

Report Item No: 1

APPLICATION No:	EPF/0457/10
SITE ADDRESS:	Land at Ongar Station High Street Chipping Ongar Essex CM5
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	McCarthy & Stone Retirement Lifestyles
DESCRIPTION OF PROPOSAL:	Development for 60 Assisted Living apartments for the frail elderly including communal facilities and associated parking and landscaping.
RECOMMENDED DECISION:	That Members agree that had an appeal against non determination not been lodged, the application would have been refused for the reason shown below.

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=516191

REASON FOR REFUSAL

- 1 The applicants failure to provide an appropriate financial contribution in lieu of on-site affordable housing provision for a development of this size results in this proposal failing to comply with the aims of this Council's Adopted Local Plan Policies H5A, H6A, H7A and I1A.

This application is before this Committee since it is an application for development of a significant scale and wider concern and is now subject of an Appeal by the applicants against non-determination of the application within the 13 week timescale.

The applicant, McCarthy and Stone, lodged an appeal on 28 September 2010 against non-determination of the planning application, to be heard at a Public Inquiry, a date will be scheduled for sometime in 2011. It is understood that this is for contractual reasons relating to the site acquisition. Officers therefore need Members to agree whether the application would have been refused had an appeal not been lodged and if so what the reason for refusal would have been so that this can be argued at the appeal.

The reason for non determination has been as a result of lengthy negotiations with the developer for an affordable housing contribution.

Description of Proposal:

The site area is 0.58 hectare and the site is to the west of High Street, Ongar. This proposal is to erect a part 2, 3 and 4 storey 'U' plan shaped block to provide 60 Category II sheltered apartments for the elderly with communal facilities and associated car parking and landscaping.

The building will provide 45 one-bedroom and 15 two-bedroom apartments, a density of 103 dwellings per hectare. The apartments are accessed off internal corridors from proposed car park area positioned towards the southern entrance.

Communal facilities include a residents lounge, guest suite, refuse area, care support staff day room, laundry room, dining room, kitchen, warden's accommodation and staff room to serve residents of the development.

Vehicular access is proposed via an existing single access off the High Street to the south-eastern corner of the site. Twenty-five car parking spaces are proposed within the site to the south of the block, this includes 5 disabled parking bays. Pedestrian access is proposed to the west entrance into the building nearest the High Street. In addition, a dedicated mobility scooter store is proposed within the building, to provide secure storage.

A communal garden area provides private amenity space to the rear north, south, west and to a lesser degree to the east of the apartment block immediately adjacent to the High Street.

Description of site

The site forms part of the boundary of the redundant Ongar railway station and fronts onto Ongar High Street. This frontage is some 65 metres long with a chain link security fence defining the boundary of the site.

The Ongar railway building, a Grade II listed building situated to the north of the site, is set some 90 metres back from the road frontage. To the immediate west lies the former railway yard and this has recently been approved for 50 residential units.

The rear gardens of a row of cottages face onto Basons Way and border the site to the southern boundary. A residential block, Frank Bretton House, lies to the south western corner and a residential street made up of two-storey dwellings lies to the immediate east of the site demarcated by the High Street.

The site itself appears unkempt and overgrown with shrubs and tree. With the exception of three small listed and curtilage-listed structures positioned on the eastern boundary of the site facing onto the High Street, it is devoid of buildings.

Relevant History

EPF/0064/01 Retention of 1.8m high security fence and gates along High Street frontage. Approved

EPF/0434/03 Retention of existing security fences and gates along High Street frontage. Approved

EPF/0583/93 Change of use to Garden centre, erection of ancillary buildings. Approved

Policies Applied:

National policy and Guidance

Circular 6/1998: Planning and Affordable Housing
Circular 5/2005: Planning Obligations

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 5 (Planning for the Historic Environment)
Planning Policy Guidance Note 13 (Transport)
Planning Policy Guidance Note 24 (Planning and Noise)
Planning Policy Statement 25 (Development and Flood Risk)

Adopted Local Plan and Alterations

DBE1 – Design of New Buildings
DBE2 – Effect of New Buildings on surroundings
DBE3 - Design in urban areas
DBE5 – Design and layout
DBE6 – Car parking
DBE8 – Provision of Private Amenity Space
DBE9 – Amenity Considerations
HC12 – Development affecting listed buildings
H1A - Housing provision
H2A – Residential Development on Previously Developed Land
H3A – Housing Density
H5A/H6A/ H7A – Affordable Housing
ST1 to ST6 – Sustainable transport/ vehicle parking
ST8 – Epping to Ongar line
CP1 to CP7 – Sustainable development objectives/ urban form and quality
NC4 – Protecting Established Habitats of Local Interest
LL10 – Protecting Landscape Features
LL11 – Adequate Landscaping
I1A – Planning obligations

Summary of Representations:

16 neighbouring properties were consulted and a site notice was posted

51 BOWES DRIVE Objects: Will increase the pollution, noise, traffic congestion and adversely affect privacy, as it will back onto our garden and rear bedrooms.

41 BOWES DRIVE Objects: The proposed site is prone to flooding. Increased demand on medical facilities. Services such as gas, electricity, sewerage may not be able to cope. Ongar has lack of shops. Will more be encouraged to open? Road safety and public footpaths may become more dangerous.

25 BOWES DRIVE Objects: Increased traffic flow through on an already over subscribe road, lack of suitable parking on the development and in the immediate surrounding area. Lack of public transport infrastructure, especially considering that not all retirees are able to drive. There is also the issue of local services, such as doctor's surgeries, who would have to manage an increase to their patient lists. Insufficient detail on this application to be able to make a considered assessment.

21 BOWES DRIVE Objects: Proposed development considered to be in conflict with sustainable transport policies (EEP Policy ST8 ref 4). Unacceptable loss of railway land. Land should be made available for future rail use in accordance with the intent of Policy ST8 to promote future rail operation in terms of providing a public transport link between Ongar and Epping. This site and the current David Wilson Homes development should share the same access to minimise disruption to traffic entering Ongar Town from the north. Suggest a filter lane is incorporated. This would also preserve a more contiguous pavement for pedestrians. The proposed development

seems to be well planned in terms of amenity, open space for the residents and parking facilities. However, street scene aspect appears to be extremely tall and too bulky – detrimental to character of town. Loss of wildlife habitat – slow worms and grass snakes exist on the land at Ongar Station. Recent sightings indicate that whatever steps were taken to move the species from the David Wilson site were not too successful. Remaining slow worms and grass snakes will no doubt have moved from current development site into the only remaining habitat in the area of the proposed development and care should be taken in considering whether the loss of this habitat can be justified.

11 BOWES DRIVE Objects: The proposal is overbearing and the scale and density of the development is out of character with the surrounding area. The 3 to 4 stories will dominate the area. The proposal does not satisfy several of the Council's policies including CP1, CP2, CP3, CP7, H3A, DBE1, DBE9 and LL2.

10 BANSONS WAY Objects: Loss of important wildlife habitat. Noise and disruption during construction. Design is out of character and overbearing. Overbearing impact, loss of visual amenity, daylight and privacy, loss of security. Harm to highway safety. Inadequate parking. Inadequate infrastructure and medical facilities. Loss of potential allotments land. Concern that occupants of surrounding private rented properties will not have had opportunity to raise objections.

8 BANSONS WAY Objects: Land to the rear presently forms part of rear garden, the proposal will result in the loss of the access and this amenity will be lost as part of the proposal. Loss of heritage asset between the cottages and the station site. Parking concerns will worsen considerably. Council should consider S.106 to provide parking solutions for the residents of Banson's Way. Wildlife will potentially be destroyed. Site should remain adjoined to the railway.

6 BANSONS WAY Objects: Potential harm to wildlife. Loss of garden allotments. Insufficient parking provision will exacerbate parking problems. Increased traffic problems. There are similar developments as such queries if there is a demand.

121 BETTERTON ROAD, RAINHAM (2 letters) Objects: Inadequate parking. Lack of amenity space. Lack of ecological supporting documents. Detrimental to the surrounding area. Shear bulk and uncomplimentary appearance.

SUITE WW2, CENTRAL HOUSE, HIGH STREET Objects: This will further reduce the Ongar-Epping Railway to operate as the land around the site continues to be built on. The new build would increase the volume of traffic levels.

DOVETAIL on behalf of EPPING TO ONGAR RAILWAY Objects: Insufficient parking provision for the development proposed. The transport statement suggest guest rooms are included within the proposal to allow guest to visit and stay with relatives. Parking provision should be made to allow for these visitors. Staff numbers, i.e. part time and full time are unconfirmed, parking should be provided for staff. An average of 54 vehicle arrival and departures from site are confirmed daily in the transport statement, there is insufficient parking for this vehicle movement on site. Insufficient drainage details. Ecological constraints of this site have not been fully explored for bats and reptiles and their long time care. Insufficient amenity space within the site for the number of dwellings proposed. Overdevelopment of the site. Unsympathetic to surrounding listed buildings and residential properties. Third floor plans are missing as this is clearly a four storey building.

ONGAR TOWN COUNCIL Objects: Ongar Town Council believes the density, height and mass of the proposed development represented gross overdevelopment of this sensitive site close to the Ongar Conservation Area.

The development would be out of scale and contextually challenging to the existing street scene.

Having heard representation from neighbour, the Council is convinced that the development would have an adverse impact on and loss of privacy for neighbouring properties. It is especially concerned that some occupants of the tenanted properties felt that they had no right to respond to the planning department once they had passed on the 'Neighbour's Letter' to their landlords.

Ongar Town Council is concerned that long established access to the rear of properties on Basons Way could be compromised or prevented if this application is granted in its present form.

Proposed parking provision is inadequate for a development of this kind where family and carer visits are likely to be considerable. Parking in the area is already severely constrained. Parking for a development of this kind should not be considered on the basis that adequate nearby alternative parking provision is available. This would especially be the case if proposals for increased control of on street parking lead to a greater use of the town centre paid car parks.

Ongar Town Council is concerned about highway safety and especially by the addition of a second major access onto the High Street close to the David Wilson (Barratt) Station Development. The Council had previously suggested that one access could have served all developments of the former railway land and is very concerned about the safety of pedestrians and the lack of a controlled crossing.

Ongar Town Council has been very concerned about the wildlife on this section of land (and all parts of the station/goods yard site) for many years. It has received reports of several important and protected species and asks that very comprehensive and appropriately timed environmental and wildlife assessments be carried out by trusted independent bodies before any decision is made to build on this last remaining section of land that has acted as a haven for wildlife for decades.

The Council is concerned that proper planning consideration is given to future transport needs which could be compromised if insufficient land is retained to support any development of the rail transport between Ongar and Epping.

Although not objecting on this ground, the Council is aware that the application, as it stands, could lead to an unobserved 'Rat Run' being created between the boundary fence and the properties in Basons Way. The council asks that this potential difficulty be addressed by a comprehensive 'Safe By Design' survey and analysis of the proposal.

The Council is concerned about the effect of the development on local infrastructure and services and asks that the additional load on drainage and other resources be carefully assessed. We also ask that the effect of increasing the population of elderly and frail persons (not necessarily from the local area) be discussed with statutory Care and Health Bodies.

