

Report Item No: 1

APPLICATION No:	EPF/0783/10
SITE ADDRESS:	9 Forest Drive Fyfield Ongar Essex CM5 0TP
PARISH:	Fyfield
WARD:	Moreton and Fyfield
APPLICANT:	Mr Paul Hubbersly
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/98 T43 Sycamore - Fell T44 Lime - Reduce crown to previous cuts (approx 20%) and remove Ivy
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The crown reduction authorised by this consent shall consist of pruning approximately 20% of the crown to previous pruning points.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 5 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Description of Proposal:

T43. Sycamore: Fell and replace.

T44. Lime: Reduce crown to previous cuts at approximately 20% and remove ivy

Description of Site:

T43 stands approximately 13 metres tall, in a modest rear garden of a semi detached residential property, which backs onto the boundary fence adjacent to the main Fyfield Road. The tree is one of a pair of large broadleaved individuals that form part of a large linear group of mixed species along the roadside boundary of this large residential development. The roadside footpath is populated by young mixed native broadleaf species.

Relevant History:

TRE/EPF/2038/04 permitted extensive works to both these trees, as follows: T43 Sycamore 30% crown reduction. T44 Lime 30% crown reduction and 5 metre crown lift. This was allowed due to the proximity to new dwellings and the dominant presence these trees have on a small garden.

Historically, the site of the former School had been well covered by trees and the planning permission given to build the Elmbridge Gate residential development - Forest Drive Close was only allowed on condition that adequate provision was made for the retention of a good number of fine, mature trees.

Policies Applied:

Epping Forest District Local Plan and Alterations:

LL09 Felling of preserved trees.

LL08 Pruning of preserved trees

SUMMARY OF REPRESENTATIONS:

Three of the immediate neighbours were notified but no representations were received.

Issues and Considerations:

Applicant issues

The main reasons put forward to fell the sycamore tree are the following:

- The tree takes too much light from this and the neighbouring garden.
- The tree is a poor and unbalanced specimen with multiple cavities in the stem
- Long term pruning seems pointless

Planning considerations

The main planning considerations in respect of the felling of the tree are:

j) Visual amenity

This Sycamore has high public amenity. It is clearly visible from the busy main road running between Fyfield and Ongar. The tree forms a pair of large specimens at this point on the front

boundary of the site and provides scale and screening to the closely built semi detached dwellings. Both trees soften the built masses and contribute to the landscape character of the site.

The Sycamore is subordinate to the more prominent Lime, which is a more striking and important tree in form and size.

The submitted reason that the tree is a poor and unbalanced specimen has been noted and described in detail in the following paragraph.

ii) Tree condition and life expectancy

The tree has signs of a series of previous branch reductions, which alleviate the overhanging nuisance to the neighbour's garage at number 11. This crown lifting has compromised the form of the tree in producing a drawn up and narrow crown. The wounds do not appear to have decayed extensively but there are depressions and bulges in the stem which would require further technical investigation to establish internal levels of rot and structural instability. Since the major reduction the tree has re-established a vigorous if uneven crown. Its condition would be described as normal with foreseeable life expectancy exceeding 20 years into the future.

iii) Suitability of tree in current position

The tree is approximately 4 metres from the rear elevation of the house and about 1.5 metres from the neighbouring garage at number 11. The location is not ideal for a modest garden and repeated major pruning works will be required to manage the tree in its constrained position. This responds to the assertion that pruning seems pointless.

The tree complements the larger Lime and together they form a significant landscape feature. The potential loss of the Sycamore will initially leave a noticeable gap but the Lime will be able to develop a crown to infill this space over the next 5-10 years.

In response to the applicant's concerns about shading, it is noted that the presence of both trees will create dense shade into the small garden. The Lime will continue to shade the garden but without the added cover of the Sycamore significant relief will be gained into both number 9 and number 11.

iv) Replacement tree and future lime pruning management.

Discussion with the applicant has established the need for a suitable replacement in a corner of the garden. This has been agreed by the tree owner. The Lime will re-establish a full crown and occupies a position both more acceptable to the dwellings and more prominent in the public view.

Conclusion:

Planning policy states that tree removal must be not simply justifiable but necessary. As submitted, there is insufficient justification to remove this tree on grounds of an imbalanced crown and old stem wounds. However, the importance of the tree is not such that, in time, its loss would remain an obvious detrimental impact to the landscape character of this part of Elmbridge Gate, partly because the Lime's crown would fill out more without the Sycamore beside it and occupy the limited space more than adequately. The repeated pruning would also diminish the Sycamore's visual presence and promote less attractive, dense re-growth of new shoots.

The tree has amenity value due to its partnership with T44 but it is considered that the loss of this tree would not constitute such a serious harm to the screening tree presence as to prevent its removal. Therefore, it is recommended to grant permission to fell T43 Sycamore on the grounds that, on balance and in the broader view a suitable replacement will enhance the landscape

character of this roadside group and the dominant Lime tree's retention is assured with the opportunity for it to develop a better, fuller crown. The proposal therefore accords with Local Plan Landscape Policy LL09.

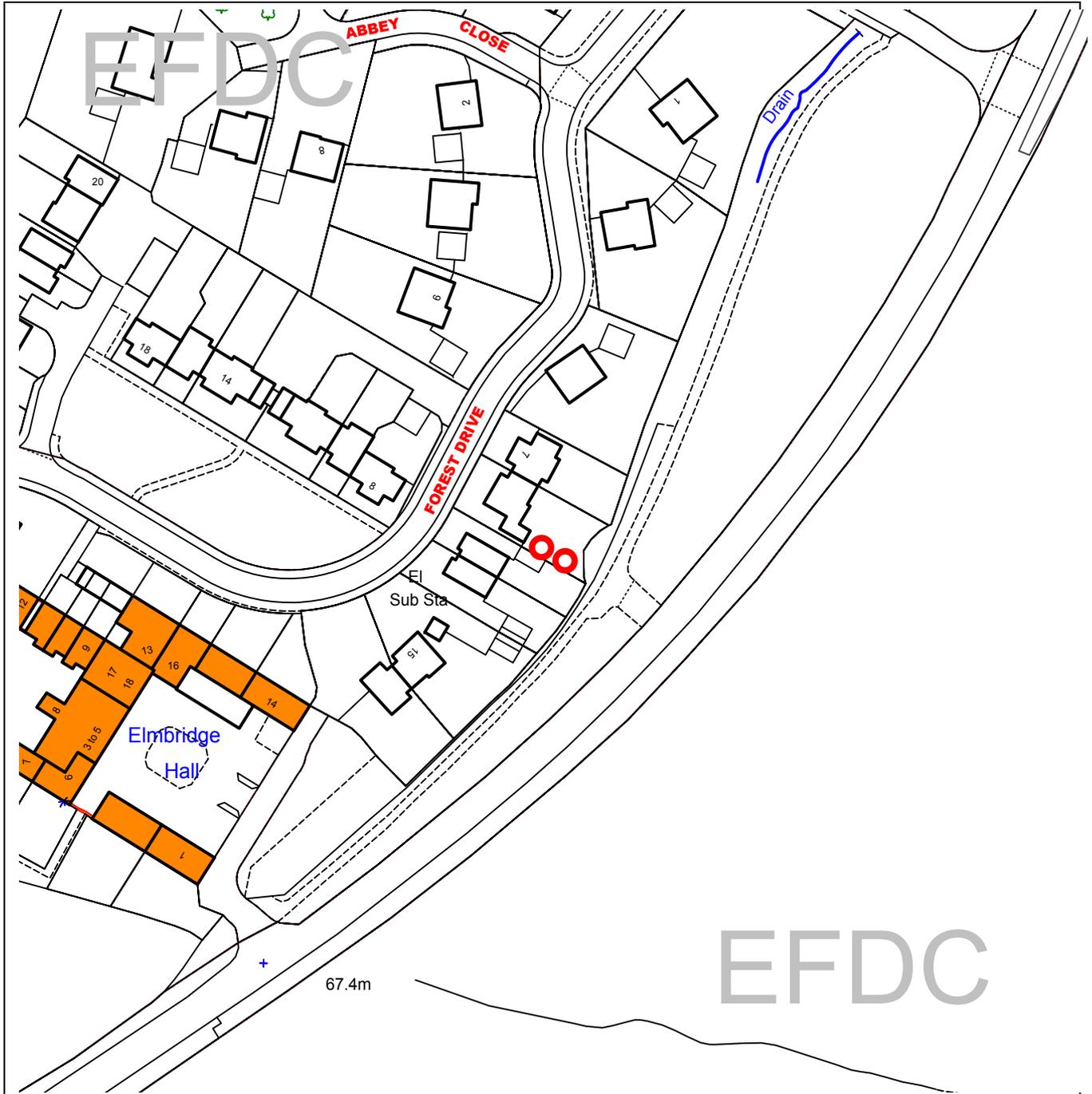
It should be noted that the pruning consideration for T44 Lime element of the application is included in the report for members' information only. Pruning applications are dealt with under officer delegated powers.

In the event of members agreeing to allow the felling, it is recommended that a condition requiring the replacement of this tree and a condition requiring prior notice of the works to remove it must be attached to the decision notice.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0783/10
Site Name:	9 Forest Drive, Fyfield, CM5 0TP
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0333/10
SITE ADDRESS:	Greenview adj 2 Blackacre Road Theydon Bois Epping Essex CM16 7LU
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Robin Minchin
DESCRIPTION OF PROPOSAL:	Retention of dwelling built not in accordance with approved plans. (hip to gable extension above garage). Revised application
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, C, E and F (extensions, roof alterations, outbuildings and hard surfacing) shall be undertaken without the prior written permission of the Local Planning Authority.
- 2 Within 3 months of the date of this approval the central dormer window which is not shown on the approved Plans shall be removed and the roof shall be completed in accordance with the approved plans M8B'A'.
- 3 Within 2 months of the date of this approval, details of hard and soft landscaping of the site including boundary planting, shall be submitted to the Local Planning Authority for agreement in writing.

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.

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

Description of Proposal:

This application seeks planning permission for the retention of a detached bungalow on the site. The bungalow has been constructed following the grant of planning permission at appeal, but has not been built in accordance with the approved plans. As a result, it is unauthorised.

The main differences between the bungalow which has been built and the plans which were approved is a hip-to-gable extension to the side.

Description of Site:

The subject site is a corner plot situated at the junction of Blackacre Road with Theydon Park Road. The new dwelling is substantially complete. Directly opposite the site on the south side of Blackacre Road is a listed building.

Relevant History:

EPF/0731/05. Erection of detached bungalow. Refused 12/08/05.

EPF/0251/06. Erection of detached chalet bungalow. (Resubmitted application). Refused 10/03/06. Subsequently allowed at appeal.

EPF/2147/08. Discharge of condition 5 relating to details of materials of external surfaces of the building on EPF/251/06. Discharged 15/12/08.

EPF/2444/08. First floor side extension with front dormer window. Withdrawn.

EPF/1707/09. Retention of dwelling built not in accordance with approved plans. (Hip to gable extension above garage and additional side dormer). Refused

Reason for refusal: The dormer windows in the side roof slope of the dwelling, by virtue of their size and number, result in the roof slope appearing cluttered and cramped, to the detriment of the character and appearance of the street scene, contrary to policy CP2 and DBE1 of the Adopted Local Plan and Alterations.

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2/9 - Impact of New Development

Summary of Representations:

13 neighbouring properties were consulted and the following responses received:

THEYDON BOIS PARISH COUNCIL. Very Strong Objection.

Comments

The Parish Council objects to this application in the strongest possible terms and our comments are fundamentally unchanged from those expressed in relation to EPF/1707/09 which was refused. The original plans for a two bedroom bungalow were approved on appeal in December 2006 having been refused by EFDC. However, due to the prominent location, size and sensitivity of the site close to Theydon Bois Village Green, the Appeal Inspector stipulated several conditions including the following:

'The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawing no. BAR01e'

We would like to draw attention to the submitted plan M8A which is misleading. This is described as 'Approved Plan'. This is not the case as it conflicts with the original approved plan BAR01e which is mentioned in the Inspector's Report.

We also note the content of the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development generally permitted by virtue of Part 1 Class A and B shall be undertaken.

We refer also to the "Reasons" set out in the Planning Inspector's Report and draw your attention to the following:

'Owing to the small plot, I impose a condition restricting permitted development rights for the enlargement, improvement or other alteration of the proposed dwelling (including its roof).....Also I impose a condition restricting the permitted development rights for any additional windows in the flank and rear elevations of the building'

Despite the above, the Developer has completely changed the style of the roof, added a third bedroom as well as a further dormer. He has in effect built a three bedroom house against plans for a two bedroom bungalow! The amenity space available does not support a three bedroom house on this site. You will be familiar with the site but we attach a recent photograph for ease of reference and which we believe clearly illustrates our case.

We would also point out that the Approved Plan BAR O1E has seemingly been superseded by Plan M 8.A which has been submitted with this application. Again this Plan does not reflect what has actually been built for the above reasons.

We would also comment that both the above Plans show garden areas enclosed by hedgerows. In actual fact in place of the hedgerow shown on the plans a fence with concrete posts has been constructed and in place of the "grassed garden areas" referred to extensive paving has been laid. We would estimate that this area exceeds five square metres in which case Planning Permission will also be required if the surface is impermeable- please verify the nature of the surface used. We would refer you once again to the Planning Inspectors Report and to Reason 5. as follows:

'...The proposed development would put garden areas, enclosed by hedgerows, in the forward most parts where its future appearance would remain green.'

The Developer has deliberately constructed this property with blatant disregard to the approved plan, the Appeal Inspector's wishes and stipulations and local concern.

The appearance and character of the original plans, which were designed as far as possible to fit into the street scene, have been completely compromised. The overall impact is a property that has become an intrusive eyesore on the street scene in a prominent position close to the Village Green.

During construction the property the site was visited by an EFDC Enforcement Officer who warned the Developer of the risks of deliberately not building to plan. The Developer chose to disregard this warning.

