

Report Item No: 1

APPLICATION No:	EPF/1871/12
SITE ADDRESS:	89 Theydon Grove Epping Essex CM16 4PZ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Nicholas Conlan
DESCRIPTION OF PROPOSAL:	TPO/EPF/16/01 T1 - Mulberry - Fell
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=541932

REASON FOR REFUSAL

- 1 Although it is recognised that the mulberry's fruit causes a range of seasonal problems this is not sufficient to justify the loss of its visual and other amenity. The loss of the tree's existing and potential amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations..

This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site

A medium sized tree in the open front garden of a detached property in a prominent location immediately adjacent to the street.

Description of Proposal

Fell mulberry and replace with fastigate (upright) hornbeam.

Relevant History

TRE/EPF/1191/08; minor pruning; app/con 06/08/2008

Relevant Policies

LL9 felling of preserved trees: the Council will not give consent to fell a tree... protected by TPO unless it is satisfied that this is necessary and justified...any such consent will be conditional upon the appropriate replacement of the tree.

Summary of Representations

EPPING TOWN COUNCIL: no objections subject to all work being carried out under supervision.

Issues and Considerations

The reasons given for the application centre on the quantity of fruit now produced by the tree. The applicant contends that taken together these constitute an unreasonable infringement on his family's rights to reasonable enjoyment of the property. In particular

- The fruit has stained the new driveway;
- It has caused issues with the paintwork on both cars;
- It is picked up on shoes and so damages carpets and floors and makes a mess of the family's shoes.
- The owner states that he has also been approached by passers by who say that the pavement is slippery because of the amount of fruit.
- It attracts flies; the number of these was such that the couple's baby daughter could not be taken out in a pram because of them.
- Managing the berries is a constant problem for a lengthy period involving a jet wash and a stiff broom. The period is lengthy because the fruit ripens and falls over a long period.
-

The applicant has stated that he is willing to plant a replacement tree, such as the fastigate hornbeam.

Discussion

This is now a medium sized tree capable of being retained on the site with occasional pruning, as per the previous consent in 2008. The species, black mulberry, is noted for its fruit which is normally considered a delicacy. However, as reported, it is produced over a period and in some quantity. It is a small, sweet, squashy fruit, somewhat like a large blackberry. There is no dispute that a range of problems, as described, will be experienced in late summer over several weeks.

In terms of its merits, the tree is important visually. It is located on the junction of the main access to Theydon Grove from Bower Hill and visually forms part of a group with trees on the green opposite.

Characteristically the black mulberry is a short but spreading tree with an attractive, architectural shape and large, heart shaped leaves, as well as the fruit later in summer. The flowers are not particularly noticeable. Mulberries are long lived trees, generally prized for their visual appeal and longevity. This specimen is probably a remnant of the original garden of Theydon Grove. It is approx 7m in height; the crown's radial spread has been restricted by pruning to from 3 to 5m. The trunk is ivy covered, which spoils the winter appearance, but is good for wildlife. The front garden is some 6m deep; the tree is set close to the footpath. The original drive is immediately to the north, while 2 additional car parking spaces have recently been created on what was previously lawn to the south. The crown reaches close to the front elevation of the house, and substantially overhangs the footpath, and both the original and new hardstandings.

To some extent the problems might be limited by pruning, although not significantly reduced or eliminated. There is no realistic possibility of a significant reduction of the tree's spread without ruining it as a specimen. Cars could however be parked elsewhere or covered for the critical period. A species of replacements could be chosen that would not cause such problems, but the particular landscape qualities of the mulberry would be lost. The offered alternative, the upright hornbeam, is ultimately a very large tree, and might cause other problems in the longer term.

Conclusion

Although the difficulties caused by the seasonal fruiting are recognised nevertheless its importance as a wider public amenity should take precedence. The application is therefore recommended for refusal in accordance with policy LL9, Epping Forest District Local Plan and Alterations 2006.

