation exists to protect residents from anti-social behaviour, it is considered that refusal on these grounds would be difficult to defend on appeal. A planning condition can ensure that refuse from the take away itself is adequately disposed of, however litter arising from customers would again be controlled under other legislation.

Although concern has been raised with regard to car parking, Highways Officers raise no objections to the proposal on this basis.

Given the background to this site and the fact it has been vacant for almost 18 months, it is considered that allowing a non A1 use will add to the character of the surroundings. The representations of neighbours have been carefully considered and on balance it is felt that this use is appropriate for this site.

The application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Concerns were expressed with regard to the inadequacy of parking provision in the area, and the additional traffic within a residential area which may result. Members seek assurances that any extracting system used would not have a detrimental effect on the immediate neighbourhood in terms of smells or noise.

17 ST PETERS AVENUE - Will affect the quality of our living conditions. House was purchased as no such establishment was in the vicinity. Already a problem with youths causing noise, fighting, vandalism, graffiti and generally littering. This will attract youths to loiter and will add to existing problems. My son and baby are often kept awake. Youths also litter the public park area meaning I cannot let my son play there. Noise and littering will be made worse. This will devalue my property and will cause a vast increase in police calls and complaints to the Council about noise and litter.

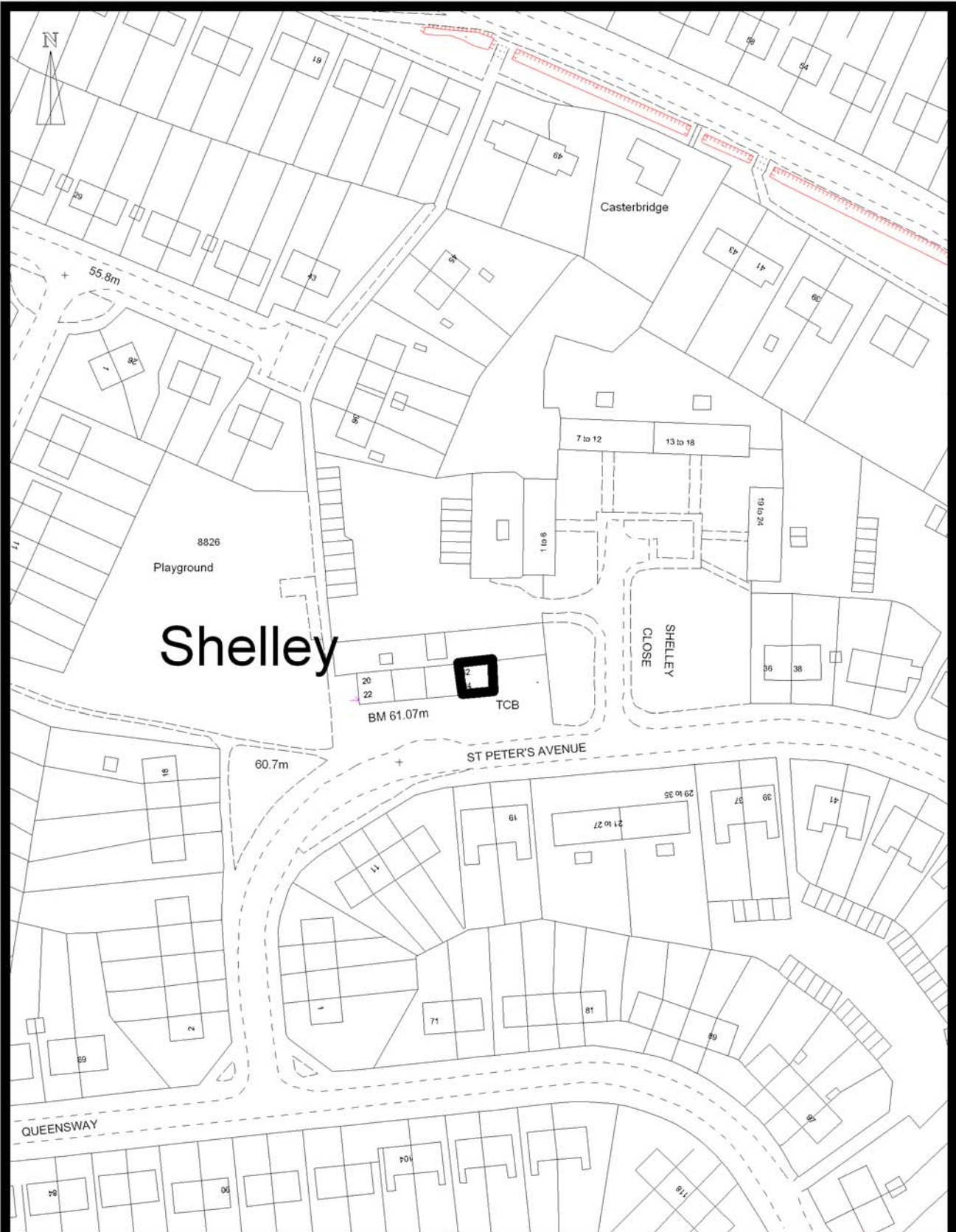
9 ST PETERS AVENUE - Objection; 1) Parking is difficult, but during evenings it is impossible, when this shop will be open. 2) Litter and smells arising will be offensive; 3) More traffic will be a danger to children and OAP's living in bungalows in St Peters Avenue; 4) Cannot see the need for this, it will take trade from local fish and chip shop. 5) Noise from people using the take away and those using play area as a picnic site will be unacceptable in a residential area, already used as a race track and meeting place by young people.