Application EPF/1707/09 was of course refused by you, with the stated reason being that the "dormer windows in the side roof slope of the dwelling, by virtue of their size and number, result in the roof slope appearing cluttered and cramped, to the detriment of the character and appearance of the street scene, contrary to policy CP2 and DBE1 of the Adopted Local Plan and Alterations." As you know we were concerned as to the limited nature of the stated reason given for refusal in view of the blatant disregard for planning law in this case as outlined above.

In conclusion, the Developer in this case has deliberately disregarded planning law and sets a dangerous precedent. The Parish Council's view is that this application must be refused and the developer instructed to alter the building so that it is in accordance with the approved plan and the Appeal Inspector's precise stipulations.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY. Objection.

Unsuitable design and overdevelopment of a relatively small corner plot, in a sensitive location close to the village green. Roof is not particularly attractive and will be very dominant. Retrospective application will be an open door to avoid planning law.

Issues and Considerations:

The weighting to be attached to the Inspector's decision as a material planning consideration is such that the main issues to be considered are the impacts of the alterations to the approved development on the amenities of the occupiers of neighbouring dwellings and on the character and appearance of the area.

Impact on neighbouring dwellings

The proposed variations to the approved plans are such that there would be no material harm caused to the occupiers of neighbouring properties when considering overlooking, loss of privacy, loss of daylight or the loss of any other desirable amenity feature to neighbouring occupiers.

Impact on Character and Appearance of the Area

The revised application shows only the hip to gable alteration to the roof above the garage. Whilst a hipped roof will complement the overall appearance of the building and replicates the overall built roof form, this minor alteration is not sufficient reason alone for a refusal. On balance, it is therefore considered to be a relatively minor alteration with limited impact on the amenity of the area due to the reduced height of this section of roof in relation to that of the main dwelling. It would continue to be a subordinate feature of the overall design.

The Parish Council's strong objections have been considered and although the third dormer in the side roof slope has been built and it is considered to be visually harmful as this elevation fronts

onto the street, the drawings submitted with this application show that it will not be retained and a condition can be added requiring its removal. Given that the hedging referred to in the Inspector's report has been removed and we have not agreed a landscaping plan, a condition requiring details of planting to ensure the planting of a replacement hedge, can be required, to soften the impact of the development. The only alteration from the original approval therefore is the hip to gable roof alteration and on balance, this alteration is considered to be acceptable.

Conclusion

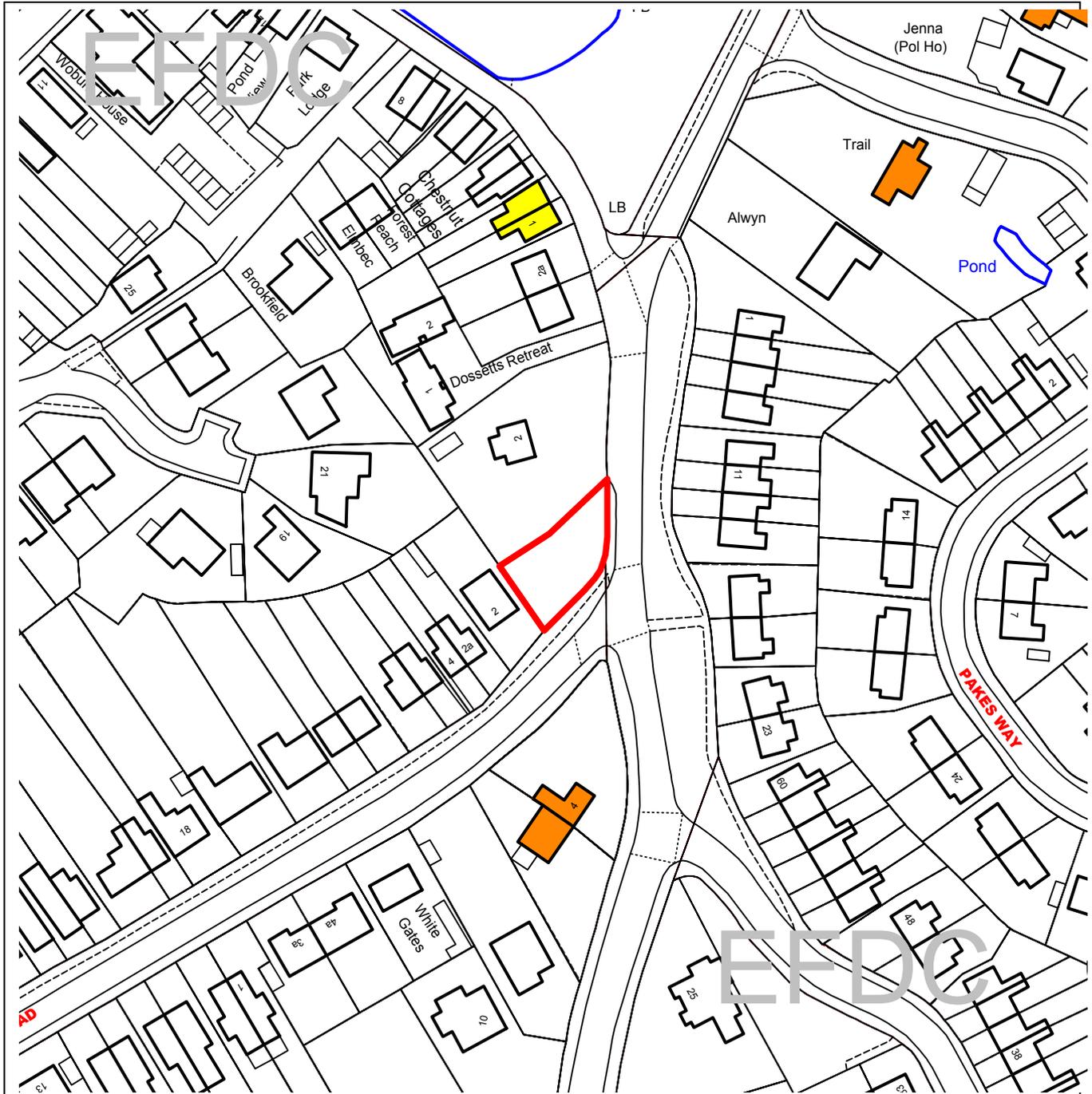
In light of the above appraisal, it is considered that the design of the hip to gable alteration of the roof which is to be retained would not be harmful to the character and appearance of the street scene.

For this reason it is recommended that planning permission be approved subject to conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0333/10
Site Name:	Greenview, adj 2 Blackacre Road Theydon Bois, CM16 7LU
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0380/10
SITE ADDRESS:	3A The Weind Theydon Bois Epping Essex CM16 7HP
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Don Benton
DESCRIPTION OF PROPOSAL:	Side and rear two storey extension to replace existing detached garage and store and two storey front extension. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 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 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on the flat roof of the ground floor extension hereby approved near to the boundary with number 4 The Weind.
- 4 Prior to first occupation of the extension hereby approved all proposed first floor rooflights shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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:

Side and rear two storey extension to replace existing garage and store, and two storey front extension (revised application).

Description of Site:

A detached chalet style bungalow with rooms in the roof. Adjoining properties are a new two storey house at no.3 to the north west, which lies in a more forward position than the application property, and no.4, which is a large 2 storey detached house which lies in an even more recessed position than no.3A. Elsewhere in this cul-de-sac are 2 storey semi detached homes which have the long side 'butterfly' roof feature.

Relevant History:

EPF/2048/09 – Application refused for side and rear 2 storey extension because access to the site was not made available, and without a proper assessment being carried out the rear extension would be likely to be an overbearing development harming the amenity of the adjoining no.3.

Policies Applied:

DBE9 – Loss of amenity
DBE10 - Residential extensions

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – object because a) the proposal is larger and more obtrusive than that previously refused, and worsens the impact on the street scene, b) when taken together with the new 'modernistic' new house built at no.3 the proposals alter and dominate the street scene, and we support the concerns of residents living opposite in this respect, c) the proposed rear extension is on the boundary with no. 3 and still adversely impacts upon the amenity of that property, and d) overlooking will occur from the flat roofed structure at the rear. Finally, any future proposal should contain suitable proposals for landscaping of the centre island bed in the road to screen views for residents opposite.

11 neighbours have been consulted, and 5 replies have been received:-

15, THE WEIND – object because a) the new house would appear bulky, overbearing and out of scale with neighbouring properties e.g. it is 2.5 times bigger than existing, and the applicant seeks to rely on the size and bulk of the new house at no.3– but this new house is an anomaly and not a precedent to follow, b) The new house would have an unsatisfactory appearance to the detriment of visual amenity in the locality, c) the development is not appropriate to the road and area, and 4) reliance on the neighbouring house at no. 3 is ill founded and misleading. Finally we are not opposed to a modest extension to the existing chalet bungalow on the site.

13, THE WEIND – object because the proposal is large and bulky and totally out of scale with neighbouring properties. The new build at no.3 has significantly impacted on our street scene, and another large house will crowd our street and detract from visual amenity.

2, THE WEIND object – the proposal is too large and unsuitable and would not match the character of neighbouring properties.

14, THE WEIND – object - agree with the points raised by no.15. This is a monster of a house. The existing house should be extended just at the rear not at the front. Numbers 3 and 3A will be too close together and the road has already been blighted by the new house at no.3.

12, THE WEIND object – agree with the points made by no.15. It will be out of keeping with the road, will compound the damage caused by the ill judged no.3, which should not be relied upon as a precedent.

2, GREENLEAF DRIVE, BARKINGSIDE – as owner of no.3 we must still object. The 2 storey rear extension will seriously restrict light to the rear of no.3, 7 roof lights will cause overlooking, the extension will be built on a former pond and piling may well be necessary that could impact on no.3, and the proposals appear to breach the original covenant between nos. 3 and 3A.

Issues and Considerations:

The main issues raised by this application are whether the extended property is too large and detracts from the street scene, and whether the rear extension would significantly detract from the amenity, light and outlook of the neighbouring property at no.3.

Contrary to some of the objections received this is a proposal to extend the existing chalet bungalow, and it is not a rebuild. It is acknowledged that the adjoining new property at no.3 which was approved at Committee in December 2008 is conspicuous in the street scene because its front elevation, in one unbroken plane, lies some 1.6m in front of the main front walls of nos. 1 and 2, and it has an untraditional modern form of design. However the proposals for no.3A are quite different. Firstly, the front extension will be sited a considerable 4.8m behind the front wall of no.3. Moreover, this front extension is itself a projecting wing with the remainder of the house lying 7.5m behind no.3. This extended property will therefore still be well recessed on the site, and its 'impact' on the street scene will be lessened because of this deep lying position – which at a minimum is 11m set back from the line of the front boundary, compared with a 7m set back for most of the houses in the cul-de-sac. The style of the extended house, with more traditional window designs, gabled and pitched roofs, and a staggered front elevation, is appropriate and acceptable, and it needs to be borne in mind that the application property as existing, plus the neighbouring two houses at nos. 3 and 4, are individual in style and in appearance are quite different from other semi detached houses in this cul-de-sac. Finally, there is a lot of mature tree and bush cover in the front garden of the adjoining property at no.4 which partly screens the front of 3a because of an angled front boundary. This landscape cover, in an adjoining plot, will be unaffected by this proposal. For the foregoing reasons therefore the proposed extended house will not detract from the appearance of the street scene.

It is acknowledged that the extensions to the house will increase the existing floorspace by some 120%. However, this is not a Green Belt site and a large increase in size is not in itself a reason to refuse consent. The plot is a sizeable one which widens considerably towards its rear. The existing chalet bungalow is a modest house on this site, and the proposed size of the extended house is not excessive, it has a roof height similar to both no.3 and no.4., and it therefore does not constitute an overdevelopment of the site.

The rear extension has been altered to that shown on the previous rejected scheme. Whilst it is mainly 2 stories in height projecting 5.1m behind the rear wall of no.3 only a single storey element abuts the boundary - with the first floor set in a metre from this boundary. Moreover the first floor element has been moved away from the boundary so that the eaves is now reduced in height to 4.5m above ground level, and this ground level is some 0.35 m below the ground level of the adjoining no.3. This 2 storey element does not breach a 45 degree line drawn from the nearest window in no. 3. For these reasons the amended rear extension does not cause a significant loss of light or outlook to no. 3. The owner of number 3 also is concerned about overlooking from rooflights but these only afford views out to the sky and not sideways, hence no loss of privacy will occur.

Finally, the Parish Council also raise the issue of overlooking to no.4. However a Juliet balcony only is proposed at this point, and a condition is nevertheless proposed ensuring a roof terrace is not provided in the future. In general the proposal will have little effect on the adjoining no.4, which is angled away from the application site.