The pressure for allotments in Ongar continues to be high with demand outstripping supply. The loss of existing allotments on this site is a matter for concern and Ongar Town Council would ask that if planning permission is granted, part of any Section 106 Agreement could be to require alternative land for allotments to be made available in the Ongar Town Council area.

Ongar Town Council feels strongly that the age restriction suggested by the developer should be made subject to a condition to any planning consent for high density accommodation for elderly people granted for this site.

The Council is aware that construction disruption associated with the David Wilson Development has been considerable for neighbours including those in Frank Bretton House. It asks that the management and residents of this elderly person's accommodation be consulted before any condition regarding working hours is imposed for any development on this site.

Main Issues

The main planning issues are considered to be:

- Principle of development
- Design and appearance on the street scene
- The impact on amenities of occupiers of neighbouring residential properties
- Living conditions for future occupiers of the development
- Listed Buildings and setting of listed buildings
- Highway safety, traffic Impact, parking and access
- Ecological Impact
- Impact on landscape and trees
- Flood Risk and Drainage
- Contaminated land
- The need for affordable housing provision
- Other planning obligations and developer contributions

Principle of development

Sheltered housing provides independence for vulnerable, elderly and disabled residents. Category 2 sheltered housing provides grouped dwellings for less active elderly persons with communal facilities and a resident warden. The layout of the units provides standard sized bedrooms, living rooms and bathrooms. No kitchen facilities are provided as such residents have the option to use the in-house dining room.

This site is close to the town centre of Ongar in a location with relatively good transport links and access to shops, doctors, dentists, the local library and other services. It is considered that in principle, this is a sustainable location for sheltered housing for the elderly.

Design and appearance in the street scene

The applicants have submitted a Design and Access Statement that describes the context of the proposed development, with reference to the character of the area, the constraints and opportunities, the scheme design and development, access principles and sustainability.

It is accepted that the thrust of PPS3 is to make more efficient use of land, although greater weight should be given to the character of the area, balanced with the efficient use of land. As such, the key element when assessing this application is whether the proposal reflects and respects the character, setting and local context of the area.

Whilst the newly approved residential block to the west boundary of the site is presently being built and Frank Bretton House, a two storey block positioned to the south western corner of the site are large blocks, these buildings are not seen from the street.

The High Street scene is characterised more with two-storey semi-detached and cottage style residential dwellings. The footprint of the proposed block would be in the form of an inverted, wide fronted 'U' shaped block with a part two storey elevation fronting onto the High Street, and part three, part four storey sections to the north, south and west elevations. The block will be seen predominantly in the immediate suburban context of the High Street and this will introduce a type of development not typical within this part of the street.

The wing fronting onto the High Street has its roof set down and the dormers recessed such that they are positioned behind a parapet, this gives the building a more traditional appearance. The site also drops down steeply from the High Street to the west resulting in the ground floor level being significantly lower towards the west of the plot. Therefore, owing to the significant change in

levels, only the two storey element of the building with rooms in the roof would be visible from the High Street.

It is acknowledged that the building does have a large footprint and massing due to its 3/4-storeys. However, the mix of materials to the elevations, including the use of natural slate, brickwork and white uPVC windows, together with the use of different roof forms will on balance, contribute to reduce its visual prominence within the street.

The building would be of a traditional design incorporating local features and materials to complement the existing street scene. The elevations that will front the public domain onto the High Street, as a result of its siting and juxtaposition of the building heights will limit the bulk and scale of the building and it is considered to be appropriate having regard to the nature of the immediate surrounding buildings.

Furthermore, against the backdrop of the David Wilson development which the proposed building would be viewed, it is considered that the height, scale and appearance of the proposed building would on balance, be acceptable.

The density for this site will be 103 dwellings per hectare. The national indicative minimum density requirement of 30 dwellings/ hectare has also been removed and it is also considered the area is fairly mixed in character. Although the development is high density, it is in a neighbourhood where there are examples of other relatively high-density developments, as it is not family housing in which greater garden space would be required, the density is on balance acceptable.

The main entrance to the building would be sited to the south elevation to facilitate easier access for vehicles dropping off and collecting as well as being nearer and convenient to the proposed car parking spaces. The main entrance would also provide access to the communal facilities of the development. A pedestrian entrance is also proposed to the east elevation fronting the High Street. This is welcomed as it gives the building more presence and better relationship to the High Street.

Furthermore the siting and layout of the proposed development also gives opportunities for a landscaping scheme around the building. This can be addressed through appropriate planning conditions.

The design and appearance is considered to be on balance, acceptable with suitable conditions.

Relationship to Surrounding Properties

The potential impact on surrounding occupiers is an important consideration for a development of this scale and form. To the north is the listed Ongar Station building, this is a non-residential use.

The neighbouring building to the east 1A Love Lane on the opposite side of the plot adjacent to the High Street will be overlooked by the proposal block. This dwelling has no flank windows and its flank wall is approximately 25 metres from the proposed block, as such the proposal will not result in significant harm to the occupiers.

The other dwellings in closest proximity to the application site are located in Basons Way to the south and the new David Wilson development to the west of the plot, presently unoccupied but under construction. The west elevation of the proposed building would be sited a minimum 12 metres from the nearest David Wilson home and this separation distance increases to 18.0 metres with the nearest corner of Bretton House.

It is considered that the position of the block provides a minimum 24.0 metres separation distance to the properties that front Basons Way. Given the changes in levels, the scheme has been designed to prevent direct overlooking towards the south boundary.

The provision of obscure glazing to the proposed secondary windows is secured by condition.

The distances between the buildings are considered to be acceptable and ensure that no direct loss of privacy would result. Furthermore, the siting of the 'U' shaped block to the north end of the site and juxtaposition of the building in relation to its neighbours is such that no significant loss of light would result.

Finally, due to the nature of the development and the age restriction on occupiers (over 55), it is likely that there will be low occupancy rates and fewer cars, which will result in less potential for nuisance from noise and disturbance than a non age restricted scheme.

In view of these considerations, it is considered that the possible relationship of the proposed building to the immediate neighbouring sites is acceptable.

Amenities for Future Occupiers

The Council's policy seeks to ensure an adequate amount of conveniently located amenity space is provided in new residential developments which is usable in terms of its shape and siting.

The development provides amenity space around the 'U' shaped block to the north, east and west boundary and around the car park area totalling approximately 2000 square metres, 33 square metres per dwelling.

Whilst the amenity areas will be restricted in some areas around the plot, a robust planting scheme could provide attractive garden areas for the future residents. Furthermore all of the principal habitable rooms to the units would have an outlook over areas of soft landscaping.

The overall provision of amenity space on the site is therefore considered acceptable and, on balance a satisfactory residential environment would be created for the future occupiers.

Listed Building

The proposed development is adjacent to three grade II listed buildings, (the station and two auxiliary buildings), and it affects their setting. The development site also includes a curtilage listed building. Whilst the site lies outside the Chipping Ongar conservation area, it affects a principal approach into the conservation area and due to the scale of development, it would have considerable impact on its setting, so this also needs to be considered.

With regards to the impact on the setting of the Conservation Area, previous advice in PPG15 and currently in the Planning Practice Guide to PPS5 warns against defining setting too narrowly. The greater the scale of development, the greater the effect it might have on the setting of a conservation area. The revised design of the development along the High Street has been amended to take this into account and as such, subject to the usual conditions on materials and details; the listed buildings adviser raises no objection to the impact upon the conservation area.

The Listed Buildings Adviser however, has a number of concerns with the application, a major one being the failure to address the curtilage listed structure, 355 High Street, currently occupied by DC Poultons funeral directors.

The listing of a building confers protection on any structure within its curtilage which predates 1948. It is agreed that DC Poulton's was extant before 1948. However, paragraph 3.04 in the specialist report argues that it is unusual for DC Poulton's not to be mentioned in the listing of the station building if it is to be considered "curtilage listed". On the contrary, in practice it is rare for curtilage structures to be mentioned (e.g. there are numerous cases of farm buildings deemed curtilage listed due to the listed farmhouse, without any mention in the list description).

Therefore, whether a building is “curtilage listed” or not is not a matter of its architectural or historic merit (as discussed in paragraphs 3.09 to 3.12 of the report), but a matter of fact. The effect is that Listed Building Consent is required for its alteration or demolition, for which its significance needs to be considered. Case law and the considerations set out in PPG15 (which are still valid) help to assist in deciding whether a building is curtilage listed or not. Key factors are an ancillary relationship, proximity and ownership.

Despite its location, given its orientation to the High Street, it is debatable whether the building originally served the goods yard or related to the station in another way. In any case, it can be argued that the goods yard lies within the curtilage of the station, as a farmyard might to a farm house, as it would not exist without the station and it had an ancillary relationship to it. This is reinforced by the labelling of the sheds in their listings as “auxiliary buildings”. Therefore it is reasonable for the local authority to treat DC Poulton’s as a curtilage listed structure, requiring listed building consent for its demolition.

The significance of a heritage asset is defined in the Planning Practice Guide to PPS5 as the sum of its architectural, historic, artistic or archaeological interest. The applicant’s report argues that DC Poulton’s is not a heritage asset as it contains little interest. However, using the terminology of PPS5, looking at the listed auxiliary buildings first, the “historic interest” of the coal office and weighbridge is paramount. Their simple almost vernacular character is part of their architectural interest; illustrating simple craftsmanship and design (PPS5 defines architectural interest as “an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types”).

DC Poulton’s is less historic and less unaltered than other station related buildings, which is presumably why it did not pass the threshold for national designation, but it contains a similarly simple character. It still has an historic relationship with the station site and its single storey height is in keeping with this historic context. This building identifies with this historic context more than the other buildings along the High Street. The list description for the auxiliary buildings refers to their group value with “the buildings of Ongar station and with the other listed buildings on Ongar High Street, of which the station forms a subsidiary group at the south (sic.) end”; it is reasonable to assume that this station grouping included DC Poulton’s.

DC Poulton’s can be deemed a heritage asset due to its historic interest as part of the station group, but also to have significance in its basic architectural contribution to the setting of the listed buildings. It provides a visual link between the auxiliary sheds and the station round the corner. The concern is that without it, the sheds and station become divorced by the new development; they will read less as a group.

This is not to say that DC’s Poulton’s cannot be altered, e.g. in its roof materials or internal layout. Policy HE9.2 in PPS5 also allows that demolition may be justified if the development brings sufficient “substantial public benefit” or sufficient benefits in “bringing the site back into use”. However, such benefits could still be achieved with a lesser development that allowed DC Poulton’s to remain, incorporated into the site in some way.

As a result, the recommendation from the listed buildings adviser is for refusal due to the harm to the historic context and setting of the listed buildings, by the loss of one of the station’s ancillary “curtilage listed” structures.

Whilst officers understand this concern, this harm must be balanced against a development that will provide significant additional housing, and on balance we have taken the view that this benefit may outweigh the harm.

Trees and Landscaping

There are several small trees within the site but none are of sufficient quality to justify a TPO. The Landscape Officer objects as a result of the size of the development. The reason for this is because it will provide only limited space around the edge of the site to provide landscaping.