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:

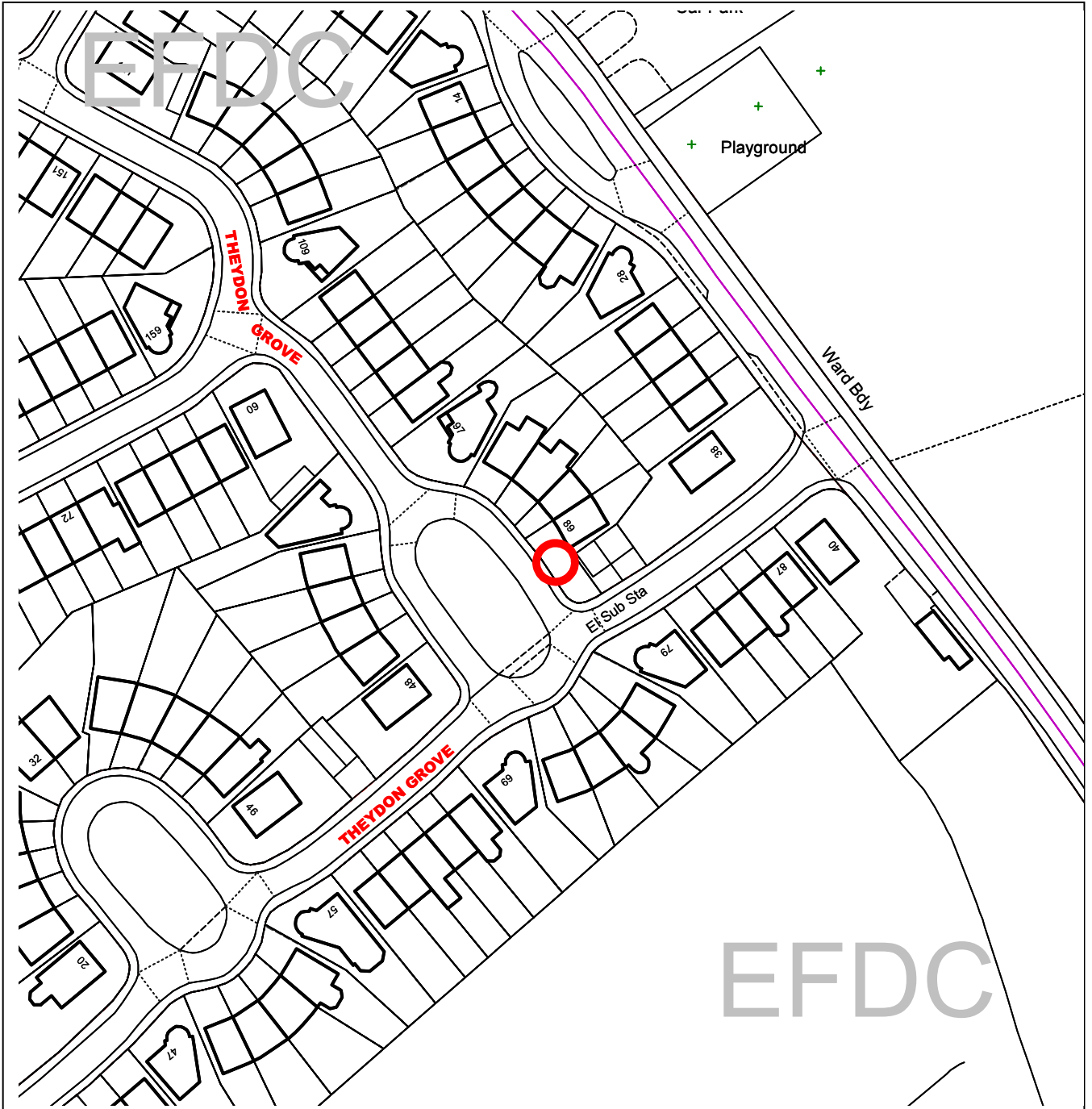
**Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117**

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/1871/12
Site Name:	89 Theydon Grove, Epping CM16 4PZ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2083/12
SITE ADDRESS:	44 Ladywell Prospect Sheering Harlow Essex CM21 9PT
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	The Owner/Occupier
DESCRIPTION OF PROPOSAL:	TPO/EPF/07/06 T1 - Birch - Fell
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=542877

REASON FOR REFUSAL

- 1 Insufficient details have been provided to allow a proper examination of the likely impact of continued retention of the tree on the property. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations..