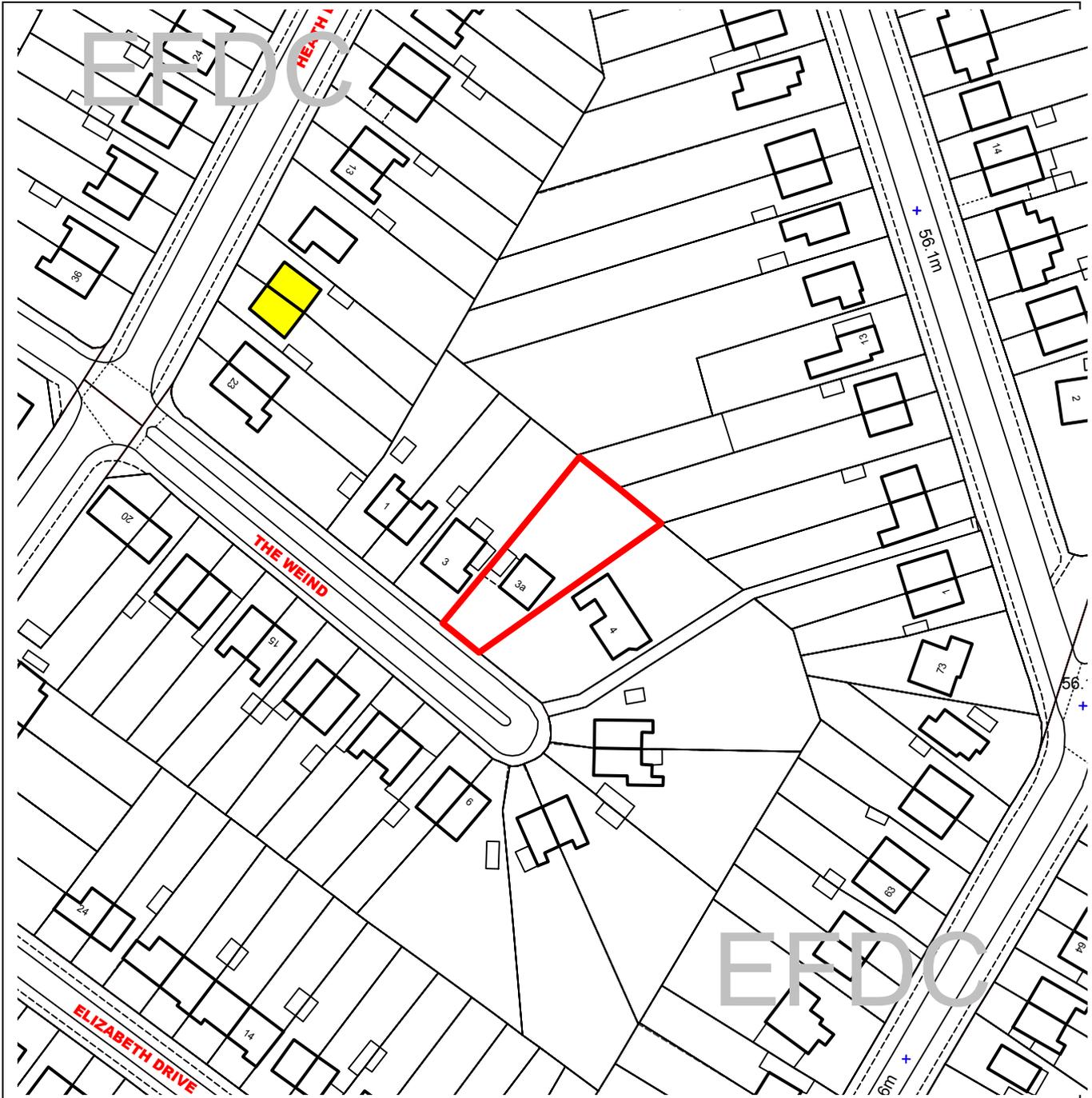
Conclusions:

This proposal has to be assessed on its own individual merits. It proposes an enlarged dwelling with a traditional design in a recessed position on the site. This proposal is therefore very different from the new house built at no.3, and it will not detract from the street scene. The rear extension has also been amended and does not cause an appreciable loss of amenity to the neighbouring no. 3. A conditional approval is therefore recommended.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0380/10
Site Name:	3A The Weind, Theydon Bois CM16 7HP
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0398/10
SITE ADDRESS:	Essex Motocross Weald Hall Weald Hall Lane Thornwood Essex
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Steve Brooks - Hayleys Estate
DESCRIPTION OF PROPOSAL:	Use of land for riding motorcycles for recreational and practice purposes including practising for motocross (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No works for the development hereby approved shall be commenced until a mechanism previously approved in writing by the Local Planning Authority for securing the off site highway works described in WSP drawing no. GA/02 Rev A, included in Appendix 2 of the Sworders Planning Application document dated February 2010, has been secured.
- 3 The track and car park hereby approved shall not be used until after the bund shown on drawing numbers 206266DWG020 Rev E and 206266DWG022 Rev B has been constructed. Thereafter, the bund shall be permanently retained unless otherwise agreed in writing by the local planning authority.
- 4 Within 12 months of the commencement of works for the development hereby approved, a 2m wide extension to footpath 51 to Rayley Lane shall be constructed by way of clearance of vegetation along the route outlined on the plan contained in Appendix 1 of the Sworders Planning Application document dated February 2010, together with the provision of a decked timber footbridge with handrails over the crossing of the ditch on the east side of the private road.
- 5 Notwithstanding the details shown on drawing number 206266DWG022 Rev B, no part of the track shall exceed a level of 1 metre below the top of the bund enclosing the northern and eastern boundaries of the site unless otherwise agreed in writing by the Local Planning Authority.

- 6 Notwithstanding the details shown on drawing number 206266DWG020 Rev E and 206266DWG022 Rev B, the proposed track shall not be constructed until the Local Planning Authority has given written approval of details of its alignment and levels including jumps, banks and other raised parts of it. the track shall be constructed in accordance with those details and no material alteration to it shall be carried out unless prior written approval of the alteration is given by the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved within the first planting season following the completion of works required for the use hereby approved as shown on drawing number 106266DWG020 Rev E. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 The use of the site hereby permitted shall not commence until written details of a method for controlling dust from the use have been submitted to and approved in writing by the Local Planning Authority. The use shall only be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 9 The track, parking area and access track, as shown on drawing number 206266DWG020 Rev E shall not be hard surfaced. Unless otherwise agreed in writing by the Local Planning Authority the parking area and access track shall have a grass surface, reinforced with a plastic mesh.
- 10 No works shall take place, no structures erected and no mobile structures stationed at any time within 8 metres of the top of the bank of the water course adjacent to the southern site boundary.
- 11 Notwithstanding the provisions of Regulation 6 of the Town & Country Planning (Control of Advertisements) Regulations 1992 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting those Regulations), no signs or advertisements within Classes 8 (Advertisements on hoardings) or 15 (Advertisements on balloons) of Part 1, Schedule 3 of the Regulations shall be displayed on the land without the previous consent in writing of the Local Planning Authority.
- 12 The rating level of noise (as defined by BS4142:1997) emitted from the site shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.

- 13 The use hereby permitted shall not be open to customers / members outside the hours of 10.00 to 16.00 on Wednesdays, Saturdays, Sundays and Bank/public holidays.
- 14 The land shall not be used for racing motor vehicles.
- 15 No race start area shall be formed and no race starting gate of any description shall be erected or stationed on the site.
- 16 Not more than 45 motorcycles shall be used on the track at any time.
- 17 No open storage shall take place on the site other than in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and in any event shall not exceed the height of the top of the bund enclosing the northern and eastern site boundaries as indicated on drawing numbers 206266DWG020 Rev E and 206266DWG022 Rev B.
- 18 No system for amplifying sound and no loudspeakers shall be installed on or brought onto the site.
- 19 No external lighting shall be installed on or brought on to the site.
- 20 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Environmental Protection Strategies, ref: UK09.0820, 05 March 2010) and the following mitigation measures detailed within the FRA:
 1. No land raising to occur within the 100 year flood outline with an allowance for climate change, as shown on drawing no. Sworders/Motocross/0110/A. All areas of track and car park within this flood outline are to be set at existing levels as shown in drawing no. 206266DWG022 Rev B

This application is before this Committee since it is an application for development of a significant scale and/or wider concern and is recommended for approval (Pursuant to Section P4, Schedule A (c) of the Council's Delegated Functions). It is also before this Committee as an application for commercial development where the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions) and 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

It is proposed to use agricultural land for riding motorcycles for recreational and practice purposes including practicing for motocross and carry out associated works. It is proposed the use would only be carried out on Wednesdays, Saturdays, Sundays and bank Holidays between 10.00 and 16.00 hours. It is not proposed to use the land for holding formal races.

The works required to implement the proposal include:

- Laying out an earth track that includes jumps and raised areas. The track would have a linear arrangement across an area 440m in length and generally 120m in width other than at the western third of the track area where it would be laid out on an area with a depth of 200m.
- The construction of a 450m long access track from a new vehicular access.
- Formation of a vehicular access off the west side of a private road linking the A414 with Weald Hall Lane, approximately 270m south of its junction with the A414
- The formation of a 130m by 80m parking area.
- Construction of a 4m high bund to serve as a visual and acoustic enclosing the northern boundary of the part of the site containing the track and car park. The bund would have a base up to 11m wide.
- The formation of a 5m wide planting area would be created on the outside of the bund.

It is also proposed to station a portacabin office, a secure lock up store and a portaloo on the site within the parking area adjacent to the bund. The parking area and access track would have a grass surface reinforced by a plastic mesh.

Outside the application site but on land in the ownership of the applicants it is proposed to construct a ghosted right turn lane on the A414 at its junction with a private road linking the A414 with Weald Hall Lane. This would require works to the south side of the A414 for a distance of approximately 300m west of the junction and 200m east of the junction.

It is also proposed to provide an extension to footpath 51 on a field east of the private road that is bounded by the A414 to the north and Rayley Lane to the east. That land is in the ownership of the applicants and the proposed footpath extension would link footpath 51 to Rayley Lane along the southern boundary of the field.

The central half of the track area would be on land used for proposal without planning permission. The remainder of the site would be on land that is in use for agriculture.

The proposal seeks to overcome objections on the grounds of harm to amenity raised by the Council to the most recent previous application for the continuance of the use of land currently used for the purpose of recreational off-road motorcycling and retention of associated works. It differs from a similar proposal refused in 2009 in that the site is moved some 220m further to the west away from the nearest dwellinghouse and bringing it to within approximately 150m of the M11.

Description of site

The application site is situated approximately 1km north east of Thornwood within the Metropolitan Green Belt. It is 150m east of the M11, 250m south west of the A414 and 450m west of North Weald Airfield. The private road that it is proposed to access the site off is now primarily used to provide access to Weald Hall Industrial Estate from the A414.

The site has an area of 11.1 hectares. It is composed of parts of 2 fields and is surrounded by the remainder of those fields to the north, east and west. A watercourse known as Cripsey Brook with a well-established hedge on both sides is 8m from the southern site boundary and follows an east-west course parallel with the southern site boundary. Land levels drop down to the watercourse from the A414. The change in levels together with hedges alongside the roads and watercourse restrict views of the site, which is seen most clearly from the embankment of the M11 and the first floor of an isolated house known as Tawneys, which is situated opposite the junction of the A414 with the private road linking the A414 with Weald Hall Lane.

Footpath 51 runs adjacent to the site on the south side of Cripsey Brook. The footpath links footpath 8 adjacent to the M11 with the private road to the east. It does not continue to a highway the public have a right of access over.

The field east of the private road bounded by the A414 to the north and Rayley Lane to the east is a field primarily used for outdoor participatory sport. The Cripsey Brook and associated hedgerow marks the southern boundary of the field, beyond which is the main runway of North Weald Airfield.

There are no preserved trees on or adjacent to the site.

Part of the site is within Environment Agency designated Flood Zone 3 and therefore is at risk of flooding.

There are 9 residential properties within 1km of the site. The nearest residential properties are 3 & 4 Canes Cottages (520m) on the south side of the A414, Canes Farm (400m) on the opposite side of the A414 and Tawneys (350m) is situated on the north side of the A414, opposite its junction with the private road leading to Weald Hall Lane.. The Croft (680m), 1 & 2 Weald Hall Cottages (740m), Weald Hall Farm (830m) and Weald Hall Nursing Home (770m) are situated south of the site on Weald Hall Lane, adjacent to North Weald Airfield. The Croft is also adjacent to the M11.

Relevant History

The relevant planning history for the site starts with a planning enforcement investigation into the use of part of it and other land for recreational off road motorcycling and the formation of associated tracks and parking areas, Ref EPF/0302/06. The investigation commenced in May 2005 and is continuing. Throughout, planning and enforcement officers have sought a solution that could deal with the harm caused by it and allow the use to continue in some form in the locality.

- EPF/2364/06 Use of land for motocross. Refused on the basis of harm to the green belt, inadequate access arrangements, harm to amenity through traffic generation and noise and harm to the rights of way network.
- EPF/0229/08 Use of land for motocross (revised application). Withdrawn following officer advice that the revised scheme did not adequately deal with the impact of the use on amenity through noise generated by it.
- EPF/0372/09 Use of land for riding motorcycles for recreational and practice purposes including practicing for motocross. Refused on the basis that the development would cause excessive noise and disturbance harmful to the amenities of neighbouring residents and since no Flood Risk Assessment had been submitted with the proposal.

Policies Applied

Local Plan:

CP2	Protecting the Quality of the Rural and Built Environment
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
RP5A	Adverse Environmental Impacts
RST1	Recreational, Sporting and Tourist Facilities
RST2	Enhance Rights of Way Network
RST22	Potentially Intrusive Activities
U2A	Development in Flood Risk Areas
U2B	Flood Risk Assessment Zones
DBE9	Loss of Amenity

Summary of Representations Received

NEIGHBOURS:

The occupants of 23 neighbouring properties were consulted, site notices were displayed and the application was advertised in the local press.

Letters raising objection to the proposed development have been received from the occupants of the following 8 properties:

44 Weald Hall Lane, Thornwood
56 Weald Hall Lane, Thornwood
2 Thornbrook, Weald Hall Lane Thornwood
Glovers Farm, Glovers Lane Hastingwood
Four Gables, Glovers Lane, Hastingwood
Walnut Tree Cottage, Glovers Lane, Hastingwood
The Laurels, Hastingwood Road, Hastingwood
The Hawthorne, Vicarage Lane, North Weald

Some 216 letters of support for the proposed development have been received from addresses predominantly within Essex.