Development proposals are expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever appropriate. There are few noteworthy trees within this site. The site provides space to the north, east and west boundary and this could make a significant contribution to the visual amenity of the area because this scheme provides scope to plant new trees and hedges around the edge of the site.

Therefore, although space is clearly limited, an extensive landscaping scheme would enhance the development and street scene in the High Street. The applicant also advises that landscaping would be secured by a planning condition if planning permission were to be granted.

Therefore, though the landscape officer raises justifiable concerns, on balance, it is considered that the lack of space is not sufficient to warrant refusal.

Waste and Refuse

The application proposes 10, No. 1000 litres communal refuse and recycling facilities to the south eastern corner within the building. Environmental Services raise no objection to the amount of storage bins and their location is also acceptable for collection purposes.

Drainage and ground contamination

The site does not lie within any Environment Agency (EA) Flood zones; therefore consultation with the EA is not required. The site also does not lie within an Epping Forest District Council flood risk assessment zone. However, the area of impervious surfaces will increase significantly, leading to an increase in surface water runoff. A Flood Risk Assessment (FRA) would be required.

The applicant has provided a flood risk assessment with the application, and the Land Drainage team raise no objection with the findings in principle.

The applicant has also provided an 'Initial Drainage Survey' indicating that foul sewage will be pumped off the site and surface water disposal is dependant on the results of further investigation. The survey also indicates that 97sqm of storage is to be incorporated. Further details of the design and attenuation measures to be used are required.

As a consequence, if the application is approved details requiring suitable foul and surface water drainage details are required, but it is not unusual for this to be the subject of conditions.

Ecology and Wildlife

The application form implies there are no biodiversity or protected and priority species on site. Whilst it is not known if any protected species may be present, The Natural Environment and Rural Acts 2006 (NERC) requires the Council, in exercising its function, to have regard to the purpose of conserving biodiversity. Therefore, if there are any protected species on this site this will be a material planning consideration.

The site is not identified as a wildlife site however, the Countrycare Manager objects and recommends refusal on grounds of insufficient ecological information. This view is supported with letters received from neighbours and the Parish Council.

The reason for this is that there is a history of reptiles on the adjacent David Wilson site to the western boundary. As a result, 144 slow worms and 18 viviparous lizards were captured and

located to two donor sites in 2007. Over 100 slow worms and a few grass snakes were also captured and moved in October 2009.

As such, in the event of a recommendation for approval, a condition would require a full survey of the site is undertaken to establish if any protected species may be present. If any species are found, then the appropriate ecological bodies will need to be notified.

Although such information is best provided up front, because such species are provided by other legislation, the Council has struggled in the past to justify reasons for refusal based on lack of information on protected species at the application stage.

Contaminated Land

Due to its former use as a coal yard, goods yard, railway siding and undertakers, it has been identified as a potentially contaminated site and as such is prioritised for further inspection.

The Site Investigation Report submitted by the developers has identified risks from contamination that will require remediating. It also appears that the investigation has not been carried out to the required current regulatory standards. The information therefore requires reassessing to identify data gaps and resubmitting.

A land contamination condition should therefore be attached to any approval granted.

Access and Car Parking Provision

The Adopted Council parking standards recommends warden assisted sheltered accommodation should provide as a minimum 1 space per dwelling and 1 space per mobility scooter. Visitor spaces should also be provided, suggesting a need for approximately 70 spaces for this site.

A total of 25 parking spaces are proposed for the use of residents and visitors, with vehicular access being taken from the existing access off High Street. The applicant's transport statement shows that parking occupancy rates at similar developments is akin to the level of parking provision proposed or slightly lower.

It is considered that as the site enjoys a good location in terms of access to a range of services and public transport, the standard can be reduced and the level of parking is therefore, on balance acceptable in this location. It is clearly in the developers interests to ensure that they are provided adequate parking space, and they have provided evidence that this low level is generally sufficient.

The applicants have submitted a Transport Assessment and the Highway Authority has raised no objection to the proposals subject to conditions. The siting of the single vehicle access point is in the same position as the present access into the site. Therefore, no objection is raised to its location. There would be no significant impact on the surrounding highway network from the traffic generated from the proposed development. The site is in a good position of accessibility in terms of access to a range of services and public transport.

The highway authority would also require a financial contribution to the sum of £300.00 for upgrades to the lighting in the vicinity of the site. This is relevant to the development and could be required by legal agreement.

Housing Provision

The development would result in a net gain of 60 new residential units, albeit 100% Sheltered Housing units. The applicant states that the apartments will be sold with a lease containing an age restriction. This ensures only people of 60 years or over, or those over this age with a partner of at least 55, can live in the development. A condition is suggested to restrict occupancy to persons over the age of 55.

Affordable Housing

Affordable Housing Contribution in Lieu of Affordable Housing Provision

The Council's Director of Housing has provided the following report on the proposed level of financial contribution proposed by the applicant, in lieu of the provision of on-site affordable housing:

Introduction

The Council's Local Plan explains that the Council will seek to obtain 40% affordable housing on new residential developments in excess of 15 properties (or on sites in excess of 0.5 hectares) - which applies to this development. However, the Local Plan also acknowledges that there will be exceptional circumstances when the on-site provision of affordable housing would be inappropriate. In such circumstances, the Local Plan states that the Council may seek a financial contribution from the developer, in lieu of the on-site provision, to fund the provision of affordable housing elsewhere in the District.

In its planning application, the applicant has asserted that it would be inappropriate for affordable housing to be provided on-site, and has proposed a financial contribution in lieu.

Officers have acknowledged that on-site affordable housing provision would be inappropriate in this case, since it would be inequitable and almost impossible to seek to provide some of the proposed private owner-occupied accommodation, effectively, as sheltered accommodation at affordable rents - especially with the added complication of the need to obtain Supporting People (SP) funding from the County Council to meet the cost of support charges, when budget reductions in the SP budget of up to 40% over the next three years are anticipated. Therefore, the Director of Housing has been discussing an appropriate level of financial contribution with the developer's agent.

Planning Policy Statement 3: Housing states that the level of affordable housing, or the amount of financial contribution in lieu of on-site provision, to be sought on "large" sites should be economically viable. This is also recognised within the Council's Local Plan.

Through a competitive exercise, the Director of Housing appointed GVA Grimley, a leading firm of property consultants, to advise him on the appropriateness of the level of financial contribution proposed by the applicant. The Director from GVA Grimley who has undertaken and reported on the appraisals has 25 years experience, and has been the lead director for property advice to the South East and East of England Development Agencies, and advises Defence Estates and a number of urban regeneration companies, local authorities, housing associations and private developers

GVA Grimley advise that the usual test applied in the negotiation of financial contributions in lieu of on-site provision of affordable housing, to ensure that the level of contribution is economically viable, is to consider whether the value of the proposed scheme exceeds either the **Existing Use Value (EUV)** or the **Alternate Use Value (AUV)** for the land and/or property. The AUV reflects the market value of the land, where an alternate planning permission has been granted, or might reasonably be granted. Where consent does not actually exist, but it is considered that there is a reasonable prospect of consent, the valuation should reflect not the "full value", but an allowance for the prospect or hope of consent. In other words, it seeks to mirror the option available to the landowner should it wish to sell the land unconditionally.

In summary, the test suggests that the landowner/applicant should not have to pay/contribute a sum that is greater than the difference between the value of the proposed scheme and the value of the reasonably-available alternatives. An alternative test would be to compare the value of the

scheme with the price which has been/is to be paid for the property, with consideration being given to whether or not any appropriate adjustments should be made for various reasons.

The Original Financial Contribution Proposed by the Applicant

Originally, within its planning application, the applicant provided a viability appraisal, which concluded that the proposed development could afford a financial contribution of **£411,781**. No reference was made to the price paid / to be paid for the land and, despite subsequent requests from GVA Grimley for this information, the (proposed) purchase price has not been disclosed by the applicant.

In its original appraisal, the applicant's agents asserted that, in its opinion, there is no existing land use and, as such, it is not possible to attribute an EUV to the land. It also did not use the usual approach for assessing the AUV. Instead, it assumed that the scheme should be assessed against general land values for consented residential sites, and applied July 2009 Valuation Office Agency "bulk residential land" values in Chelmsford (being the nearest comparable area to Ongar) of £3.7 million per hectare, and then discounted the figure by around 30% to reflect that Ongar would not warrant the same value as Chelmsford. It then apportioned the figure to the site area. In GVA Grimley's report to the Director of Housing, the Council's consultants identified a number of problems that it had with this approach, and concluded that it did not consider that it is possible to properly value the land and buildings, or the scheme itself, in the way proposed by the applicant's agent.

Revised Financial Contribution Proposed by the Applicant

In response to the concerns raised by GVA Grimley about the approach adopted by the applicant's agents to value the land, the applicant's agents commissioned Alder King, a firm of property consultants, to undertake a formal valuation of the proposed scheme. Alder King assessed the market value of the site (based on an AUV) to be **£1.4 million**, allowing for a discount of around 17.5% from its assessment of the site's market value if it actually had planning permission, which was £1.7m.

This resulted in the applicant slightly increasing the proposed financial contribution by **£21,656**, from **£411,781** to **£433,437**. The latter figure represents the difference between the value of the site if the applicant's proposed development is undertaken and the site's AUV (all as assessed by the applicant's agents).

GVA Grimley's Assessments of the Site's Value for the Proposed Development, its Alternate Use Value (AUV) and the Level of Financial Contribution

GVA Grimley has undertaken its own assessment of both the value of the site (for the proposed development) and the site's AUV. Although GVA Grimley disagrees with a number of the applicant's assumptions, in most cases, it has given the applicant the "benefit of the doubt", accepting that appraisals are not an exact science.

However, there are two assumptions/views that GVA Grimley has taken to the appraisal, which are significantly different to the applicant's:

- (a) That the sales period for the proposed development will be **30 months**, compared to the applicant's agent's assessment that the sales period will be **42 months**. This is important, since it has a significant effect on the cash flow for the proposed development, which in turn affects the site's value (in respect of the proposed development); and
- (b) That the Alternate Use Value (AUV) of the site is **£1.0 million**, compared to the applicant's agent's view that the AUV is **£1.4 million**, representing a difference of **£400,000**.

Differences in Appraisal Outcomes and Resultant Level of Financial Contribution

The overall outcome of the applicant's appraisal, compared to GVA Grimley's appraisal, and the effect on the required amount of financial contribution in lieu of affordable housing, can be summarised as follows:

	Applicant's Appraisal	GVA Grimley's Appraisal
Site Value – Based on proposed development	£1,833,437	£2,103,507
Alternate Use Value	£1,400,000	£1,000,000
Difference (i.e. Level of Financial Contribution)	£433,437	£1,103,507

As can be seen, there is a difference of **£670,070** between the (revised) financial contribution in lieu of on-site affordable housing provision offered by the applicant and the financial contribution considered by GVA Grimley to be appropriate.