This application is before this Committee because any application to fell preserved trees falls outside the scope of delegated powers

Description of Site:

This tree is a maturing, 10 metre tall, specimen, standing around 8 metres from the front elevation of this semidetached house. It has been planted at the front corner of the applicant's front garden space and the footpaths to both 42 and 44 run under its canopy. The house is located within a large, modern residential estate. There are numerous publicly owned trees throughout the development but this particular part of the road benefits from this tree as the most prominent and attractive landscape feature at the crest of a bend in the cul-de-sac. This important tree softens and brightens the built environment of house fronts and largely hard surfaced driveways and lay-bys at this point in the road.

Description of Proposal:

T1. Birch - Fell to ground level

Relevant History:

TPO/07/06 was served on this tree following an enquiry made to fell it. No reasons were given at that time for wanting it removed other than it was too close to the house. No pruning applications have been received or granted since the Order was made.

Relevant Policies:

LL9 Felling of preserved trees.

SUMMARY OF REPRESENTATIONS

6 neighbours were consulted but no responses have been received at the time of writing this report.

SHEERING PARISH COUNCIL had not made any comments at the time of writing this report but any subsequent remarks will be reported verbally at committee.

Issues and Considerations:

Issues

The reasons given for this application are made as follows:

- i) The house has recently been sold and the new owner had a survey conducted on the property, which has identified the tree as a potential problem to the fabric of the house.
- ii) The tree surgeon agent asserts that the tree has been planted too close to the house and is not suitable for a substantial reduction now it is mature.

Consideration of the reasons given

- i) The tree as a potential problem to the fabric of the building

The applicant's survey has not been supplied as supporting evidence and no factual details are available to consider. The potential for harm is present by its very presence but most likely to occur initially to the footpaths running under its canopy. No mention of this damage has been submitted. Birch are not known for causing structural damage and no information on fabric damage has been made available. Without facts to support the allegation of potential harm little weight can be given to this statement.

- ii) Visual importance and suitability of location

In the immediate locality it is an eye catching visual asset in landscape terms to many local residents, thanks to its position and size at this point of the road. Its removal would be significantly detrimental to the local street landscape.

The tree has been planted at approximately 8 metres from the house; the furthest point within its curtilage. It is contested that the tree is too close to the house and is not suitable for some appropriate and sensitive pruning management.

Further considerations and observations

- i) Tree structure, condition and pruning options

The tree has a full crown form, with normal levels of leaf and shoot vigour. Structurally, a number of lower branches have crossed over each other and give a congested appearance to the lower crown. These might be carefully pruned to solve this problem and selected outer boughs might be trimmed back to lift the crown and maintain the maximum separation between the tree and the house front.

ii) Future amenity contribution

This good specimen can be expected to thrive for at least the next 20 years, based on its current health and development.

Conclusion

T1 does dominate the corner of this property and commands a strong visual presence from a wide number of aspects in this residential vicinity. The loss of amenity its removal will cause is so high that the proposal lacks justification. It is, therefore, recommended to refuse permission to this application on the grounds that the reasons given for the felling fail to justify the need for the tree's removal. The proposal is contrary to Local Plan Landscape Policy LL9

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:

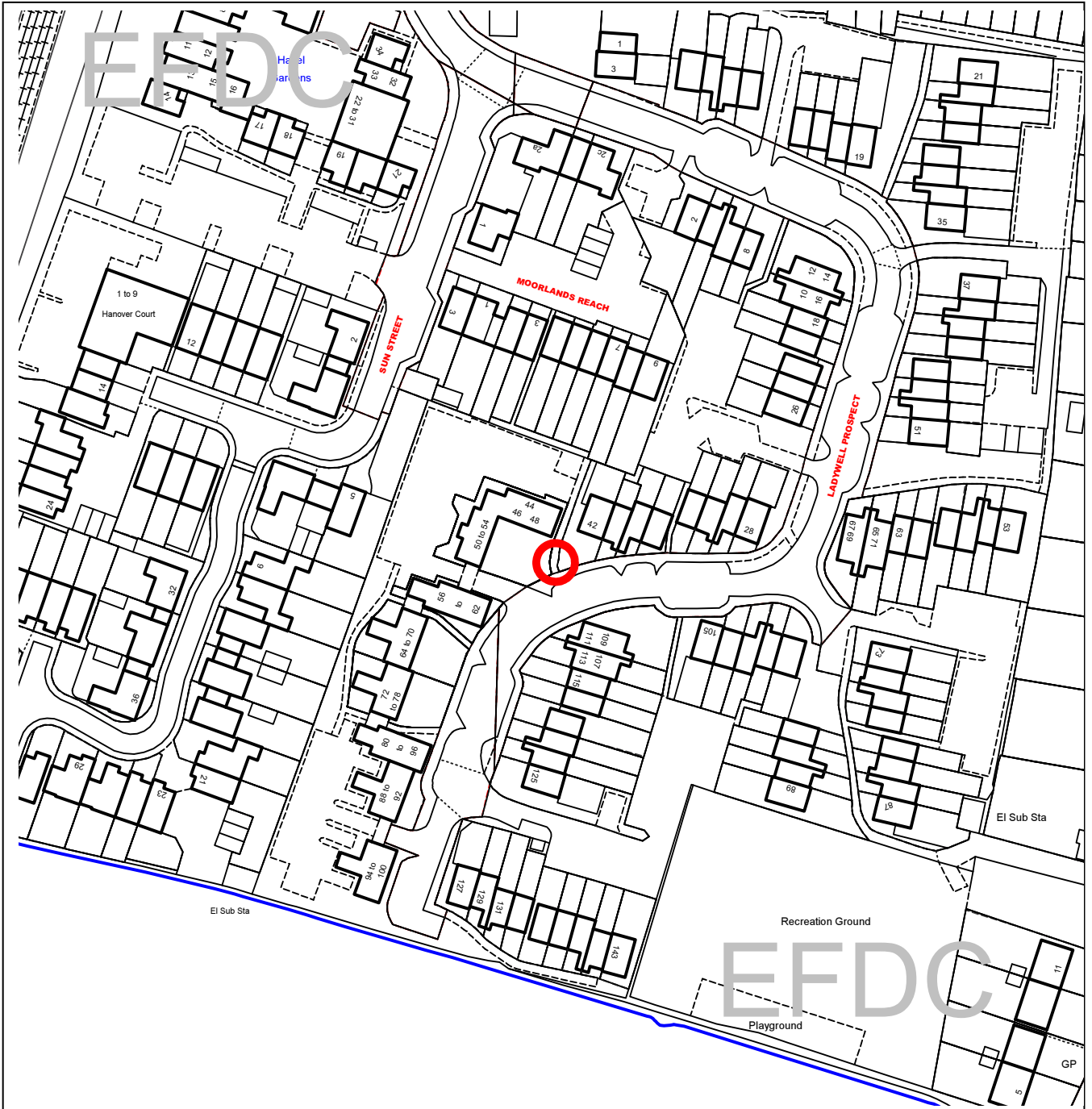
**Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546**

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



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Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/2083/12
Site Name:	44 Ladywell Prospect, Sheering CM21 9PT
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/2176/12
SITE ADDRESS:	65 Hemnall Street Epping Essex CM16 4LZ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Ian White
DESCRIPTION OF PROPOSAL:	TPO/EPF/32/08 T6 - Cherry Plum - Fell
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=543237

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted prior to the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

Description of Site:

This tree stands around 8 metres tall with a previously pollarded crown of now densely grown new shoots. It features as a subordinate landscape feature in the general street scene, set behind larger street trees and from out of a boundary hedge. It has grown close to the boundary in front of the applicant's and neighbour's garage.