15 ST PETERS AVENUE - Oppose the application. It is a quiet residential area. Will cause following problems; 1) Increased noise from traffic and people. People may loiter, will the area be policed? 2) There are insufficient parking facilities and we experience difficulties accessing our drive opposite the shops. This will become more frequent and if a delivery service is provided residents are likely to suffer from effects of motorcycles speeding round the roads and pavements. 3) Will be increased litter and refuse that will cause a vermin problem and encourage pests into the area. Takeaway is next to a green area that includes a playground. This could be contaminated by faeces. What cleaning regime will be introduced? There are already sufficient facilities for fast food in the area.

24/26 ST PETERS AVENUE - Would like to reject the proposal on basis of environmental hazards; too many youngsters hanging around; litter being disposed outside the shops; lack of parking spaces. Will cause more problems for the estate. What we need is a shop that will benefit everyone around the estate, of normal working hours.

PETITION SIGNED BY 54 RESIDENTS OF ST PETERS AVENUE, MORETON ROAD, SHORTLANDS AVENUE AND QUEENSWAY - Oppose the application.

19 ST PETERS AVENUE - Strongly object. Will have an unacceptable impact on our property. Not a suitable location for this type of business. 1) There is insufficient parking, particularly in the evening. Children are often outside playing and it is an accident waiting to happen. 2) Close proximity to our house will result in unacceptable increase in noise from customers, cars and the attraction of local youths to the area. 3) Health concerns including food waste (by takeaway and customers) littering our streets in an area that has had problems with rats. Use of our driveway as a turning area may result in damage to our fences, this has happened in the past. This totally residential site is inappropriate and it will have a negative effect on the quality of our life. Fyfield Road is more suitable.



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Item Nos: 4 & 5

Scale: 1:1250



APPLICATION No: EPF/861/05

Report Item No: 5

SITE ADDRESS:

32/34 ST PETER'S AVENUE, ONGAR

PARISH: Ongar

APPLICANT: Mr A Cevik

DESCRIPTION OF PROPOSAL:

Change of use from A1 (carpet shop) to A5 (take away food shop)
Installation of new extraction flue at rear.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. The use hereby permitted shall not be open to customers/members outside the hours of 17.00 to 22.30 Monday to Saturday, 17.00 to 22.00 on Sundays and Bank Holidays.
3. Prior to the commencement of the development, equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation. The equipment shall be effectively operated and maintained for so long as the use continues. Details of the equipment shall be submitted to, and approved in writing by the Local Planning Authority and the equipment shall be installed and be in full working order prior to the commencement of use.
4. The rating level of noise (as defined by BS4142:1997) emitted from the 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.
5. Prior to the commencement of the development, details of foul drainage from the kitchen shall be submitted to and approved in writing by the Local Planning Authority. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

6. Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.

7. Prior to the commencement of the development, details of the external appearance of the extract flue, which shall be painted in a dark colour and be permanently maintained as such, shall be submitted for approval in writing by the Local Planning Authority and installed in accordance with those details.

Description of Proposal:

This application is for the change of use from A1 (retail) to A5 (take away) and the installation of an extraction flue at rear.

The main issues and considerations with this proposal are virtually identical to those within the concurrently submitted application EPF/824/05 (except for detailed elements).

SUMMARY OF REPRESENTATIONS:

As per EPF/824/05.