Subsequent Negotiations

GVA Grimley provided a copy of its detailed viability appraisal report to the applicant's agents, highlighting the difference between the two assessed levels of financial contribution. In response, the applicant's agents requested a meeting with the Director of Housing and GVA Grimley to negotiate on the financial contribution; the request was agreed, on the basis that appraisals are not an exact science and that a mutually agreeable contribution may be able to be agreed. However, between the date the request was agreed and the date of the arranged meeting (1st October 2010), the applicant lodged its appeal against the non-determination of its planning application by the Council.

The meeting went ahead and, in the spirit of negotiation, GVA Grimley offered (without prejudice) to:

- (a) Increase its assessment of the AUV from its original assessment of **£1.0 million** to **£1.1 million**, taking account of the applicant's agent comments – which has the effect of reducing the required financial contribution by **£100,000**; and
- (b) Revise its assessment of the site value, to take account of the applicant's agent's assessment that the sales period for the proposed development will be **42 months** and not **30 months**, having regard to information provided by the applicant on sales periods for its other developments elsewhere – which has the effect of reducing the required financial contribution by around a further **£270,000**.

This would have the overall effect of reducing GVA Grimley's proposed financial contribution by around **£370,000** to **£733,500** – still around **£300,000** more than the applicant's proposal.

The agent was invited to propose a counter offer. At the time of writing (12th October 2010) no counter offer has been received, although the applicant's agent was on holiday for one week after the meeting.

Comments on Public Consultations

The majority of concerns raised in relation to planning issues are dealt with in the main body of the report.

Comments on the outstanding issues raised are as follows:

The proposed development is considered to be sufficiently contained and separated from the David Wilson site to avoid any significant cumulative impact on local environmental conditions as a result of both developments being implemented.

It is considered that the proposal would not result in any significant noise and disturbance to local residents subject to a condition in the recommendation controlling construction impact.

The designation of this site for the future use of Ongar Station being brought back into the use cannot be substantiated in planning policy terms. The site is also not a designated wildlife site and, therefore, its redevelopment for residential purposes is not precluded in principle.

The land is not public allotment land. It is not considered reasonable to require the developer to fund the provision of new allotments elsewhere.

Conclusion

The level of car parking and amenity space provision in this town centre location is on balance considered acceptable. The height and massing of the building is considered acceptable in view of the site's location and relationship to other buildings in the area.

The scheme is considered compatible with the character and appearance of the area and would provide satisfactory amenities for the future occupiers.

There is a demand for this type of residential accommodation in the District. The applicant has set out reasons why it would be impractical to provide affordable housing provision on site and that they are prepared to contribute towards off site affordable housing provision, but the Council considers that the suggested contribution level is below that which is required.

RECOMMENDATION:

That members agree that had an appeal against non determination not been lodged the application would have been refused for the following reason:

The applicants failure to provided an appropriate financial contribution in lieu of on-site affordable housing provision for a development of this size results in the proposal failing to comply with the aims of this Council's Adopted Local Plan Policies H5A, H6A, H7A and I1A

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

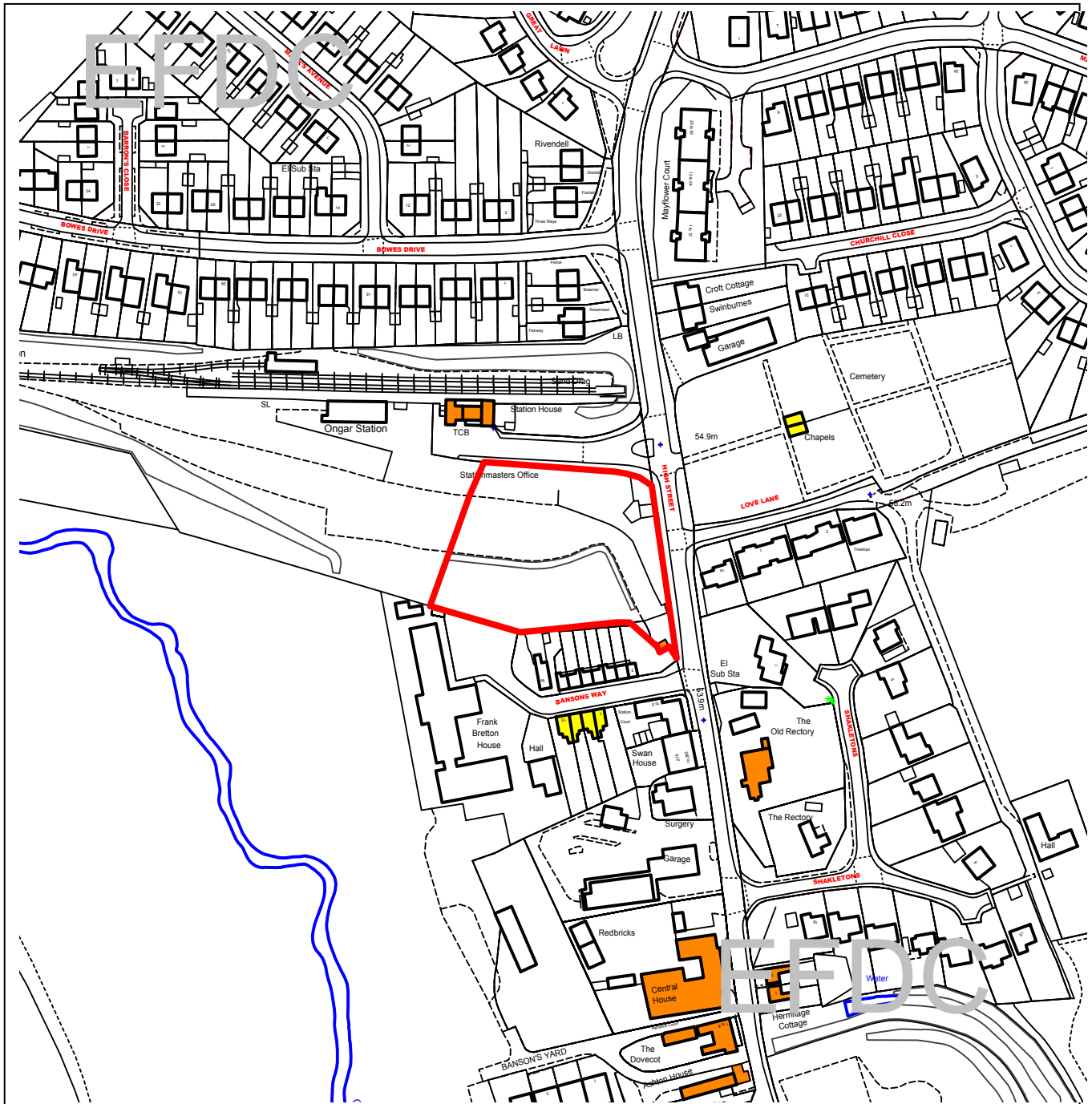
**Planning Application Case Officer: Paula Onyia
Direct Line Telephone Number: 01992 564103**

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0457/10
Site Name:	Land at Ongar Station, High Street Chipping Ongar, CM5
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/1362/10
SITE ADDRESS:	7 Green View The Green Theydon Bois Essex CM16 7JD
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Martin Beaumanoir
DESCRIPTION OF PROPOSAL:	Proposed Basement Extension (to be constructed alongside extensions to the property permitted under application ref. EPF/2198/07)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/Anite!M.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=519509

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 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.
- 4 The proposed basement extension shall be carried out in accordance with the submitted plans and shall remain subterranean with the garden reinstated to the level shown on drawing No's 662255/207, 209 and 600 received amended on 20/08/10. The garden shall be reinstated within three months of the substantial completion of the basement and extensions.
- 5 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it was deferred from a previous meeting (15/09/10) pending further information in relation to the Land Drainage Consent for the development.

An officer from Land Drainage will be in attendance at Committee to answer questions should they arise.

A report of an hydrologist that was submitted with the Land Drainage Consent Application is attached at the end of this agenda for information, together with a more technical Site Investigation Report.

The Council's consultants provided the following advice to Land Drainage Officers in respect of the land Drainage application:

"We have taken a look at the site investigation report and some aerial photos of the property. URS have not seen the full extent of the plans for the proposed development and are therefore commenting in principle.

The aerial maps show that the watercourse comprises a narrow drainage ditch around the green.

The ground conditions indicate a good quality clay (London Clay), which is unlikely to allow significant infiltration of surface water below the topsoil and made ground at a depth of 0.6 to 0.7m. Therefore, surface waters will likely drain either overground and into drainage gullies or the drainage ditch through the shallow ground. The large lake within the Green is a good indicator that the ground is relatively impermeable. We would expect the ditch to be dry for the summer months.

The geotechnical information and borehole logs indicate that the ground is a good quality clay that should make construction of a basement relatively straightforward without impacting the stability of the ditch, even in close proximity. Furthermore, the additional storm water drainage from the rooftop of the proposed extension should be little more than would be expected at the ground given its relatively impermeable nature from shallow depth.

Although the technical aspects of the basement construction appear straightforward, the above review has not taken in to account building and planning regulations and legal guidance for building near watercourses."

Comments from the Theydon Bois and District Rural Preservation Society which were received after the previous report was completed have been added into the representations section of the officer's report below.

At the previous meeting concern was raised regarding the lack of a Flood Risk Assessment with the application. This site is not within an identified Flood Zone and as such no Flood Risk Assessment is required and the Environment Agency is not a statutory consultee. Land Drainage Consent is required and has been given. The drainage aspects of this development are therefore dealt with under different legislation and should not form a major part of the consideration of the Planning application. A land drainage officer from the Council has inspected the site and will inspect each stage of the works as they progress.

The officer's report is reproduced below.

Description of Proposal:

The proposal is to construct a basement area, partly under an approved side and rear extension (EPF/2198/07), and covering most of the rear garden of the property. This would extend approximately 13.0m from the existing rear elevation of the dwelling to a depth of 3.0m below

ground. The plans indicate that the basement would be fully subterranean with an escape hatch located in the rear garden.

Description of Site:

Work on the extant planning permission has begun and the original outshoot extension of the dwelling has been demolished. The surface of the garden has been disturbed, with topsoil removed but work on the proposed basement has not begun. No7 Green View is the end house in a row of Victorian terrace housing along one side of the road facing the green in Theydon Bois. A grassed area forms the north east boundary of the site, separated from the plot by a water filled drain. The rear of the site abuts No2 Woburn Avenue.

Relevant History

EPF/1685/07 - Two storey side extension, loft conversion with dormer windows. Withdrawn Application - 01/10/2007.

EPF/2198/07 - Two storey side and rear extension and loft conversion with front dormer window. Refuse Permission - 13/12/2007. Allowed on Appeal with conditions - 28/10/2008.

EPF/1318/08 - Front dormer window to loft. Grant Permission (With Conditions) – 13/08/08.

EPF/0450/09 - Proposed basement and insertion of new door in west elevation. Invalid Application.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of Amenity

DBE10 – Design of Residential Extension

SUMMARY OF REPRESENTATIONS:

(6 properties consulted – 11 replies received).

2 WOBURN AVENUE: Objection. We were always led to believe that a natural watercourse runs along the rear boundary of the gardens. We are concerned that the cellar will alter this. Concerns about flooding and the movements of large lorries in the cul de sac.