The grounds of objection and associated comments are summarised as follows:

1. The noise generated by the existing use is very disturbing.
2. The proposal would increase the noise, exhaust pollution and dust.
3. The noise generated compounds the impact of existing noise from North Weald Airfield, especially on weekends.
4. The noise generated is totally unacceptable since it prevents the quiet enjoyment that we have a right to expect.
5. The noise generated should not be compared to traffic noise from the A414. Much of the time we do not hear any road noise, but on the other hand we always hear the motorbikes utilising the track.
6. Noise generated should not be compared with noise generated from activity associated with North Weald Airfield, which generally is not intrusive while any intrusive noise or excessively noisy activity is very infrequent and much less so than the proposed use.
7. Noise from loudspeakers is audible and harmful to amenity.
8. The acoustic report submitted has a page missing.
9. The part of the A414 in the vicinity of the access to the site is already very busy and dangerous. Further traffic movements in this area would be intolerable, especially when there are events at North Weald Airfield or when there is an incident on the M11 or M25.
10. Traffic generated by the use is still passing through the village end of Weald Hall Lane. The traffic is fast moving on a dangerous road.
11. Access via a narrow lane and constrained junction is not appropriate for the numbers and types of vehicles attracted by the use.
12. The use will add to congestion on local roads when events are held at North Weald Airfield.
13. The use creates large amounts of dust.
14. The use is not appropriate in the green belt.
15. The visual impact of the use on days it is carried out is harmful. On those days large vehicles dominate the landscape.
16. The track activities have an extremely harmful impact on the environment and should be stopped immediately.
17. There are no foul drains or sewers serving the site and as such the sanitary arrangements for the use are inadequate.

18. If permission is given the use is likely to intensify through use by other types of motor vehicle and, the introduction of a supporting café and construction of viewing platforms.
19. The site is currently used on days other than those specified in the application.
20. The times the proposed use will take place include those times when local residents are most likely to be at home trying to enjoy their property.
21. The existing use does include practicing for motocross, not just recreational riding.

Comments made in the letters of support are summarised as follows:

1. There is no comparable alternative facility within a large geographical area.
2. The facility proposed is much needed.
3. The proximity of the site to the M11 and North Weald Airfield is appropriate for the development.
4. There are few residential properties near the site.
5. The site is accessible via major routes.
6. The facilities provided are safe and well managed.
7. If no such facility existed some riders may seek to ride in less appropriate areas that would cause more harm than riding at a purpose built facility as proposed.
8. The facility provides an opportunity for young people to enjoy themselves in a relatively safe environment.

NORTH WEALD PARISH COUNCIL: Objection.

“The Parish Council OBJECTS to this application on the grounds of noise nuisance especially to the residents in Hastingwood and Thornwood Common. Concern at the intensification of traffic on the ingress and egress to the site along the A414, there have been a number of accidents along this very busy road. It is our understanding that unless an accident involves an injury then this is not registered as a statistic. Members are aware of a number of accidents which have not been detailed within the statistics. Concern also that the application states that Motocross will only be held on a Saturday, Sunday and Wednesday. The Essex Motocross website clearly states that the site is available for private hire at other times during the week. If the District Council was minded to grant this application then, the use should be restricted to the times detailed in this application,, being Saturday, Sunday and Wednesday, no use of the track should be allowed at other times. Concern also at the importation of soil on to the site to create bunding, and to future importation of soil.”

NORTH WEALD BASSETT AND DISTRICT RURAL PRESERVATION SOCIETY:

Objection raised and summarised as follows:

The retrospective application for the use of farmland as a motocross circuit should be refused on the basis that it causes harm to the character of the locality, is harmful to the green belt and, when seen from the A414 and M11, the site looks an appalling mess. While the noise of the motorbikes may not breach environmental health standards, the pitch of the noise of continually revving and racing engines carries great distances and is unpleasant. This spoils residents enjoyment of gardens and rural surroundings. The impact of the use is not comparable to activities at North Weald Airfield.

ENVIRONMENT AGENCY: Following consideration of a Flood Risk Assessment (FRA) submitted with the application the Agency advise the proposals are acceptable in terms of their consequence for flood risk and request the imposition of a condition on any consent given requiring the track to be constructed and maintained in accordance with the measures detailed in the FRA.

Issues and Considerations

Introduction

On receipt of the application an assessment of whether the proposal is EIA development was carried out having regard to the Town & Country Planning (Environmental Impact Assessment) Regulations 1999, as amended. The application was assessed as:

- Not being a Schedule 1 application since the proposal is not for a development described in Schedule 1 of the Regulations.
- Not being a Schedule 2 application since the proposal is not for a development described in Schedule 2 of the Regulations.

The current proposal has arisen as a result of discussions between officers and the applicant with a view to overcoming both the amenity and highways issues generated by the existing unlawful recreational off-road motorcycling use carried out on land to the west and north. Therefore, and having regard to the location of the site in the Green Belt, the main issues raised by the proposed development are:

- Whether the development is appropriate in the green belt, having particular regard to its impact on the openness of the Green Belt.
- Highway safety.
- Impact on amenity.

Other issues include impact on the character of the locality, the amenity value of the rights of way network and flood risk.

Although it is not proposed to hold motocross races, informal practicing for the sport would be an element of the overall use and the type of motorcycles used for purely recreational riding would primarily be specialist motocross machines. Motocross is a form of off-road motorcycle racing in which motorcycles designed for off-road use race around a specially designed and constructed track that includes a number of tight, sometimes banked turns, a variety of jumps and a race start area. The track is regularly altered.

The motorcycles used are brought to the track in vans or on trailers. They are silenced but to a much lesser degree than motorcycles licensed for road use.

The sport of motocross is regulated in the UK by the Auto Cycle Union. As part of its function it sets out specifications for the motorcycles, including maximum sound levels. Currently they are 96dB(A) for 2 strokes and 94dB(A) for 4 strokes. By way of comparison, motorcycles licensed for road use are limited to 85dB(A) regardless of engine type.

In respect of the principle of the development, the applicant has drawn attention to the absence of any similar facility within a considerable distance of the site. A search for similar uses sites carried out by officers confirms there are none within 50km of the site, the nearest comparable sites being "WildTracks Off Road Activity Park" situated a short distance north east of Newmarket. Given the lack of alternative facilities within a reasonable distance of the site it is accepted there is a need for a facility of the type proposed within the general locality and the provision of one would certainly have some benefit in terms of sustainability through reducing the distance customers of such facilities would need to travel. While questions of need and sustainability are important, they are not main determining issues in this case.

Appropriateness in the Green Belt:

Green belts have a positive role to play in providing opportunities for outdoor sport and recreation near urban areas. However, the purposes of including the land in the green belt, which includes safeguarding the openness of the countryside, takes precedence over the land use objectives of the green belt.

Since the proposed development is for outdoor recreation, the main matter to assess when dealing with the question of appropriateness is the impact of the works required for the use on openness. The main works are the construction of an access track and parking area, construction of a track on which customers would ride motorcycles and the construction of a bund and planting area on two boundaries. In addition, it is also necessary to consider aspects of the use that could impact on openness including vehicle parking and need for open storage.

In considering their impact regard is had to the degree of prominence the site has in the landscape. A hedge on the south side of the A414 together with a drop in land level from it greatly restricts views of the site from the north. A substantial hedge comprising a number of tall trees screens views of the site from land south of the Cripsey Brook. The site is most clearly seen from the embankment of the M11 to the west of the site, but as land north and south of the Cripsey Brook rises above the embankment, that view is restricted.

The access track and car park would have a surface with a soft appearance and this can be made a requirement of an appropriate condition. Since it would also be level with existing adjacent land levels it would respect and maintain the open character of the locality.

The track would also have a soft appearance, but would deviate from adjacent ground level, especially where the track includes jumps and raised areas and at banking around some corners. The submitted drawings show jumps could be up to 4m high. The bund around the track and car park would also have a soft appearance, which could be softened further with appropriate landscaping secured by an appropriate condition on any consent given. It would be approximately 10m wide at its base and rise to a height of 4m. While these structures would impact on openness, the open character of the site would be maintained.

Since levels of the site south of the bund fall gently to Cripsey Brook the bund would serve to largely screen the visual impact of the track.

When the development is in full use the parking area would be dominated by vehicles used to take customers and their motorcycles to the site. These are often large vans. However, given the restricted times of use and the screening impact of the proposed bund the impact of the vehicles on openness is transitory and no more than what would be required for the recreational use. Accordingly, the visual impact of the parking of vehicles would be confined to the site at limited times and would not cause any permanent harm to openness.

The use requires a varying but significant quantity of chipped wood that would need to be stored on the site. The chipped wood is mixed with soil on the track to produce a more suitable looser and drier surface. It also requires storage of some topsoil and any waste recovered during the carrying out of works to form and alter the tracks. These materials would be stored in the open but would not be kept at a scale that is no more than ancillary to the use. The impact of this storage requirement on openness can be controlled through the imposition of an appropriate condition on any consent granted that restricts the height of any open storage to below the top of the bund.

The stationing of a portacabin, portaloo and secure storage facility together with the parking of vehicles for maintaining and constructing the track are also ancillary elements of the use and limits on the positioning of mobile structures can similarly be controlled by condition. It would not be unusual for this type of development to be serviced by a mobile catering stall when it is open to

customers and, again, this is ancillary. The impact of such ancillary elements on openness is very limited and not harmful.

Since the development meets the land use objectives for the Green Belt and maintains its openness, it is appropriate development.

Highway Safety:

The proposed access arrangements are identical to the proposals included in the previous proposal considered in 2009 and there has been no material change in circumstances since that application was considered.

The Highway Authority previously made it clear that the proposal would generate a significant increase of dangerous right turn movements off the A414 into the private road above that currently generated by uses at the Weald Hall Industrial Estate. Therefore, the only basis on which the proposal could be acceptable in terms of its impact on highway safety is if the A414 were widened to provide a ghosted right turn lane on the A414.

The Highway Authority would normally oppose any development that would cause an intensification of the use of an access to the A414 but has taken the view that the road safety advantages of providing the ghosted right turn lane would create a significant road safety advantage. Therefore, on balance, taking into account the current use of the junction generated by other uses, the accident record of the junction and the proposal by the applicant to provide the ghosted right turn, the Highway Authority raised no objection to the previous proposal. On the basis that the access arrangements proposed are identical to those previously proposed, those comments are taken to apply equally to this application.

Normally such off site works would have to be secured by a s106 agreement, but since the applicant owns all the additional land required for the highway works they could be secured by planning condition. A suitable condition would prohibit any works required for the development until the necessary highway works have been completed.

Amenity:

The proposed development has the potential to cause excessive harm to the amenities of local residents. This is primarily as a consequence of the noise levels that would be generated by the type of motorcycles that would use the track. The proposal seeks to deal with the issue of noise primarily by siting the track on much lower ground than that of the nearest residential properties, siting the track further away from residential properties and nearer the M11 and by constructing an acoustic bund adjacent to the track between it and the residential properties. It also proposes to limit the times that the track can be used.

The nearest residential property is Tawneys, Canes Lane. It is situated 350m from site but some 500m from the proposed track. Furthermore, it is on higher ground on the north side of the A414. Tawneys is approximately 500m from the existing track which extends to higher ground than the proposed track.

The issue of noise disturbance has been explored particularly in relation to the impact of the existing unlawful use on the nearest noise sensitive property to it, Canes Farm. Canes Farm is 250m from the existing track on higher ground on the north side of the A414. The house is set in large grounds, approximately 50m from the A414 where noise from the road is less noticeable than it is at the property boundary. Noise measurements taken by Environmental Health Officers at Canes Farm reveal that when the wind is blowing towards that property from the track noise generated was at a sufficient level to cause harm to amenity, but not so high as to amount to a statutory nuisance. The harm to amenity was judged to be serious because of the nature of the

noise and the frequent changes in level and tone. However, when conditions were still, the noise generated was inaudible at the property. It was therefore difficult to be certain about the effectiveness of any mitigation measures that could be incorporated in the existing development.

In respect of the current proposal, due to similar uncertainty about whether the design and location of the proposed track would adequately mitigate the noise generated it is very difficult to predict noise levels that would actually be generated at any noise sensitive property. Environmental Health Officers therefore previously recommended the grant of a temporary planning permission to properly assess its actual impact, fine tune any mitigation measures if necessary and use information gained from monitoring its impact to design a more precise over-riding noise level condition. It also keeps open the option of finally refusing to grant a permanent planning permission if it is demonstrated the impact of noise generated on amenity cannot be adequately mitigated.

However, if a temporary planning permission were granted, it would not be reasonable to require the provision of the off site highway works sought by the Highway Authority in the interests of highway safety. Due to their cost and time required for implementation, they could only be secured in connection with the grant of a permanent planning permission.

Moreover, this proposal has been designed as well as is possible to minimise the impact of noise from the development on the amenities enjoyed by the residents of neighbouring properties. It would certainly have a materially reduced aural impact than the existing use which is, at worst, variably harmful as a consequence of the noise generated by it. In the circumstances, it is appropriate to take a view now on whether the revised proposal would adequately deal with the noise generated by the use despite the absence of conclusive evidence.

The amenities enjoyed by the residents of Thornwood could also be affected by a potential increase in the numbers of vehicles passing through the village to access the proposed development. Much of the route to the site through the village is a narrow road reducing to single track width for much of its length. This has clearly been a concern expressed by some residents of Thornwood in respect of the impact of the existing unlawful development.

Given the proposed new access point and proposed highway safety improvements, it is very unlikely that customers of the use would be tempted to access the site via Thornwood since a much more convenient and safer alternative route to the site would be available. In terms of impact on residents in Thornwood therefore, the proposal would be very unlikely to cause harm. It would certainly have considerably less impact than the unlawful development that would be replaced by the proposal.

Character of the Locality:

The scale and nature of the proposal would impact on the character of the locality in terms of its visual impact and potential for generating excessive noise.

Having regard to the nature of the proposed development and the context of the site adjacent to the M11, A414, the runway of North Weald Airfield and, further to the east, North Weald Golf Course (a recreational use that also depends on significant alterations to the landscape) the proposal is appropriate to the character of the locality in terms of visual impact. It would have a more neutral impact than the current unlawful development whose car park is much more visible.

In terms of noise, its impact on the character of the locality depends largely on how well any mitigation measures work. Experience with the existing track shows that its impact is variable, depending largely on wind direction and strength. However, that track is partly on higher ground and it is not enclosed by any noise attenuation bund as proposed for the replacement track. It is

therefore very likely that the impact of noise on the character of locality will be less than the current unauthorised development.