12 WOBURN AVENUE: Objection. The proposal may obstruct the land drainage in the area resulting in flooding.

1 GREEN VIEW: Objection. Basement will affect the watercourse. Houses are built on wet clay and the drying out of this could cause subsidence. Concerns about the movement of vehicles to and from the site. The applicant made no contact with neighbours prior to work beginning. We seek assurance from the council that the proper surveys have been carried out.

2 GREEN VIEW: Objection. Concerns about flooding and the movements of large lorries in the cul-de-sac.

3 GREEN VIEW: Objection. Concern and drainage issues and damage to properties. There is a disused well in my garden which shows the proximity to the variable water table in this locale. I would like some assurances from the council that concerns in relation to flooding and structural damage have been addressed.

6 GREEN VIEW: Objection. A deep basement could affect the stability of dwellings. Works will cause disruption. We would like to know if a Flood Risk Assessment has been undertaken. The

adjacent drain often overflows in winter. If approved we would request that the removal of waste is regulated to minimise disturbance.

WAIN, COPPICE ROW: Objection. Concerns about flooding and the movements of large lorries in the cul-de-sac.

7 WOODLAND WAY: Objection. Concern over damage to nearby sycamore tree. Concern about damage to nearby houses. Concerns about drainage issues. Access problems and debris from the site is straddling the ditch.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY: Objection (2 letters). This row of houses is one of the most important in the village. Concerns about flooding, there is a need for a Flood Risk Assessment. The amount of piling required would be harmful to elderly buildings. SECOND LETTER (10/09/10) – Previous application was invalid as opposed to “outstanding” and we believe this is a material consideration. The land drainage section include an informative advising the applicant that the redirection of water causing subsidence, instability or flooding, could leave them open to civil litigation. This would suggest that the land drainage section have some doubts about the development. In our original objection we suggested a proper Flood Risk Assessment was a minimum. Given the future flood risk concerns of all the objectors, including the City of London, councillors need clear guidance on this point to enable them to make an informed decision.

THEYDON BOIS ACTION GROUP: Objection. Concern over damage to nearby sycamore tree. Concern about damage to nearby houses. Concerns about drainage issues. Access problems and debris from the site is straddling the ditch.

CITY OF LONDON: Objection. The western boundary of the proposed basement and extension are near a watercourse. Even in dry weather this watercourse carries water and needs regular maintenance. The proposed basement will result in increased water in this drain and could affect the water levels in the nearby pond and green. .

THEYDON BOIS PARISH COUNCIL: Objection. This property was built in 1898 as a modest terrace dwelling fronting the picturesque village green. The latest addition is an intrusive and unneighbourly addition. We believe that despite being an underground structure this will impact on the amenity of neighbours. We have concerns about flooding and surface water. We would request a Flood Risk Assessment as a minimum requirement. The concrete slab would cause flooding in neighbouring gardens.

Issues and Considerations:

The main issues to consider are the impacts of the proposed extension on neighbour amenity, the appearance of the area and land drainage and flooding concerns. The two storey side and rear extensions have already been approved after an appeal to The Planning Inspectorate.

Neighbour Amenity

The plans indicate that the proposed basement area would be subterranean with the level of the back garden maintained. The submitted Design and Access Statement states that the lawn that formed the rear garden will be reinstated. The fact that the basement structure would be located below the existing ground level would significantly reduce any adverse impacts. Therefore the conventional excessive impacts associated with householder extensions such as visual impact, overlooking or loss of daylight and sunlight are not relevant. Nuisance impacts whilst the works are in progression such as noise and disturbance are recognised. These can be minimised to some degree by relevant conditions restricting the hours of construction and traffic movements. Concern has been raised about damage to neighbouring properties caused by the level of excavation. Such

concerns will fall within the remit of building regulations and the applicant will also be required to enter into a Party Wall Agreement. Although material considerations in relation to a planning application can be extensive, in this case any concerns about structural damage would be controlled by separate legislation.

Impact on the Appearance of the Area

As stated the plans and supporting text indicate that the basement will be subterranean. No Light wells are proposed. An escape hatch, required under building regulations, with sloping sides to a height above ground level of 0.30m would be the only visible part of the basement. This would have minimal impact on the appearance of the area.

Land Drainage

The applicant has been in contact with the land drainage section of the council and has obtained Land Drainage Consent. This section of the council intends to monitor the work at various phases of the development, these being; the completion of excavation, prior to the covering of the roof with topsoil and grass and on the completion of the works. The land drainage section have suggested the inclusion of an informative advising the applicant that any potential redirection of groundwater flows causing subsidence, instability or flooding could leave the applicant open to civil litigation. However there are no land drainage objections to this proposal.

Flood Risk Assessment

Theydon Bois and District Rural Preservation Society have requested that a Flood Risk Assessment should form part of this application. Planning Policy Statement 25 is the policy document which provides guidance with regard to flood risk. The document outlines a key objective as being "to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk". The Environment Agency has identified areas of flood risk within the district and this dictates whether a Flood Risk Assessment is required for a particular development. No7 Green View has not been highlighted as an area at risk of flooding. Therefore as this development does not fall within such a zone a Flood Risk Assessment is not a requirement that can be requested as part of this application from the applicant.

Tree Issues

A number of objectors have raised concern about impact on trees in the proximity of the application site. However the trees and landscape section of the council has raised no objections to the application and state that the closest tree is in the grounds of Frank Foster House and its roots are unlikely to pass below the adjacent ditch and then up into this garden.

Conclusion:

The proposed basement extension would add a significant amount of floor space to the existing building on site. However this would have no adverse impact on the appearance of the area. Impact on neighbours will only be an issue during the construction phase and the extent of this can be minimised by appropriate conditions. The land drainage section of the council has been in contact with the applicant and has granted Land Drainage Consent. However they have also requested that the risk of such development is highlighted to the applicant and that any hydrological and flooding implications are thoroughly investigated. They do not however object to the works. There are no concerns in relation to trees. The concerns of Theydon Bois Parish Council and the other objectors are noted; however having regard to the advice of the land drainage section of the council and with due deliberation of the other material planning considerations, it is recommended that the application be approved with conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Dominic Duffin

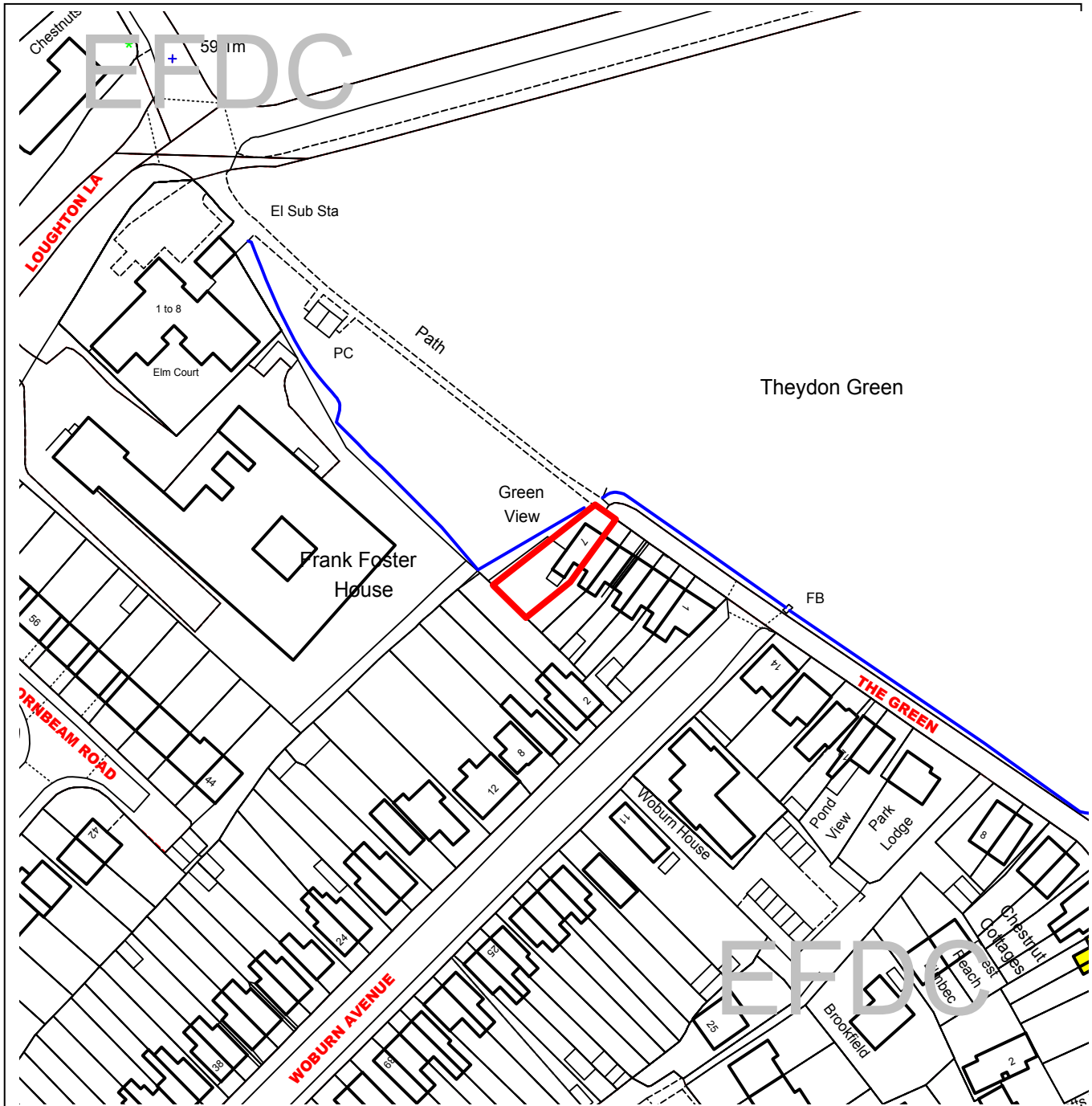
Direct Line Telephone Number: 01992 564336

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/1362/10
Site Name:	7 Green View, The Green Theydon Bois, CM16 7JD
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1613/10
SITE ADDRESS:	2 Lower Bury Lane Epping Essex CM16 5HA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Roger Stiffell
DESCRIPTION OF PROPOSAL:	Erection of detached workshop, first floor extension over existing garage and boundary wall and gates. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=520382

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

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

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

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

- 4 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.

- 5 The proposed garage extension shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 2 Lower Bury Lane.
- 6 The existing garage retained shall only be used for garaging of vehicles and domestic storage, and shall not be used for additional residential accommodation.
- 7 The use of the workshop/storage building hereby approved shall remain incidental to the existing dwellinghouse and used for no other purposes, including any commercial or business use.

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:

Revised planning application to a previously withdrawn application EPF/1210/09 which was itself a revised scheme to previously refused application EPF/1965/05. The proposal is for a detached workshop/storage, first floor extension over existing garage for use as an annexe and boundary wall and gates. The workshop is to be situated approximately 2m from the front boundary and 0.4m from the side boundary with 1 High Road and measures 7.1m wide, 4.3m deep with a pitched roof 3.2m in height. The first floor garage extension will raise the height of the garage by 0.7m and will have a gable window to the front elevation and two roof lights to the side to create ancillary living accommodation. The wall is to be brick, to a height of 1.5m and set back from the boundary by 0.5m to allow planting to the front. The proposed gates are to a height of 2m and set into the site by 4.5m.

Description of Site:

2 Lower Bury Lane is a detached two storey property with detached garage situated on the east side of Lower Bury Lane close to the junction with the High Road. The property is within the Bell

Common Conservation Area and has a protected Horse Chestnut close to the front boundary. The property has previously been extended, most recently with a side extension which appears to have been completed under permitted development. The property is not within the Metropolitan Green Belt.

Relevant History:

EPF/1965/05 –First floor extension to garage, single storey side extension to house, single storey detached store and boundary wall - Refused Planning Permission on the following grounds:

1. The proposed extension above the garage would be detrimental to the amenities of the adjoining property to the northeast by reason of overlooking and loss of privacy, contrary to Policy DBE9 of the adopted Local Plan.
2. The proposed detached storage building sited close to the highway boundary would constitute a dominant feature in the street scene, detrimental to the visual amenities of the Conservation Area and would restrict the present open aspect of the entrance to Lower bury Lane, contrary to Policies DBE10, HC6 and HC7 of the adopted Local Plan.
3. The proposed detached storage building would result in the loss of an important section of roadside hedge detrimental to the character of the landscape within the Conservation Area contrary to policies HC6 and LL10 of the adopted Local Plan.
4. The proposed boundary wall and gate piers sited within the root zone of the preserved horse chestnut tree would be seriously detrimental to the health of this tree, contrary to Policy LL10 of the adopted Local Plan.
5. The proposed gates are not set back the required minimum distance of 4.5m from the edge of the carriageway and the proposal is therefore prejudicial to highway safety and contrary to Policy T17 of the adopted Local Plan.

EPF/1210/09 – Erection of detached workshop, first floor extension over existing garage and boundary wall and gates – Withdrawn

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
DBE9 – Impact on Amenity
DBE10 – Extensions to Dwellings
HC6 – Character, Appearance and Setting of Conservation Areas
HC7 – Development within Conservation Areas
ST4 – Road Safety
LL10 – Adequacy of provision for landscape retention

SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL: Committee object to this proposal viewing it as an overdevelopment of the site which is not in keeping with the street scene and would not retain the open aspect of this pleasant lane. Committee view the workshop and the size of the workshop as being an industrialisation of a residential area which would be likely to be intrusive to neighbouring properties.

NEIGHBOURS

5 properties were consulted and the following responses received

6 LOWER BURY ROAD – Objection – concern with regards to future use of the workshop, garage extension will cause an adverse impact on light to reception rooms and could be divided from plot, insufficient turning area within site.

BURYCOT, 1 HIGH ROAD – Objection – proposals are not protecting the character of the conservation area, walls are overbearing, concern over future use of the workshop, concern with regards to the protected tree on the site

HIGHBURY, 3 HIGH ROAD – Objection – proposal out of character with the conservation area and overdevelopment of the site, loss of light from garage extension, garage could be divided from plot and workshop inappropriate development and concern over future use.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Amenity of Neighbouring Properties
- Design and the Conservation Area
- Highway Safety
- Landscaping

Amenity of Neighbouring Properties

The design of the garage extension has been altered since the original 2005 refusal and the rear facing door, external staircase and side facing dormer have been removed from the proposal.

Two of the neighbours and the Town Council have raised objections to the proposed workshop with regards to future use. This proposal is for residential development and as such any future use of the workshop will have to be ancillary to the main use of the site and not for any business use. Although a large building, it is not of a size uncommon within a residential curtilage and a condition can be added to any permission granted ensuring that it can only be used for domestic, ancillary use.

Two of the neighbouring properties have also objected to the proposed first floor extension to the garage due to loss of light. Although the garage is to be increased in height the overall increase is modest at 0.7m, it is acknowledged that there may be some loss of light to the neighbouring properties, but this will only be to the garden of Highbury and a secondary window to No. 6 Lower Bury Road. It is not considered that the harm to amenity would be so significant as to justify a refusal on these grounds.

Concern has also been raised with regards to the garage extension being used as a separate dwelling. Planning permission would be required for the use as a separate dwelling and a condition can be added to any permission granted ensuring that it can not be used independently. Unlike the previous scheme there will be no window overlooking neighbouring gardens.

The proposed wall is not considered to impact on any neighbouring amenity with regards to loss of light, outlook or privacy.

The scheme is considered to have overcome the previous reason for refusal in terms of loss of amenity to neighbouring properties.

Design Issues and Conservation Area

The proposal has been redesigned since the 2005 refusal with the changes to the garage as highlighted above, the work shop moved approximately 2m into the site and reduced in height and planting proposed in front of the proposed boundary wall.

The Parish Council and neighbours have objected to this proposal on the grounds of overdevelopment of the site and the proposal not in keeping with the Conservation Area and general streetscene.

The proposals do add additional built form to the site and expand the built development across the site with the addition of the workshop building. However, the workshop building will be well screened by the existing hedging to the front of the site and the reduced roof height will also minimise any impact. The workshop has been moved further into the site to retain the hedging and to prevent any damage during construction.

The garage proposal has also been scaled down since the last refused submission and now only requires the raising of the roof. The garage is still considered to be subservient to the main dwelling as the ridge will remain approximately 0.8m lower than the main house and will retain the appearance of an ancillary outbuilding.

The front boundary wall is to be screened by planting and this will help to soften the appearance of the walls within this lane. There is currently no pavement to the front of this property and at present although open to the front there is no real separation between public and private land. The proposed walls and gates create a clear divide whilst retaining if not enhancing a sylvan appearance.

The Conservation Officer has no objection in principle to this proposal located within the Bell Common Conservation Area. The Conservation Officer did stress that the success of this project will lie in the successful establishment of the proposed new planting and this will be dealt with separately below. Provided that the planting can be achieved the Conservation Officer considers that the planting will soften the effect of the wall and therefore the proposal is considered in keeping with the overall character of this part of the Conservation Area.

Highway Safety

The highway authority has no objections to this proposal subject to all works being located clear of the publicly maintainable highway as shown on the plan.

Landscaping

The proposal includes works close to a protected Horse Chestnut Tree and new planting. The Council's Tree and Landscape Officer has no objection to the proposal subject to conditions ensuring the protection of the Horse Chestnut and a landscaping scheme to include method of implementation. The proposal was accompanied by a method statement, however this was lacking in some detail which can be covered by the suggested conditions.

Conclusion:

The proposal is considered to have overcome the previous reasons for refusal. Although there may be some loss of light to the neighbouring property this is not considered so significant as to justify a refusal. The retention of the existing hedge and the proposed new planting will ensure that the proposals are well screened and softened. Approval is therefore recommended.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	
Application Number:	EPF/1613/10
Site Name:	2 Lower Bury Lane, Epping CM16 5HA
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1869/10
SITE ADDRESS:	37 Bury Road Epping Essex CM16 5ET
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr D Smith
DESCRIPTION OF PROPOSAL:	Single storey side and rear extension. (Revised size and door/window location).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521332

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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The window and door in the side elevation of the rear extension and the agreed rooflights shall be obscured glazed prior to the first use of the extension and permanently retained as such thereafter.

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:

Revised planning application to a previously approved application for a single storey side and rear extension (revised size and door/window location). The extension has been partially built but is not yet complete. The extension measures 3m deep, 8.3m wide and extending to the side by 2.6m. The depth of the side extension has been increased from 7m to 8.1m and the location of a side facing window and door have been moved (the window has also been increased in size). The extension will be flat roofed, 3.1m in height with 2 glass lanterns within the roof. The submitted plans indicate that the proposed roof lanterns, side window and door will all be obscured glazed.

Description of Site:

37 Bury Road is a semi-detached property on the edge of the built up area of Epping, within a deep plot. It is not within the Metropolitan Green Belt or a Conservation Area. The property has been previously extended to the rear with a flat roof single storey extension which this application seeks to extend.

Relevant History:

EPF/0908/10 – Single storey side and rear extension – App/Con

EPF/1870/10 – Certificate of lawful development for a proposed single storey side extension – Concurrent Application

Policies Applied:

Epping Forest District Local Plan and Alterations

DBE9 – Impact on Amenity

DBE10 – Extensions to Dwellings

SUMMARY OF REPRESENTATIONS:

EPPING TOWN COUNCIL: Committee object to this application and expressed concern that the actual development does not seem to reflect the planning approvals given. In particular, Committee were concerned that the enlarged window, even though obscured would be intrusive to neighbouring properties. Committee also expressed concern that the plan does not show whether or not the window would be non-opening.

NEIGHBOURS

2 properties were consulted and the following responses were received:

35 BURY ROAD – comments with regards to the increase in size of the window and not obscured glazed, concerns with regards to overlooking from window

39 BURY ROAD – comments with regards to amount of artificial light from lanterns as at present these are not obscured

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Amenity of Neighbouring Properties
- Design Issues

Amenity of Neighbouring Properties

The proposal extends to the same depth as the rear projection at No. 39 and therefore is not considered to impact on this property in terms of loss of light or outlook. No. 39 had previous concerns with regards to overlooking from the glass lanterns, this was addressed with a condition to ensure that the lanterns are obscured glass and this condition can be carried over to any new approval (at present obscure glass has not been used, but the plans the subject of this application indicate that they will be).

The occupiers of No. 35 and the Parish Council have raised concerns with regards to the size and location of the side facing window. Although larger than previously approved the window is at

ground floor level where overlooking is not normally considered problematic, but as per the previous approval this can be conditioned to be obscured glass to reduce any potential of overlooking between the two properties as detailed on the plan (although at present this does not appear to have been implemented as per the previous condition).

Design Issues

The change in size does not alter the design of the proposal significantly. Although it will bring the extension slightly closer to the road it will still be approximately 6.6m from the main front wall of the property and is therefore considered acceptable.

Conclusion:

The proposal is considered a satisfactory design, which is not considered to be significantly detrimental to neighbouring amenity. The proposal is therefore in accordance with the adopted policies of the Local Plan and Alterations and is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/1869/10
Site Name:	37 Bury Road, Epping CM16 5ET
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1910/10
SITE ADDRESS:	Ashlyns Organic Farm Shop Epping Road North Weald Bassett Epping Essex CM16 6RZ
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	WWJ Colins
DESCRIPTION OF PROPOSAL:	Retrospective application for erection of rear extension, patio and decking area and change of use from A1 to mixed A3/A1 use (revisions to application EPF/1292/10)
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521459

REASON FOR REFUSAL

- 1 The extension, decking and patio provided are considered inappropriate development and are significant additions to the existing building in the Green Belt, there are no very special circumstances provided to justify the development which is by definition harmful to the open character and appearance of the Green Belt contrary to the aims and objectives of policy GB2A of the adopted Local Plan and Alterations.
- 2 The applicant has failed to demonstrate satisfactory onsite parking in accordance with policy ST6 of the Adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Boyce (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

The applicant seeks permission retrospectively for the rear extension to the farm shop, provision of a patio and decked area and change of use from A1 (Retail) to mixed A3/A1 (Restaurant and retail) use of the premises.