Rights of Way Network:

The impact of noise and, to a lesser extent dust, will be harmful to users of footpath 51 on the south side of Cripsey Brook. However, that footpath does not currently provide a complete link to other public rights of way and the Highway Authority advise it is little used. Therefore, the impact of the operation of the use on the amenity value of the public rights of way network is unlikely to be of serious consequence. Nevertheless, to compensate for the harm that would be caused the applicant has proposed extending footpath 51 to the east beyond the private road to Rayley Lane on land in his ownership. Since the land is in his ownership, it can be secured by way of either a planning condition or a s106 agreement.

Flood Risk:

Given that part of the site is in Flood Zones 2 and 3, the matter of flood risk must be dealt with. The applicants submitted a Flood Risk Assessment with the development that is acceptable to the Environment Agency and, subject to the imposition of an appropriate condition on any consent granted, the potential consequences of the development for flood risk can be adequately dealt with.

Conclusion

The proposed development is appropriate in the Green Belt and the need for it is acknowledged. It offers a permanent solution to the matter of highway safety on the A414 within the vicinity of the private road off which the site would be accessed.

Since the highway safety issue is not one that solely arises as a consequence of either the proposed development or the existing unlawful development, the Highway Authority on balance and quite exceptionally raised no objection on the basis of securing the proposed junction improvements. However, it clearly would object to any development that does not include the proposed measures to remedy an existing highway safety issue that would be exacerbated by it.

The issue of impact on amenity is much more difficult and how it is dealt with could have consequences for the ability of the highway safety issue to be adequately dealt with. The impact of the proposed development on amenity is likely to be less than the existing unlawful development but it is not possible to be certain that its impact, particularly in terms of noise, would be entirely acceptable. However, compared to the existing situation all neighbouring properties will be less affected. As indicated by Environmental Health Officers, a decision to grant a permanent planning permission has the potential to result in a development that causes permanent harm to amenity due to the noise generated by the use of the proposed track. In that situation, even if it were possible to require the operator to modify noise mitigation measures secured with this proposal, it is possible they might not be effective. The grant of a temporary consent would allow a full assessment of the impact of the development on amenity and was previously recommended by Environmental Health Officers. However, the grant of a temporary consent would not justify securing the highway safety improvements sought by the Highway Authority due to their cost and time taken to implement it.

The harm to highway safety is serious, however it has existed since the development of the private road which pre dates the existing unlawful use. The unlawful development does exacerbate the situation but it has done so since 2005. In that context there is an argument that while the highway safety mitigation measures are necessary and that permanent consent should not be given without a suitable mechanism for securing them, the temporary operation of the

development proposed for 1 year without the mitigation measures may be tolerable in order to fully assess the impact on amenity.

Weighed against the arguments for a temporary consent is the argument that the harm to amenity is likely to always be variable no matter what mitigation is carried out by the operator. Furthermore, there is little more the applicant could reasonably offer or be required to do to mitigate the impact of the development on amenity. It might also be harder to secure the highway safety improvements following a successful operation of the proposed development for a temporary period.

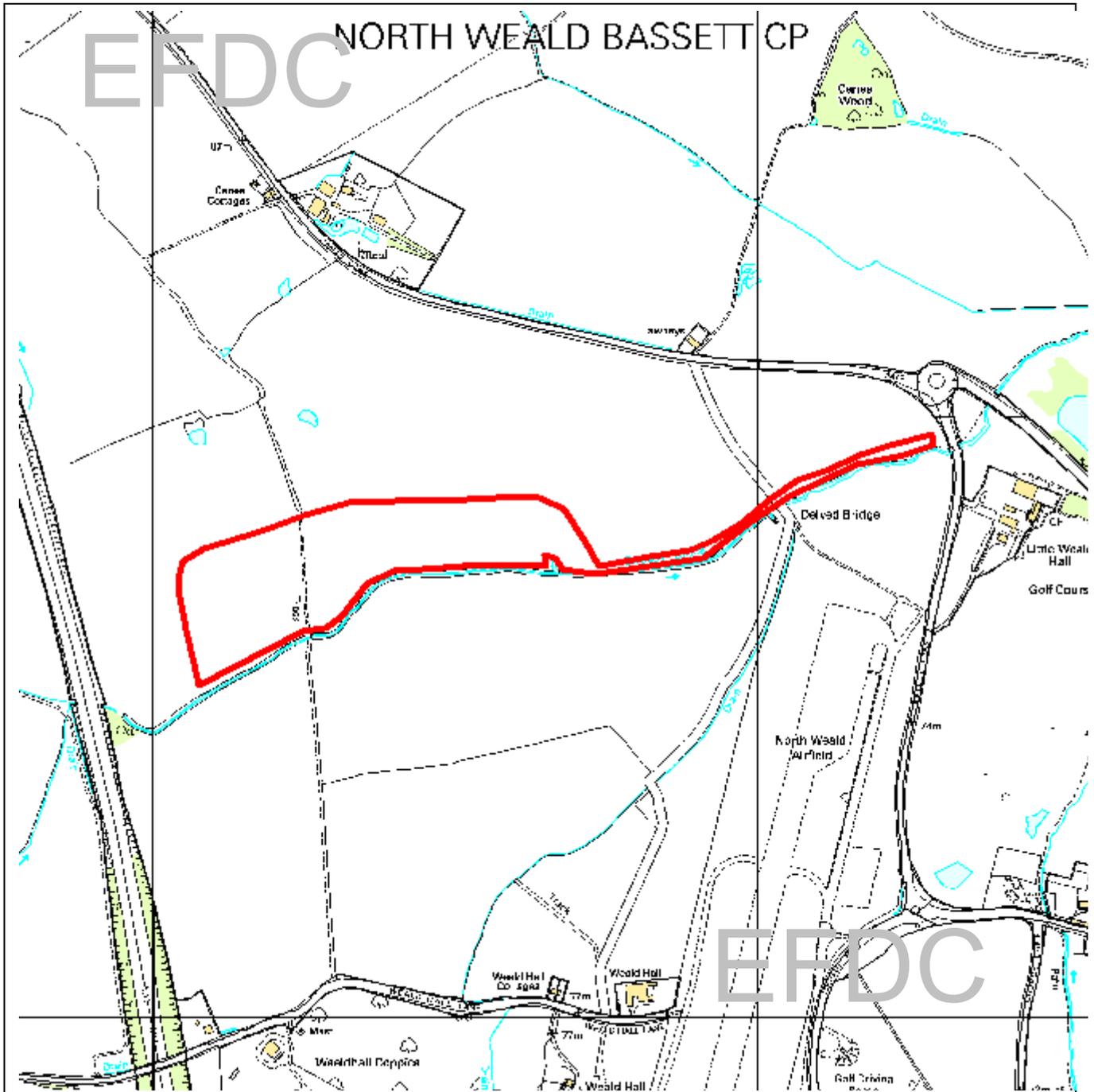
Since the noise currently generated by the existing use does not demonstrably cause excessive harm to amenity and this proposed scheme would be less intrusive, it is concluded that the proposed development would have an acceptable impact on the amenities of the locality. This view is reached having regard to the context of the revised proposal, the demonstrable need for the facility and its proximity to the M11 and North Weald Airfield.

Overall, the revised proposal overcomes the reasons for refusal of the 2009 proposal and it is recommended that conditional planning permission be given.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0398/10
Site Name:	Essex Motocross, Weald Hall Weald Hall Lane, Thornwood
Scale of Plot:	1/10,000

Report Item No: 5

APPLICATION No:	EPF/0418/10
SITE ADDRESS:	Mitchells Farm Stapleford Road Stapleford Abbots Romford Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Robert Torrance
DESCRIPTION OF PROPOSAL:	Retrospective application for change of use of three farm buildings to commercial storage use.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 No operations at the premises, including vehicles arriving at and departing from the premises, shall take place outside the hours of 0700 hours and 1900 hours on Mondays to Saturdays, and not at all on Sundays or Bank/Public Holidays.
- 2 There shall be no external storage in connection with the use hereby approved at any time.

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 Councils delegated functions).

Description of Proposal:

Retrospective application for change of use of three farm buildings to commercial storage use. (The application is submitted by R. Torrance and Son a farming business which owns the buildings, the remainder of buildings in the yard, and surrounding agricultural land).

Description of Site:

Three modern style profile clad agricultural barn buildings used for commercial storage. They lie adjacent to other barn buildings still used for agriculture. This complex of buildings at Mitchells Farm lies alongside a track at some 110m away from Gutteridge Lane, which feeds into Stapleford Road, and the farm lies to the north of Stapleford Abbots.

Relevant History:

EPF/699/95 One of the buildings, unit 3, granted planning permission as cattle building.

Policies Applied:

GB8A – Change of use or adaption (agricultural) buildings

DBE9 – Loss of amenity

ST4 – Road safety

Summary of Representations:

STAPLEFORD ABBOTTS PARISH COUNCIL – recommend refusal because a) regular use of the unmade lane would be unacceptable, b) regular exiting and entering of Gutteridge Lane from Stapleford Road by heavy commercial vehicles would be hazardous since this stretch of Stapleford road has a speed limit of 50mph, it is straight, and cars often exceed the speed limit , c) Ahern is a waste disposal contractor, and whilst diversification is encouraged the use of the barns for waste storage is unacceptable in an agricultural environment object (NB This is incorrect - Ahern is not an occupant of these buildings – see below).

7 neighbours have been consulted, and one reply has been received.

ROSE COTTAGE, GUTTERIDGE LANE. The condition and layout of roads servicing these units requires urgent reappraisal. In addition, the junction onto Stapleford Road is dangerous for large slow moving lorries due to the blind spot caused by the proximity of the brow of the hill.

ESSEX COUNTY HIGHWAYS – The Highways Authority has no objections to this proposal as it is not contrary to highways policies. They add that the vehicle access from Gutteridge Lane onto Stapleford Road, at either end, has excellent visibility, and is in excess of what would be required from these accesses. In addition, the County's Rights of Way officer has confirmed that he has had no reported incidents from members of the public or any issues with the applicants using this track (footpath no.12 Stapleford Abbots) as it is well maintained and wide enough to allow users of the footpath and vehicles to pass safely.

Issues and Considerations:

These 3 portal frame metal clad barns have some 1170 sq. m floor area. They are occupied by H and V installations, a storage and distribution company specialising in heating and ventilation products. The main issues raised by this application are a) whether the use is an appropriate use of former agricultural buildings having regard to policy GB8A of the local plan, and whether the access arrangements are satisfactory and do vehicle movements give rise to a significant loss of amenity.

The 3 buildings are of a similar age and it is likely that they were erected some 15 years ago. Although there is a record of only unit 3 having a planning consent the other 2 units could well have been built under permitted development allowed for agricultural buildings.

The applicants state that the buildings were initially used for the storage of potatoes and crops. However, a change in market conditions some years ago made potato farming far less economic, and also the business had to give up some 250 acres of arable land. The business has therefore consolidated its arable business at Battles Hall and its dairy unit at Albyns Farm, thus resulting in under-utilised buildings at Mitchells Farm. As a result the business has diversified by allowing a commercial tenant to occupy this vacant floorspace at Mitchells Farm and thereby generating a supporting income for the agricultural use. Having regard to these factors it is officers view that these buildings were legitimately built for agricultural use, and that their use now for other purposes is an appropriate use which assists in maintaining the viability of the remaining farm business. This in turn helps to ensure a large area of land is retained for open agricultural use in

the Green Belt. The applicants state that the commercial use of these buildings has been in operation for more than 10 years. However, rather than lodging a certificate of lawful development application they have chosen to lodge a planning application, and they are prepared to accept conditions e.g. to restrict hours of operation to 7am to 7pm Mondays to Saturdays.

In terms of access Gutteridge Lane forms a type of extended lay by from which an unmade track goes eastwards. Mitchells Farm is located some 110 m down this track. The track is about 3.5m wide and its condition is reasonable. Although concerns have been raised by the Parish Council and a neighbour over the condition of this track the County Council feel that it is satisfactory, and its width allows for footpath users and vehicles to pass acceptably. Given that only 110m of this track's length is used by the applicant's business, which appears to use mainly vans, the continued storage use of these buildings is acceptable in this regard. In terms of driver visibility and road safety at the junctions of Gutteridge Lane and Stapleford Road again there is a divergence of views between the Parish Council/a neighbour and the County Council. Stapleford Road is a straight road at this point and driver visibility is good, and it would not be justifiable to refuse consent because of poor driver visibility. In terms of possible disturbance from vehicle movements, no objections have been received on this account, and we are not aware of any complaints being received in connection with the use which supports the view that the use is not an overly noisy one.

The Parish Council also objects on grounds that Ahern, a waste contractor, is not a suitable occupant for these buildings. However the application forms only indicate that waste is collected from the site by Ahern, and as mentioned above H and V Installations, a heating and ventilation company, in fact occupy the site for the storage of its equipment and machinery.