Description of Site:

The application site consists of the shop premises currently operating in a mixed use, with a restaurant, patio and decked areas and parking.

The site is positioned on the northern side of the A414 with the Talbot roundabout to the East and the Travel Lodge to the west. The site is surrounded by agricultural land and open countryside, is within the Green Belt and is in a generally rural location although development is noted to follow in a linear pattern intermittently along the highway.

Relevant History:

AGR/EPF/1639/99 – Agricultural determination for farm shop – Permission not required
EPF/0304/04 – Construction of two agricultural buildings – Approved
EPF/1312/05 – Continued use as farm shop for sale of organic produce – Approved
EPF/1320/05 – Retrospective application for the enclosure and change of use of a cart lodge building for use as an educational building/school excursion and meeting room - Approved
EPF/0374/06 – Extension to provide additional shop floor space and timber decking area to the rear for use by customers – Withdrawn
EPF/1164/06 – Traditional style extensions to provide additional shop floor space and storage for sale of organic produce (revised application) – Approved
EPF/1292/10 – Retrospective application for rear extension, patio and decking areas and change of use – Refused

In summary, the site history indicates that the shop was erected in 2002 under permitted development rights for the sale of produce grown on Ashlyns Farm. In 2004, the Council became aware that the shop was selling produce not grown on the farm and imported from elsewhere. In 2005, an application was approved permitted the shop to sell more generic organic produce. At this time an ancillary café was occupying part of the building. In 2006 an extension was approved primarily on the basis of the need for a greater sales area for chilled meats. The Council is now aware that the extension erected was not that which was approved. A larger extension was provided with a first floor incorporated and is used solely for café/restaurant use.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
ST1 - Location of development
ST4 - Road Safety
DBE2 - Effect on neighbouring properties
DBE4 - Design in the Green Belt
DBE9 – Loss of Amenity
GB2A - Development in the Green Belt
GB11 - Agricultural Buildings

SUMMARY OF REPRESENTATIONS:

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL – No objection.

A site notice was erected and three neighbouring properties were notified. No neighbouring letters of representation have been received at the time of writing report.

Issues and Considerations:

The main issues for consideration are the principle of the development in the Green Belt, potential impacts to neighbouring amenity and highways. The previous applications for an extension to the premises are also material considerations as is the impact of a mixed use development on this site and impacts of the external decked areas.

The previous application was refused for the following reasons:

- 1) The extension, decking and patio provided are considered inappropriate development and are significant additions to the existing building in the Green Belt, there are no very special circumstances provided to justify the development which is by definition harmful to the open character and appearance of the Green Belt contrary to the aims and objectives of policy GB2A of the Adopted Local Plan and Alterations.
- 2) The Applicant has failed to demonstrate satisfactory onsite parking in accordance with policy ST6 of the Adopted Local Plan and Alterations.

The revised application now under consideration has included additional information within the Design and Access and Supporting Statement and has provided a drawing indicating the parking layout. The Statement focuses on the principle of an A3 use, however, officers would note that the application seeks a mixed A3/A1 use, not a sole A3 use which have differing 'in principle' objections.

The applicant has indicated that irrespective of the restaurant occupying more than half the floor space of the building (not including external patio and decked areas for summer use), it is not the dominant use as the retail shop is open for longer hours and is the main customer draw. The applicant further contends that the ability to provide 50 covers is not used to capacity and the restaurant is not a sole viable use.

In response, Officers would note that the applicant cites that the extensions provide an additional 107.3sqm at ground floor and 31.3sqm at first floor being used for restaurant purposes, all weather, with a further area of 85sqm externally. The original shop has in the region of 104sqm of retail floor area. With no evidence supplied regarding revenue generation per sqm or from either side of the business, it would appear on floor space that over half the present site is devoted to A3 use, no longer creating an ancillary function, but arguably an apparent main use. Whilst the café/restaurant may follow the same organic ethics of the original retail business, it is considered unenforceable to require all produce served in the café/restaurant to be organic.

Comparison with the previously approved scheme

Previous approval EPF/1164/06 permitted an extension to the property for use as sales area and storage. This application was a revised submission following a withdrawal as concerns were raised about scale of extensions and location as the previous scheme (EPF/0374/06). As a result extensions were repositioned from the side of the building to the rear where impact to openness and scale was reduced.

The previously approved scheme had a floor space of 56sqm with a staggered rear projection 6.5m in depth at the maximum reducing in part to 5.6m for a width of 8.9m in total, positioned centrally across the rear. This proposal provided accommodation at ground floor only and provided no decking. This extension permitted partially on the basis of policy GB9 which was deleted from the Local Plan during the consideration of the application and partially on the justification provided that indicated a need for further sales and storage space "to accommodate an increasing amount of home produced meat being sold through the shop"

Use of the development

The existing 104sqm of floor space for retail is less than that of the 142sqm used for the restaurant and associated kitchen. The additional seating available in good weather externally is 85.5sqm. This results in the property altering from a former A1 sales use which may, as the applicants have indicated, have maintained an ancillary café function commonplace in similar establishments, to a mixed A1/A3 use which is in terms of floor space predominantly A3.

Whilst no objection is raised to ancillary café/restaurant facilities operating at the premises akin to many businesses operating in garden centres and attractions, the extension provided retains no

A1 use and is solely A3, which at a greater extent than the retail use is not directly related to the agricultural use of the wider site and does not amount to very special circumstances to provide the extension.

The previous extensions were permitted partially on the basis of a lapsed policy and partially on the justification of need provided which indicated that the additional floor space would support an existing rural enterprise derived originally from the surrounding agricultural unit. The enterprise has become somewhat diluted over the years to providing now organic produce in part from the agricultural unit, but to a large extent organic produce imported from elsewhere. Notwithstanding this, the site is an established agricultural business and the additional floor space to support this was considered acceptable.

The applicant has previously confirmed under application EPF/1292/10 that the extensions were not carried out to plan as the extension was revised to accommodate the restaurant function at construction stage. It was indicated that the applicant considered the alterations lawful as the restaurant supplied in part cooked produce from the wider agricultural unit, thus following the interpreted intention of the condition attached to EPF/1164/06. This condition sought to ensure that "The shop extension hereby approved shall be restricted to the storage and sale of organic produce only!. However, this application permitted extensions to the A1 business only, not a material change of use, not any external patio or decked areas and not any first floor. Therefore this application bears very little relation to that originally approved and should be considered on its own merits and against present adopted policy.

Green Belt

Development in the Green Belt must be considered against policy GB2A where development is presumed against unless falling within a number of identified exceptions. In this instance those relevant to this application may be either exception i) for the purposes of agriculture, horticulture or forestry, exception iv) Other purposes preserving the openness of the Green Belt or viii) in accordance with other Green Belt policy.

With regard to exception i) Officers are of the view that the development is not essential for function of the agricultural unit and that the extrapolation of the consumption in part of goods from the agricultural unit is insufficient to serve as very special circumstances to permit development in the Green Belt. It is acknowledged that a retail function associated with agricultural activities on an agricultural unit is permitted in an ancillary function generally and that historically on this site a more general agricultural/organic retail function has been permitted. However, it is not considered that the shift from retail to restaurant function is acceptable irrespective of the strength of the tie to the produce provided onsite in any more than an ancillary manner.

With regard to exception iv) of policy GB2a the scale of the extensions and structures provided where there were none before are considered to impact the openness of the Green Belt. There may be a previous approval, however this was for a letter structure with less adverse impact and demonstration of very special circumstances.

Finally, exception viii) no Green Belt policy is retained in the Adopted Local Plan permits development or change of use of structures for the purposes of A3 use or any development that does not fall into the exemptions identified by policy GB2A.

The provision of the extensions, larger than those previously approved, and patio and decking for A3 use are therefore unacceptable in principle, impacting on the open character and appearance of the Green Belt and are contrary to GB2a of the Adopted Local Plan and Alterations.

The development has been carried out to the rear of the main building with only a patio visible from the front. This is a hard surface so has negligible visual impact albeit unacceptable in principle to create a hard surface in the Green Belt.

Neighbouring Amenity

Neighbouring properties are well separated and the hours of use of the A3 restaurant do not extend beyond the retail opening hours therefore no adverse impact is considered likely to arise.

Highways

The application indicates that no additional staffing would be required. With an indicated 50 covers and additional external seating it is not considered existing shop staff or staff from a small scale ancillary café function would be able to conduct the proposed restaurant use. When visited there appeared to be 3 members of staff associated with the restaurant and two members of staff with the retail area. This was late afternoon during the week.

The applicant has indicated provision of 26 parking spaces as existing, plus 3 motorcycle spaces, (1 more than previously existed), 3 Disabled spaces(3 more than existed and 6 Cycle spaces (all more than previously existed).

The present application proposes to retain the parking which exists, which has overall an additional 3 disabled bays, single additional motorcycle bay and 6 additional cycle bays, thus creating 32 parking spaces plus cycle storage. The supporting statement suggests 33 spaces which it is assumed is a miscalculation (given that the parking layout is informal, this appears reasonable) and indicates these spaces have always been available.

The 2009 Parking Standards require 1 space per 14sqm of food store retail area, resulting in a need for 7-8 spaces. Restaurant uses (not including transport cafes) require 1 space per 5sqm, requiring 21-22 spaces, not including the external seating areas. This results in the need for 28-30 spaces for visitors, not including the external patio and decked areas with formal seating or the 5 full time and 6 part time staff members. No information is provided with the application regarding parking used by employees or visitors to the other uses in buildings surrounding the retail and restaurant unit. Accordingly the 32 spaces appear to provide for the retail, restaurant and staffing needs, but no provision is apparent for other uses existing in the remaining buildings onsite.

Conclusion:

The retrospective application for an extension to enable a mixed use facility providing A1 and A3 functions is considered unacceptable. The A3 use requiring the size of the extension provided, does not demonstrate very special circumstances to justify development in the Green Belt. The extensions constructed do not accord with previous approvals resulting in significant additional floor spaces and the A3 use is of a scale that it is not possible to consider it to serve an ancillary function. Accordingly the use is considered inappropriate resulting in the extensions lacking justification or very special circumstances and the extensions and associated use fail to demonstrate sufficient parking. Furthermore, the external decked and patio areas and associated paraphernalia is considered harmful to the open character and appearance only exacerbating the impact of the increased size of extension.