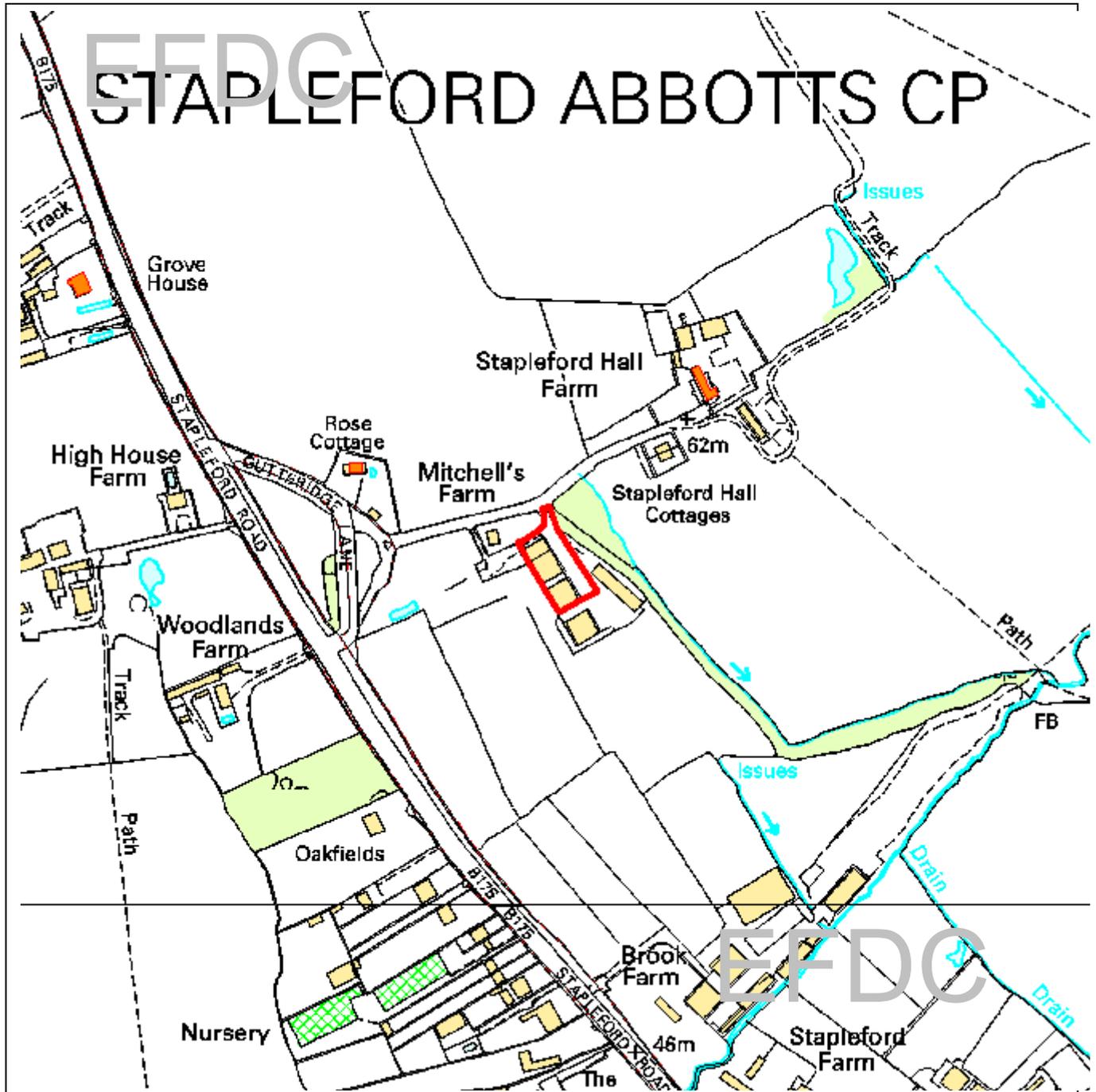
Conclusions:

This commercial use provides for farm diversification without undue effect on the open character of the Green Belt or highway safety. It therefore accords with policy and conditional planning permission for continued use is recommended.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0418/10
Site Name:	Mitchells Farm, Stapleford Road Stapleford Abbotts, RM4 1EJ
Scale of Plot:	1/5000

Report Item No: 6

APPLICATION No:	EPF/0504/10
SITE ADDRESS:	Matthews Yard Harlow Road Moreton Ongar Essex CM5 0LH
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Wickford Development Company
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and commercial buildings and erection of 7 dwellings including surface water sewer to existing watercourse. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions) Subject to Legal 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 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes, A, B, C, and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Prior to the commencement of the development details of the proposed surface materials for the access and parking areas. shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 5 The carriageway of the proposed estate road shall be constructed prior to the commencement of the erection of any dwelling proposed to have access from such a road. The footways commensurate with the frontage of each dwelling shall be completed prior to occupation of the dwellings they are to serve.
- 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 residents (staff) and visitors vehicles.

- 7 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.

- 8 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.
- 9 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 10 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.

- 11 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.
- 12 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 garages hereby approved shall be retained so that they are 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.
- 13 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 14 Before any preparatory demolition or construction works commence on site a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

And subject to a legal agreement under section 106 to secure the cessation of the existing transport yard use of land to the rear of the site and the removal of hardstanding and buildings and restoration to grass.

This application is before this Committee since it is an application for residential development of 5 dwellings or more and is recommended for approval (Pursuant to Section CL56, Schedule A (d) of the Council's Delegated Functions).

Description of Proposal:

The proposed development is for the demolition of an existing dwelling and commercial buildings and the erection of 7 new dwellings and a surface water sewer. The scheme is in the form of a cul-de-sac of two storey dwellings and comprises a terrace of 2 two bed and 1 three bed cottage to the left of the access road and four detached houses. (2 three bed and 2 four bed). The proposal includes the provision of two parking spaces for each of the terraced properties, a garage and two parking spaces for each of the detached dwellings and two additional visitor parking spaces (a total of 20 spaces). The proposed houses are all of traditional design and materials.

The proposals include the removal of existing buildings and hardstanding on land to the rear of the site and an undertaking to cease any transport yard use of that land and to return it to grass for use as a paddock. The applicants have put forward a unilateral agreement under section 106 of the Planning Acts to this effect.

Description of Site:

The subject site is located on the western side of Harlow Road within the village of Moreton. The site as a whole comprises the existing dwelling known as Cedar Lodge, the vacant vehicle repair/garage/former filling station site which fronts Harlow Road and contains a large workshop building. The area of the site is approximately 0.36 hectares. The land to the rear of the site, within the same ownership, that it is intended to restore to paddock use, was previously used as a transport yard and is also approx 0.36 hectares

The existing large workshop building was apparently originally an aircraft hangar from North Weald airfield. It is a timber clad structure with a corrugated metal roof and is in a poor state of repair

The site is located within an area of residential properties close to the centre of Moreton, with bungalows to the north and larger properties to the south. The whole of the site is within the Metropolitan Green Belt which washes over Moreton.

Relevant History:

The subject site has had a number of previous planning consents dating back to 1958. These include permission for the site to be used as a filling station with associated storage tanks, vehicle maintenance and the development of a residential bungalow (Cedar Lodge). The most recent applications are as follows:

EPF/1470/77 - Retention of use of portion of building for storage purposes and siting of 2 no. free standing steel storage tanks for storage of cleaning solvent (approved)

EPF/0275/87 – Temporary office, welfare and vehicle maintenance accommodation (approved with conditions)

EPF/2580/07 - Demolition of existing dwelling and commercial buildings and erection of 8 dwellings (refused)

EPF/1348/08 – Demolition of existing dwelling and commercial buildings and erection of 8 dwellings. Refused for the following reasons:

1. The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The Local Plan and Government Guidance as set out in 1. Planning Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area and that new developments will only be permitted if not disproportionate. The construction of 8 open market dwellings in this location is inappropriate development which will have a detrimental effect to the open character and objectives of the Green Belt. The proposal is therefore contrary to Policies GB2A and GB16A of the Adopted Local Plan and Alterations.

2. The proposed development would, by reason of the design, bulk, mass, and siting of the dwellings appear unacceptably dominant and visually intrusive and would be out of character with the surrounding area contrary to Policies DBE1, DBE2 and DBE4 of the Adopted Local Plan and Alterations.

3. This is a Green Belt site where the presumption is against the development of new housing. This restraint may be set aside for small scale affordable housing schemes. There is no such on-site provision as part of this planning application, contrary to policies GB16A and H7A of the Adopted Local Plan and Alterations

An appeal against this refusal was dismissed in February this year.

Policies Applied:

Local Plan Policies:

DBE1 Design of New Buildings
DBE2 Detrimental Effect on Existing Surrounding Properties
DBE4 Development in the Green Belt
DBE6 Car Parking
DBE8 Private Amenity Space
DBE9 Loss of Amenity for Neighbouring Properties
LL10 Adequacy of Provision for Retention of Landscaping
LL11 Landscaping Schemes
CP1 Sustainable Development
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
H1A Housing Land Availability
GB2A Development in Green Belt
GB7A Conspicuous Development
GB15A Replacement Dwellings
GB16A Affordable Housing
E4A Employment

SUMMARY OF REPRESENTATIONS:

14 neighbouring properties were consulted and a site notice erected.

This report was completed prior to the expiration of the consultation period on this application. Any comments received will be reported orally to Committee.

Issues and Considerations:

This is a revised application following the refusal of a scheme for 8 houses last year. The appeal against that refusal was dismissed.

The main issues relate to whether there are very special circumstances sufficient to overcome the harm to the Green Belt that would result from the development, loss of an employment site, the design and impact on the character of the area, impact on neighbouring amenity, highways issues, and the need for affordable housing.

The previous appeal decision is an important material consideration.

Green Belt

The site is within the Metropolitan Green Belt and the proposed development is clearly not one of those which are deemed appropriate, it is therefore by definition harmful and should be resisted unless there are very special circumstances applicable in this instance that would outweigh this harm. The applicants have accepted that the proposal is inappropriate, but argue that there are very special circumstances.

These are:

That the site is previously developed and currently has a large imposing and unattractive building on it, which will be replaced by an attractive residential development that will enhance the visual amenity of the area.

That the scheme would remove the existing lawful use, for a garage and transport yard, unrestricted by planning conditions that could otherwise be recommenced with significantly adverse impact on residential amenity and traffic flows.

That the proposed development has less visual impact on openness than the current situation.

That the applicant is willing to enter a legal agreement that ensures that the land to the rear of the site is restored to grass, the lawful use is revoked and the area is used only as paddock, thereby improving and maintaining openness.

Whilst the previous scheme for the development of 8 dwellings, was dismissed on appeal the Inspector considered that insufficient attention had been paid to the impact of that development on the Green Belt, but he raised concern, not about the principle of residential development, but about the scale and positioning of the development then proposed. The revised application has reduced the footprint of the built development proposed by some 29% and there has been a corresponding significant reduction in bulk. The largest dwelling, a 2 and a half storey five bed unit, has been removed from the scheme, together with bulky two storey garage/studio buildings. Additionally the development has been pulled away from the rear boundary of the site and no longer extends beyond the position of buildings on adjacent sites such that it now sits more comfortably within the surrounding development and is less intrusive into the undeveloped area. Additionally the extent of the paddock land to the rear has been increased slightly. It is considered that these amendments are significant and that they overcome the concerns that the Inspector had with regard to Green Belt. On this basis therefore officers agree that taking all aspects of the existing site and the proposed development into account there are very special circumstances which are sufficient to outweigh the harm to the openness of the Green Belt from the revised scheme.

Loss of an employment site

The policies of the Local Plan seek to retain existing employment sites, where these are appropriate. Whilst the previous use of this site would have provided employment, and the loss of employment opportunities from village and rural areas is generally to be resisted, in this instance, given the intrusive nature of the lawful use, the proximity of residential units to the site and the nature of the surrounding road system, it is considered that this is a non conforming and potentially harmful use. Given the costs that would be incurred in decontamination of the site to enable redevelopment for alternative employment uses, it is not considered that such development is likely to be economically viable at the small scale development that would be appropriate in this location.

Design and Impact on village character and streetscene

In dismissing the previous appeal the Inspector did not agree with the Council's concerns regarding the design of the development and impact on the street scene. He stated "the design of the development accords with the principles of the Essex Design Guide and is of a high standard. I consider the frontage development would relate well to the existing cottages and would be consistent with nearby development within the Conservation Area to the south-east, the cul-de-sac form is not inappropriate having regard to the neighbouring cul-de-sac developments" he also considered that "the redevelopment of the site with houses of the quality and appearance proposed would result in significant improvements in the village environment".

The design of the frontage development facing Harlow Road has remained unchanged from the previous scheme and the cul-de-sac element has been maintained with similarly designed dwellings. The elements that the Inspector had concerns about in the previous scheme were the two storey garage blocks and the extent of the development into the site beyond the rear of neighbouring buildings. These aspects have been removed and in the light of the inspector's comments it is considered that the scheme is now appropriate in design terms and would benefit the village environment.

The two proposed 2 bed cottages have only limited private amenity space, but this is not unusual for small properties of this type and is largely considered to be a matter for the developer. The larger 3 and 4 bed family properties meet the Council's amenity space guidelines.

The scheme has a density of about 19 dwellings per hectare, which, whilst it is below the generally required target of 30-50 dwellings per hectare, is considered appropriate to this village location where the surrounding density is similar. The housing mix is also considered appropriate.

Impact on neighbouring amenity

The revised scheme has removed the only element that was previously considered to be potentially harmful to neighbouring amenity, that is the two storey garage blocks that would have affected the outlook from the existing bungalows to the north. The current proposals have been designed to ensure that there is no overlooking of adjacent properties and that there is adequate distance between the new buildings and existing dwellings to ensure that there is no adverse impact on amenity. It is considered that the removal of the existing buildings and lawful use of the site can only have a positive impact in terms of residential amenity.

Highway Issues

This report has been completed prior to the receipt of any comments from Essex County highways but on the basis that there were no highway objections to the previous larger scheme it is assumed that there will be no objection to this current proposal. The development clearly has less potential impact on the local highway network than the existing lawful use of the site. The development includes parking for up to 20 vehicles and the proposed garages and spaces meet the latest adopted standards. The proposals include the provision of a pavement along the front of the site on highway land and the provision of cycle storage.

Affordable Housing

The proposal, as with the previous application does not include any provision for affordable housing on site, nor any contribution towards the provision of affordable housing elsewhere. Policy H7A states that where the population of a settlement is less than 3,000 and in conjunction with Policy H6a(ii) affordable housing will be sought as follows a) 50% of the total of new dwellings on a Greenfield site: b) on a previously developed site 33% where an application is made for 3 units and 50% for applications of 4 or more new dwellings... Technically therefore on this scheme that is on previously developed land and has a net increase of 6 dwellings we would normally be seeking 50% or 3 units to be affordable. However at the previous appeal the applicants successfully argued that it was not viable to provide affordable housing as part of the proposal. The Inspector stated in his decision; "An appraisal by consultants showed that the cost of development made the site unsuitable for any element of low cost affordable housing. The submitted evidence clearly indicates that affordable housing in accordance with Policy GB16 would not be viable on this site in present circumstances and therefore, I conclude that the provisions of Policy H7A should not apply. "

It is not considered that there has been any significant change in the market since that appeal decision in February of this year and as such it is not considered that we are in a position to require affordable housing to be provided as part of this development or to require a commuted sum for affordable housing elsewhere.

Sustainability

The site is not a particularly sustainable location for new development, in that any residents are likely to be heavily reliant on the private car for their everyday needs, but it is considered that the existing lawful use as a garage workshop and transport yard is similarly unsustainable and if used to full extent would be likely to result in more additional trips and traffic, including HGV's being drawn into the rural area. On balance therefore it is considered that the reuse of this previously developed land for a small housing development should not be resisted on sustainability grounds.

Other issues

The proposal includes provision of a surface water drain which will need land drainage consent, but is considered acceptable in planning terms. The development is to be linked to the existing sewer system, which it has been suggested is already overloaded. However the applicants have been in discussion with Thames Water who are responsible for the sewer and they have raised no objection to the proposed link. It is for Thames to ensure that the system is adequate.

The site, given its previous use, is potentially contaminated and there is a need for additional surveys to be carried out and potential remediation work, but this can be adequately controlled by condition.

A Phase 1 habitat survey was submitted with the application, which concludes that the site is of low habitat value, but suggests precautionary measures that can be taken to ensure that there is no harm to protected species. This again can be required by condition.

The existing large workshop building has been identified as originally being a World War I aircraft hangar from North Weald Airfield that was rebuilt on this site. The applicants have verbally agreed that they are happy for the hangar to be given to the airfield museum, who have expressed an interest in it, provided it can be safely removed from the site at an appropriate time. The building is not listed or locally listed and we therefore have no way of requiring this, but the relevant parties are in discussion.

Conclusion:

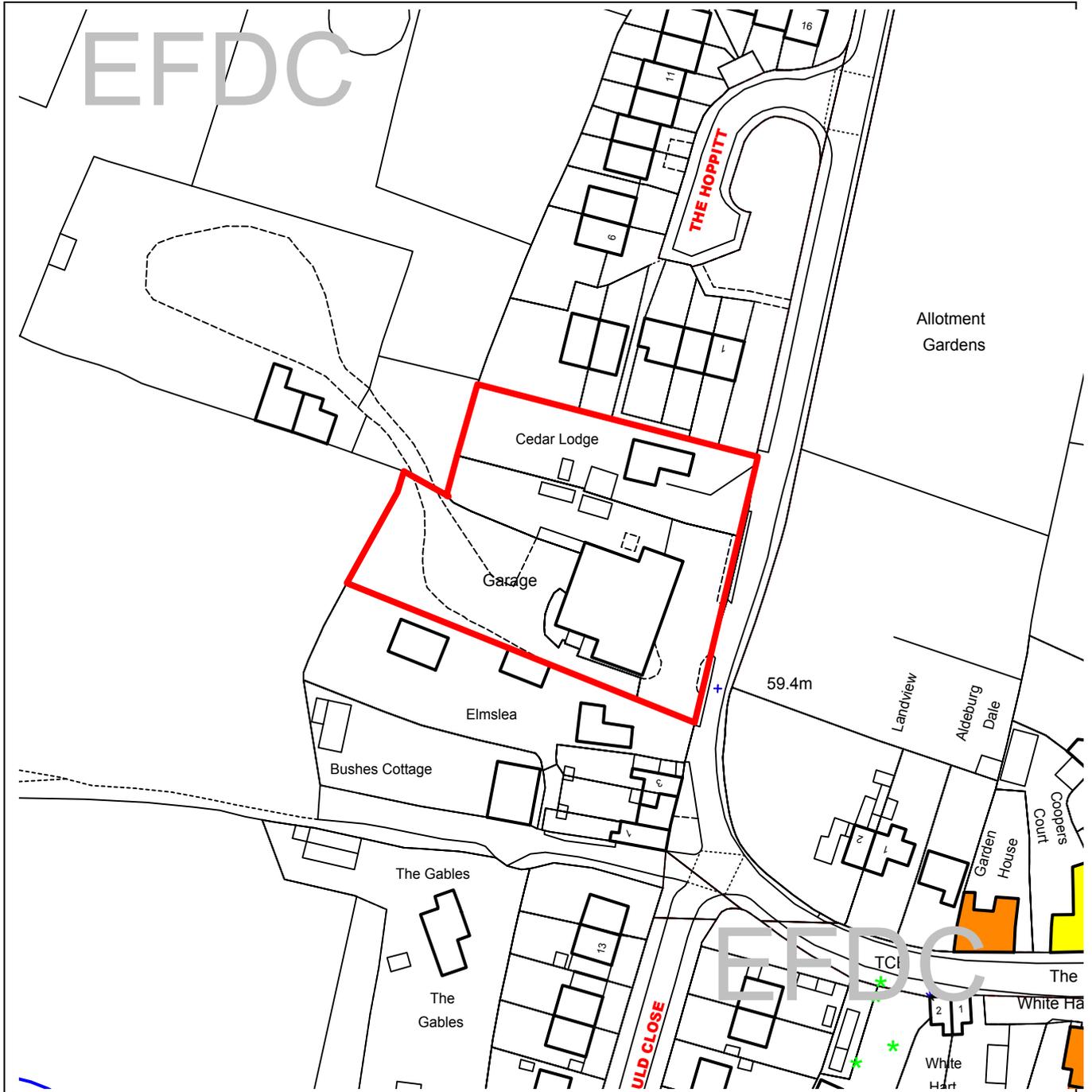
In conclusion this revised scheme has been amended to overcome the issues raised by the Inspector in relation to the appeal against the previous refusal and although the proposal is still inappropriate development it is considered that the substantial reduction in footprint and bulk and height of buildings within the site and the relocation of buildings away from the rear boundary of the site means that the adverse impact on openness is significantly smaller and that the very special circumstances put forward are now sufficient to outweigh this reduced harm.

The design has been deemed suitable to the location and the lack of affordable housing has been shown to be acceptable due to the costs involved in decontaminating and developing the site. It is considered therefore that the revised proposals are in accordance with the adopted policies of the Local Plan and Local Plan Alterations and that the development will have the positive benefit of removing an unsightly and potentially problematic use from this prominent village site. The application is recommended accordingly, subject to the unilateral agreement, to cease the use of the rear area as a transport yard, remove all buildings and hardstanding and use it only as paddock, and subject to conditions.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/0504/10
Site Name:	Matthews Yard, Harlow Road Moreton, CM5 0LH
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0600/10
SITE ADDRESS:	Norton Field Farm Norton Lane High Ongar Ongar Essex CM4 0LN
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Ian Chisholm
DESCRIPTION OF PROPOSAL:	New barn with workshop and new poultry rearing unit.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 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 Prior to the commencement of the development hereby approved, details of foul drainage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the approved details.

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

Description of Proposal:

This application seeks planning permission for the erection of a poultry rearing unit (12.5 x 15 metres max. height 6.4 metres) and a workshop (30 x 8 metres max. height 5.5 metres).

Description of Site:

The application site forms part of a 10.125 hectare poultry farm, located within the Metropolitan Green Belt on the southern side of Norton Lane. The siting of the proposed building is adjacent to an existing access road from Norton Lane. There is considerable natural screening along the site boundary with Norton Lane, resulting in there being only very limited views into the site. The land upon which the buildings are proposed is presently used for open storage.

Relevant History:

Fairly extensive planning history relating to the agricultural use of the site. Most recently, in 2007, an approved agricultural determination for an extension to a poultry unit.

EPF/0979/03. Erection of permanent dwelling to be used in connection with agricultural use. Approved 28/06/2005.

Policies Applied:

East of England Plan

SS7 Green Belt
ENV2 Landscape
ENV3 Biodiversity
ENV7 Built Environment

Local Plan

CP2 - Protecting the Quality of the Rural and Built Environment
CP3 – New Development
GB2A – Green Belt
GB7A – Conspicuous development
GB11 – Agricultural Buildings
DBE1 - Design
DBE 2, 9 – Amenity
LL11 - Landscaping

Summary of Representations:

Notification of this application was sent to High Ongar Parish Council and a notice was displayed along the Highway land outside the site.

The following representations have been received:

HIGH ONGAR PARISH COUNCIL. Objection.

The application seeks to increase the size of the existing poultry unit by almost 25%. There would, therefore, be a considerable increase in the amount of green area which would need to go under concrete.

This would not only impinge on the countryside by an intensive use application, but inevitably there will be an increase in the number of vehicles using what is largely a single lane track, to the detriment of the road and the area, and causing further nuisance to local inhabitants. This application raises several questions and comments, to which the Parish Council requests responses:

- This is a proposal for a new barn and workshop. Currently there exists a steel framework for a large barn, which has not been completed. Is this, therefore, an application to complete this barn or is it for an additional barn?
- Question 7 (*Waste Storage and Collection*) of the application: A poultry-rearing unit will raise issues of storage and management of litter when the house is depopulated. Also, there will be considerable quantities of dirty water from unit cleaning between flocks.

Has consideration been given to the likely impact on the existing water-course and environment in the management of this?

- Question 10 (*Materials*) of the application: If this application is approved, there will inevitably be a need for vehicle access and hard standing to service a workshop and livestock unit. This has not been addressed in this application.
- Question 16 (*Trees and Hedges*) of the application: no evidence of attempts to carry out a tree survey have been observed.
- Question 24 (*Hazardous substances*) of the application: no reference has been made in the application of how this rearing unit will be heated and with the necessity to heat a rearing unit, presumably there is a likelihood of LPG brooders to be used?
- The Council requests a check that this application complies with the original permission granted by the Inspector for a poultry farm, especially with regard to the number of buildings.
- If this application should be approved, the Council requests a condition be included that the workshop is for use in connection with the poultry farm, and not for an alternative business.
- Any approval should be conditional on compliance with previous actions and decisions by District Council Enforcement Officers.

The Council requests responses to the issues raised above and urges planning officers give serious consideration to all these points when reviewing this application.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on the openness of the Green Belt and on the character and appearance of the area. Impact on trees, Highway safety and public health will also be considered.

Green Belt

Policy GB2A of the Adopted Local Plan identifies types of development which are appropriate within the Green Belt. The proposed buildings would be used for agricultural purposes and would, therefore, constitute appropriate development within the Green Belt.

Policy GB11 of the Adopted Local Plan encourages agricultural buildings, provided that the proposals:

- are demonstrably necessary for the purposes of agriculture;*
- would not be detrimental to the character and appearance of the locality or to the amenities of nearby residents;*
- would not have an unacceptable effect on highway safety, water quality/supply or watercourse;*
- would not significantly threaten any sites of importance for nature conservation.*

Analysis of the proposed development in relation to these provisos is as follows:

- i. The site has agricultural use as a poultry farm. It is accepted that the scale and nature of the proposed buildings is such that they are necessary for the purposes of agriculture.
- ii. The buildings are in keeping with the rural and agricultural landscape of the surrounding area. The siting of the buildings is such that nearby neighbouring residents would not be affected.

- ii. The development would not be harmful to Highway Safety, as the existing access point and track would be utilised. As the development would form an extension to the existing agricultural activity on the site, it is not considered that there would be any harm to water supply/courses. However, following the expression of concern from High Ongar Parish Council, advice has been sought from the Council's Environmental Services Section. Their response will be verbally reported at the Committee Meeting.
- v. There are no nearby sites of importance for nature conservation which would be affected by the proposed development.

The buildings would be close to existing structures within the site and their impact would be softened by existing landscaping. It is not, therefore, considered that they would be detrimental to the open character of the Green Belt.

Character and Appearance

The proposed buildings would be agricultural in their character. The barn/workshop closest to the highway boundary would be timber clad with a concrete roof. The poultry rearing shed would be steel clad with two open sides.

The buildings would be in keeping with the agricultural and rural character of the site and surrounding area.

Trees and Landscaping

The proposed barn building would be located approximately 9.5 metres from the boundary and due to this distance there would not be any material harm to the vegetation. The vegetation would partially screen the barn/workshop when viewed from the road, which would soften its impact.

Highway Safety

The proposed buildings would utilise the existing highway access and driveway. This would be acceptable.

Water Quality

The nature of the agricultural use is such that waste water would be likely to contain animal faeces and as such would be classed as foul water rather than surface water. A planning condition may be attached requiring details of foul drainage, to ensure that there is no harm to public health.

Other Matters

High Ongar Parish Council has raised a number of concerns in relation to this proposal and has requested that their concerns are addressed.

Observations on their concerns are:

It is confirmed that no works have taken place regarding the construction of the proposed buildings. Accordingly the works are in addition to any other works which are occurring on the site.

Concern has been raised by the Parish Council regarding the possible storage of Liquid Petroleum Gas (LPG) on the site to power the brooders. Brooders can be powered by gas or electricity and the applicant has not confirmed what would be used in this case – although they have indicated on the planning application form that the proposed does not involve the use of storage of LPG on the site. Notwithstanding this, if the applicant were to use LPG gas, in accordance with guidance

provided by the Health and Safety Executive (HSE), it is not considered that there would be such a risk to public safety that would justify either the refusal of planning permission or the use of a planning condition. Having regard to guidance in Circular 11/95, it is not considered to be necessary to attach a planning condition, as the HSE would be the most appropriate agency to deal with any unsafe activity.

Having regard to the design of the buildings and as the site is in agricultural use and is presently used as a poultry farm, which appears to be a successful enterprise, the use of a planning condition limiting the use of the buildings would not accord with Government guidance in Circular 11/95.

It would not be appropriate to attach a planning condition to an approval under this application which seeks to resolve issues related to previous actions/decisions, as requested by the Parish Council. The only matter being investigated on the site at present is the storage of crushed concrete, which is being investigated by both District and County (as the Waste Authority) Enforcement Officers.