Concern is also raised that were this application to be permitted it would not be possible to tie the sale of goods in the restaurant to the wider agricultural activities on the unit and that further extensions may be required to meet the previously identified retail needs. Additionally the external seating areas raise concern, either providing year round seating and associated external paraphernalia resulting in harm to the openness of the Green Belt, or requiring additional storage structures which would again be harmful by definition. Accordingly, the Officer recommendation is for refusal.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

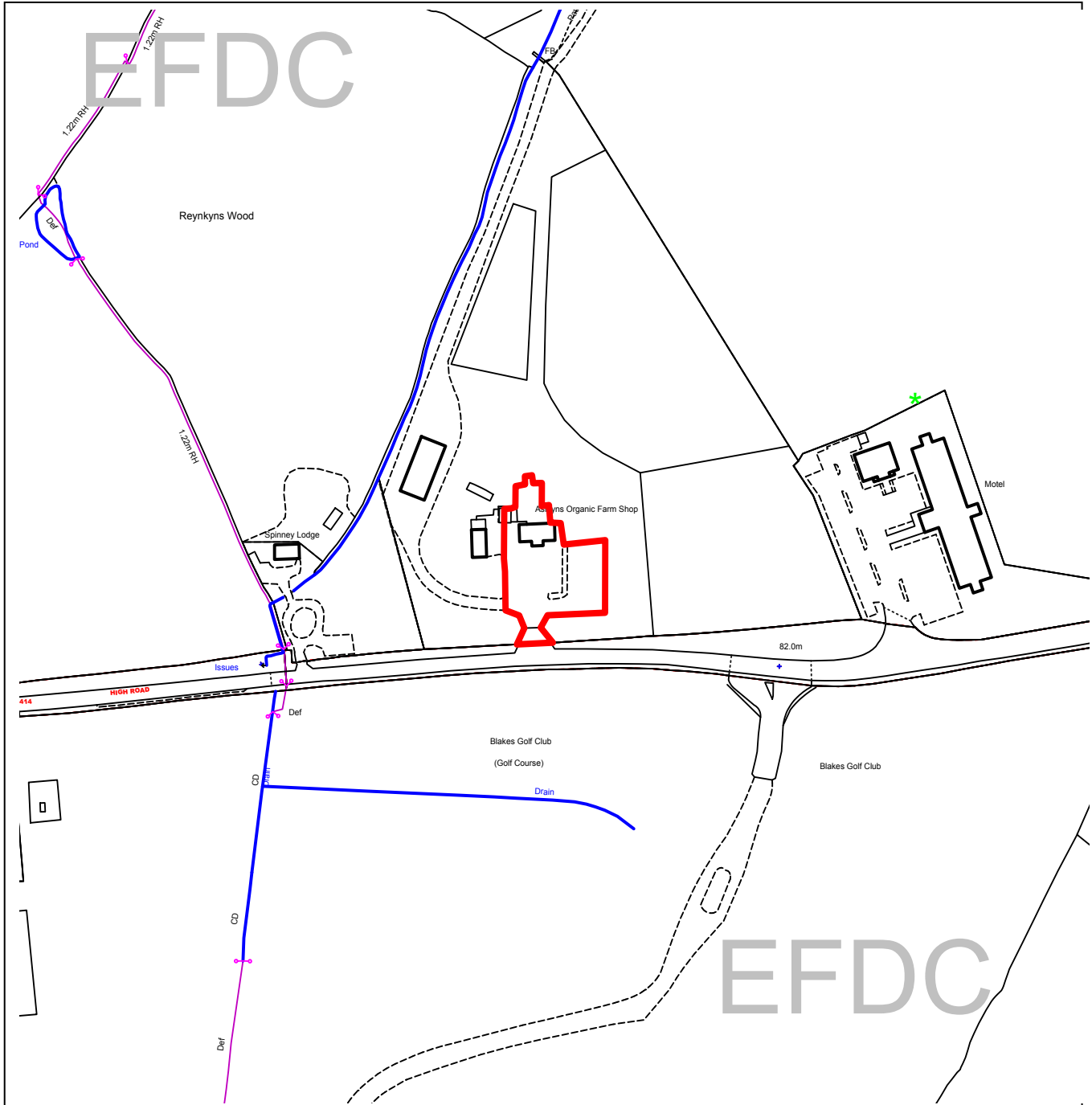
**Planning Application Case Officer: Jennifer Cordell
Direct Line Telephone Number: 01992 564294**

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Agenda Item Number:

5

Application Number:

EPF/1910/10

Site Name:

Ashlyns Organic Farm Shop, Epping Road, North Weald Bassett, CM16 6RZ

Scale of Plot:

1/2500

Report Item No: 6

APPLICATION No:	EPF/1980/10
SITE ADDRESS:	Epping Forest Burial Park Kiln Road North Weald Epping CM16 6AD
PARISH:	North Weald Bassett
WARD:	North Weald Bassett Passingford
APPLICANT:	Mr John Dejardin
DESCRIPTION OF PROPOSAL:	TPO/EPF/37/10 Carry out works according to submitted management plan for the Burial Park, including phased thinning of woodland
RECOMMENDED DECISION:	Grant Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=521670

CONDITIONS

None

This item is presented for committee decision since the felling of trees is outside the scope of delegated powers.

Description of Proposal

To carry out woodland management over a 5 year period in accordance with submitted Woodland Management Plan.

Description of Site

Part of Roughtally's Wood, east of the Epping Ongar railway, and now managed at the setting for the approved Woodland Burial Park.

Relevant History

EPF/1900/05: Consent for Woodland Burial Site, subject to conditions including landscaping and tree protection.

Summary of Representations

None received.

Issues and Considerations

Introduction: The application is accompanied by the Epping Forest Burial Park Management Plan 2010/14, which includes a description of the site, a summary of the aims and objectives, and a detailed work schedule together with maps. The plan is some 36 pages, including 4 pages of the 5 year Management Plan.

This report summarises the Management Plan and the issues arising.

The Woodland Burial Site is some 24 hectares (52 acres) and is leased from the Gaynes Park Estate. It is divided into sections, some 30 in all, and the plan describes each area in terms of the species and woodland structure. For example, area "x" is stated to be (densely planted standards of mid age Corsican Pine and Western Red Cedar (dominant), with occasional mature Oak and Sweet Chestnut). The plan contains an analysis of what is important about the site in terms of wildlife and conservation, and also its use for community purposes, including the heritage and as an educational resource.

The report then details the vision, for example, area "x" is stated to be intended to be mature Oak and Chestnut Standards in mixed broadleaf woodland.

There is an analysis of the issues that need to be addressed in order to achieve this vision, and then detailed management objectives. Again, in relation to area "x", this is stated to be *'halo around mature Oaks and link up by thinning Cedar'. Widen access routes to enable more efficient management and non native species. Thin Cedar and Corsican Pine (brackets up to 50%) and re plant with native species, using regeneration from on site where possible'*. There is further discussion of particular issues including how the project will be monitored, including submission of annual updates to the Council, for the attention of the Principal Officer Landscaping and Trees, and a full application updating the management plan every 5 years.

The work schedule follows from this.

Within the following work schedule each operation is given a priority (1 – 3) and a proposed year, in which it is intended to carry it out. This gives flexibility to the operation - in other words, there is the option not to carry out particular operations, or to postpone them. In relation to area "x", for example, it is anticipated that some work is likely to happen, according to priority, every year from 2010 to 2014.

The management plan has been drawn up following extensive discussion and on site meetings with the Council's Landscape Officer. It is considered to be beneficial to the woodland. Where felling is involved it is thinning of undesirable species (for example invasive Sycamore, or Rhododendrons). In some case it is for thinning purposes, where the trees are acceptable, but planted too closely. The aim throughout is to protect the existing native trees and to retain these, with suitable management.

Conclusion

It is considered that the plan is acceptable because it is intended to improve the quality of the woodland, for biodiversity and for people. The management plan has been carefully considered and the proposals for regular consultation and updating gives adequate control to the Council to monitor the results in practice.

It is recommended that Members agree the works and methods, including felling, set out within the management plan,

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

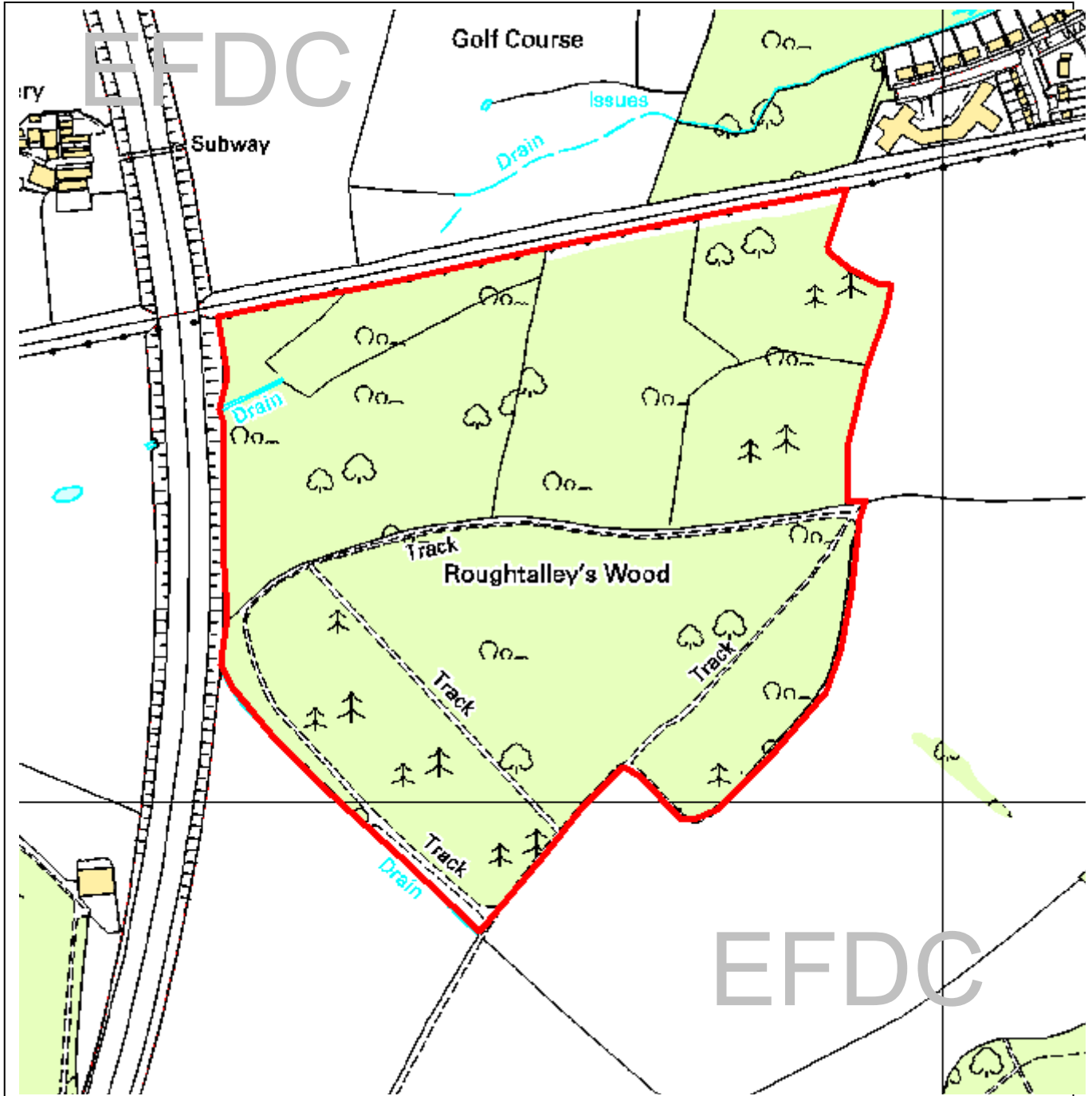
**Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117**

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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/1980/10
Site Name:	Epping Forest Burial Park, Kiln Road North Weald, CM16 6AD
Scale of Plot:	1/5000