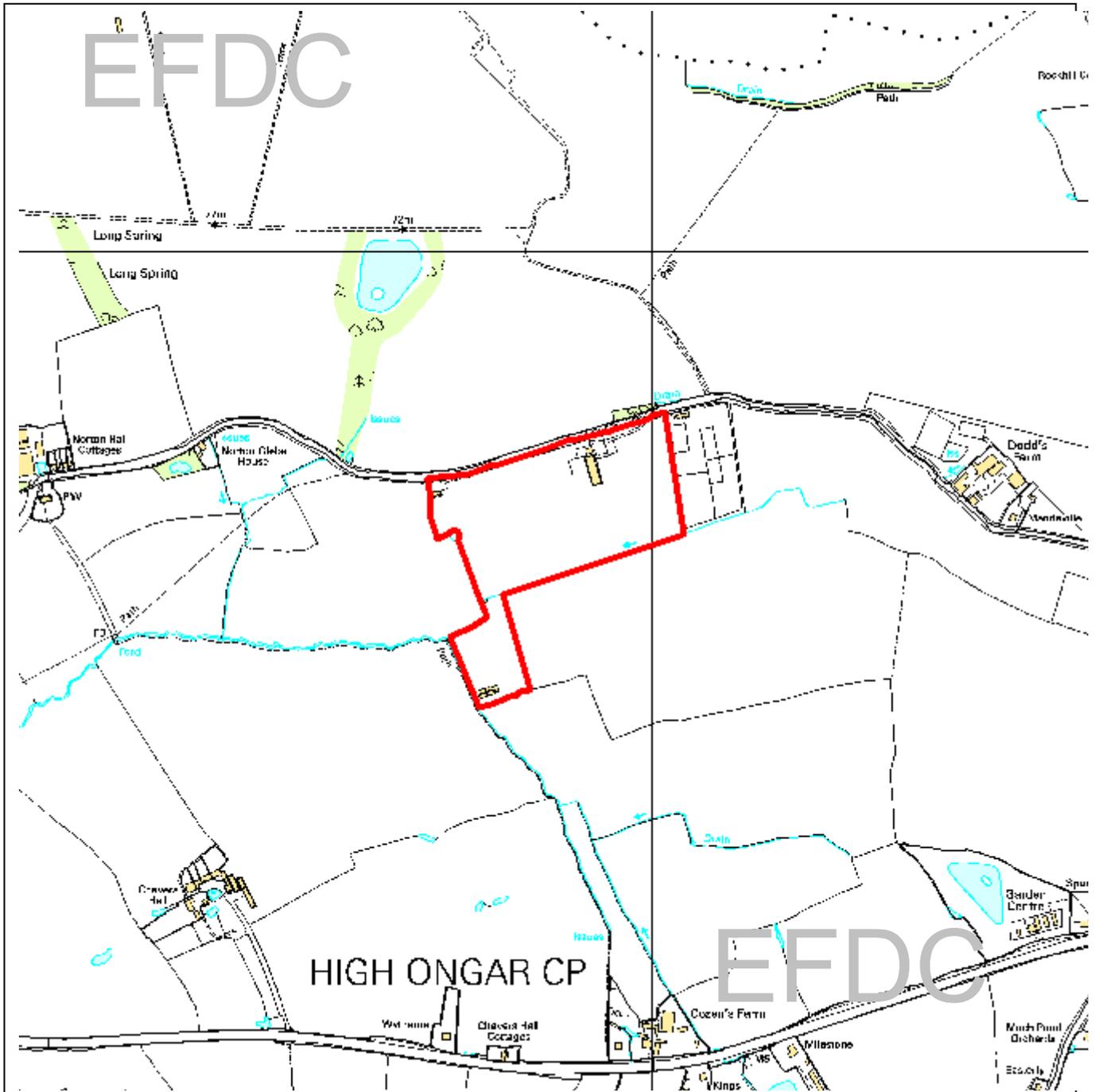
Conclusion:

In light of the above appraisal, it is considered that the proposed building would be appropriate within the Metropolitan Green Belt and would not cause any other material harm that would justify the refusal of planning permission. Accordingly, it is recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/0600/10
Site Name:	Norton Field Farm, Norton Lane High Ongar, CM4 0LN
Scale of Plot:	1/10,000

Report Item No: 8

APPLICATION No:	EPF/0705/10
SITE ADDRESS:	North Weald Airfield Merlin Way North Weald Bassett Epping Essex
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Garry Reel - Sophisto UK Ltd
DESCRIPTION OF PROPOSAL:	Erection of one seasonal marquee events structure and a connected service structure for no more than 34 weeks per calendar year.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 This consent shall inure for a temporary period of 6 months from the date of this consent.
- 2 The marquee shall accommodate no live music beyond 6pm. Any amplified sound shall be restricted by a noise limiter. Details of the noise limiter shall be submitted to and approved in writing by the Local Planning Authority within 2 weeks of the date of this consent. Any amplified sound shall be restricted by the agreed equipment and details thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 3 The marquee hereby permitted shall not be used for functions, events or meetings outside the hours of 10am - 9pm Sunday to Thursday or 10 am to midnight Friday and Saturday.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Proposal:

The application seeks consent to erect a marquee for events and associated service structure for no more than 34 weeks a year seasonally.

The proposed marquee is 20m deep by 50m wide reaching a height of 6.25m. The associated service structure is 9m deep by 12m wide.

Description of Site:

North Weald Airfield is an unlicensed Local Authority owned airfield. The airfield still operates as an airfield for small scale private aircraft, hosting occasional aerial and motorsport events and a regular weekend market.

The airfield currently allows winter functions in a marquee as temporary development under permitted development tolerances. The proposed Sophisto event functions result in the marquee being onsite longer than can be considered temporary, therefore this application encompasses all marquee events on this part of the airfield to avoid confusion over what forms part of this application and what is otherwise lawful.

The proposed events marquee is onsite at present and has been positioned longer than lawful without consent, however the Council's enforcement team are awaiting the determination of this application before pursuing any enquiries.

Relevant History:

The site has a history dating back to 1974 for uses and activities in association with the airfield and recreation. There are no applications directly relating to the proposal under consideration.

Policies Applied:

Epping Forest District Local Plan and Alterations

GB2A – Development in the Green Belt

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

RST28 – Character and historic interest of north weald airfield

RST29 – New Buildings on North Weald Airfield

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL: The Parish Council objects to this application on the grounds of; excessive noise, detrimental to amenities of adjacent residents, concern that District Council is allowing an application which is seemingly retrospective on land that they own.

7 neighbouring properties have been consulted and a site notice has been erected. No representations have been received from users or businesses on the airfield. 5 representations have been received from 4 neighbouring properties as follows:

THE HAWTHORNS: Two letters of representation strongly objecting on the grounds of noise and disturbance in the home and surrounding area, reference is also made to the inappropriate proximity of St Andrews Church Cemetery.

THE VICARAGE: Object strongly on grounds of noise from events impacting on tranquil setting and disturbance in the countryside beyond that already caused by the airfield.

WEALD HOUSE: Strongly object to inappropriate development in a quiet rural area and unacceptable level of noise.

WHITE FRIARS: Object on the grounds of noise, disturbance and hours at which events have taken place. Concerns are raised regarding bookings the applicant has accepted. This is beyond the Council's control and at the applicants own risk. Attention is drawn to noise advice offered by DEFRA. Officers note this advice follows that of PPG24 (planning and Noise) and is thus reflected in Policy DBE9 and indeed the conditions recommended.

Issues and Considerations:

The main issues that arise with this application are considered to be the appropriateness of the development in the Green Belt, its effect on the openness and character, its impact upon neighbouring properties including matters relating to noise and the operation of the airfield.

Green Belt, street scene and airfield related development

Policy GB2A establishes that in principle development which preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt, is acceptable. It may be argued that as a temporary demountable structure, the marquee may be considered acceptable in principle having only temporary impacts.

In respect of street scene, Merlin Way serves as an access to the Golf Club, industrial units and airfield. The airfield itself maintains a number of functional buildings and structures, the development would be viewed in this context.

In respect of airfield policies, any development which preserves the open character and historic interest of the airfield whilst not threatening the functional use of the airfield as a recreation and leisure centre, having a recreational function and not resulting in an air traffic hazard or adding development pressures, may be considered acceptable, particularly in the interests of long term maintenance and viability for the Airfield.

The use of the marquee for events is recreational albeit for private events, and presents no air traffic hazard. Being a temporary albeit substantial structure, this leaves no long term implications for development, the Green Belt or historic interest matters, therefore minimal concerns are raised on these matters.

Impact to Neighbouring Properties

Policies DBE2 and DBE9 seek to minimise adverse impact to neighbouring properties. Neighbouring properties are all well separated from the proposals, therefore visual impacts are at most minimal, however given the relative open form of the site and surrounding area and the nature of the functions taking place, noise and nuisance must be considered. It is important to recognise that in this location the background ambient noise levels are relatively low at evenings and weekends when the industrial areas and airfield are generally closed or inactive. The proposals introduce a use which has already attracted a number of noise complaints, not all of whom have registered objections to this planning application. Environmental Health has been consulted on this application and suggest conditions in line with advice offered at recent site visits investigating noise issues. It has been suggested that a noise limiting device be fitted to any amplified sound equipment in the marquee to minimise noise. In respect of live music, whilst use during the day against the background noise of the operating airfield may not be unacceptable, Officers are of the view that any live music beyond 6pm is unacceptable being in hours that ambient background noise will be reduced and when most residents will be in the home therefore this should be restricted by condition.

Access and Highway matters

No concerns are raised, access into the site is more than sufficient and adequate parking is provided.

Conclusion:

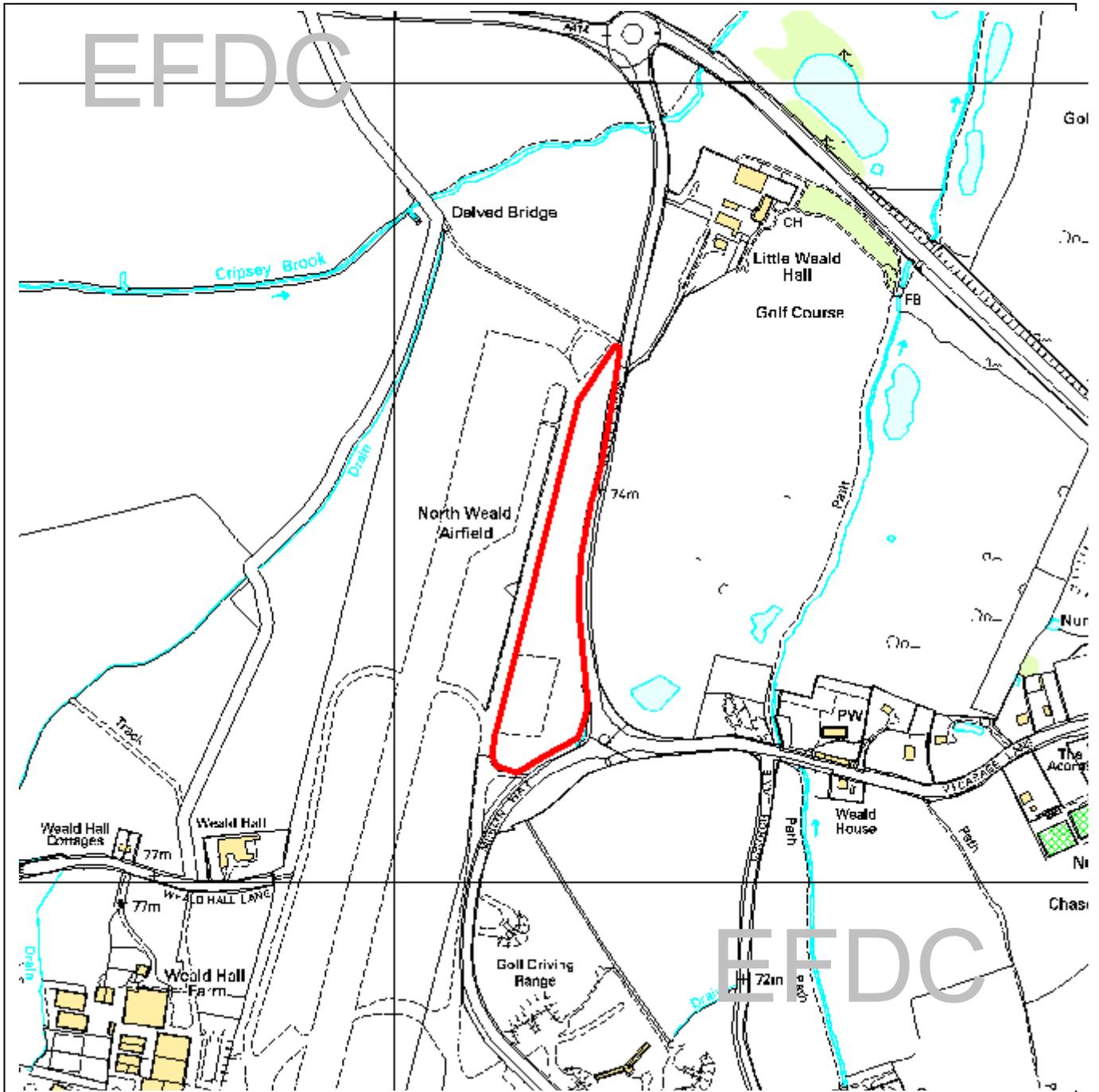
The proposed development allows recreational activities within a temporary structure for a longer period than presently occurs. Whilst the original events have raised concerns in respect of noise it would appear that these issues would be possible to redress with suitable conditions restricting noise. At the present time these measures are not in place and therefore can not be assessed for effectiveness.

Mindful of these matters Officers recommend a 6 month temporary consent to assess the impact of the proposals with the incorporation of the noise restrictor and no live music of any form beyond 6pm. This would provide the applicant the opportunity to demonstrate that functions can take place with appropriate equipment in place. Should this not be the case then Environmental Health are in a position to implement nuisance proceedings if necessary and as landlord the Council has the ability to end the tenant's lease should this be necessary.



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:

8

Application Number:

EPF/0705/10

Site Name:

North Weald Airfield, Merlin Way
North Weald Bassett,

Scale of Plot:

1/7500