Description of Proposal:

T1. Cherry Plum - Fell to ground level.

Relevant History:

In recent years, the pruning of this plum tree is listed, as follows.
TRE/EPF/0057/06 granted a 30% crown reduction.

TRE/ EPF/0400/02 granted permission to pollard the tree.

Relevant Policies:

LL9 The Council will not give consent to fell a tree preserved tree unless it is satisfied that this is necessary and justified; any tree lost must be replaced.

SUMMARY OF REPRESENTATIONS

2 neighbours were consulted and a supportive response was returned and summarised, as follows:

67 HEMNALL STREET: 'We are very much in favour of the felling of this tree, which is very close to the boundary of our property, blocks gutters, and down pipe causing flooding. Roots have grown into our drain.'

EPPING TOWN COUNCIL were willing to waive their objection should the council officer conclude that the felling is justified and necessary.

Issues and Considerations:

Issues

The applicant asserts that the tree has damaged the drain and caused cracks in the driveway. The drain damage has resulted in flooding to the garage, which contains the boiler and electrical appliances. There is the possibility of structural damage to the foundations to applicant's and neighbour's property from roots. Roots have been felt in the soakaway. Leaves obstruct gutters and downpipes to the applicant's house and that of his neighbour.

Consideration of applicant's reasons:

i) Drain damage

A photo shows a heavy downpour flooding around the garage door. A photo of a boiler shows an appliance in the garage but does not clearly demonstrate that the drain is compromised by roots, leading to flooding and associated problems and concerns.

ii) Structural damage

No evidence has been supplied to show this and while the possibility remains it is not proven that the buildings will suffer damage to their footings.

The cracks on the drive might have arisen from building works to drains and the processes of ageing and wear and tear, though the proximity of surface roots does, in some cases, correspond to root patterns and their effect on a thin tarmac surface.

A repair might be achieved to the surface as might the clearing and sleeving of the damaged drains, without recourse to felling the tree.

iii) Leaf litter

The tree does overhang the garages of both properties and leaf debris might build up and result in overflow onto the drive but this alone does not justify the removal of an attractively coloured tree.

Planning considerations

i) Tree condition.

The tree is vigorous but has been reduced to such an extent that the truncated structure established in 2002 requires regular pruning to control the profusion of new shoots. The 2007 reduction has not reduced the density of new top growth and the tree is susceptible to decay at these wounds, which may foreshorten the tree's life expectancy to less than 20 years. There is also evidence of damage to the base of the stem, which has exposed sapwood under the bark layer that has been hacked away. This offers further opportunities to decay organisms to foreshorten the tree's life.

ii) Public amenity

The tree is moderately prominent in the local landscape of this leafy residential road but its intrinsic beauty is overshadowed by the dominant street trees. Its public amenity would be rated at moderate due to this treatment.

iii) Suitability of location and pruning alternatives.

The proximity of the tree at less than 3 metres from the applicant's house and the neighbour's garage is an issue, as is the location of the drain directly beneath it. Evidence of root ingress into the drain has been reported but not supported by any images or professional reports. Pruning alternatives have been undertaken over the last decade but the visual result is not ideal, either in terms of amenity, or as a solution to root and leaf litter issues. Therefore, the tree can be said to be unsuitable for its location.

iv) Replacement planting

The applicant has offered to plant another tree and suggested a birch in another part of the front garden in a more prominent position away from properties. This option might mitigate the long term loss of this tree and maintain the presence of an attractive landscape feature in this front garden.

Conclusion

The tree has moderate public amenity and is not ideally suited to its position. Pruning has not resolved perennial problems of blocked drains, cracked driveway or debris in gutters. On balance, therefore, there are grounds for a recommendation to allow felling of the tree due to its location, which justify its removal. The proposal is considered to accord with Local Plan Landscape Policy LL9 and is, therefore, recommended for approval.

In the event of members granting permission to fell this tree, it is recommended to attach a condition that ensures a replacement is planted..

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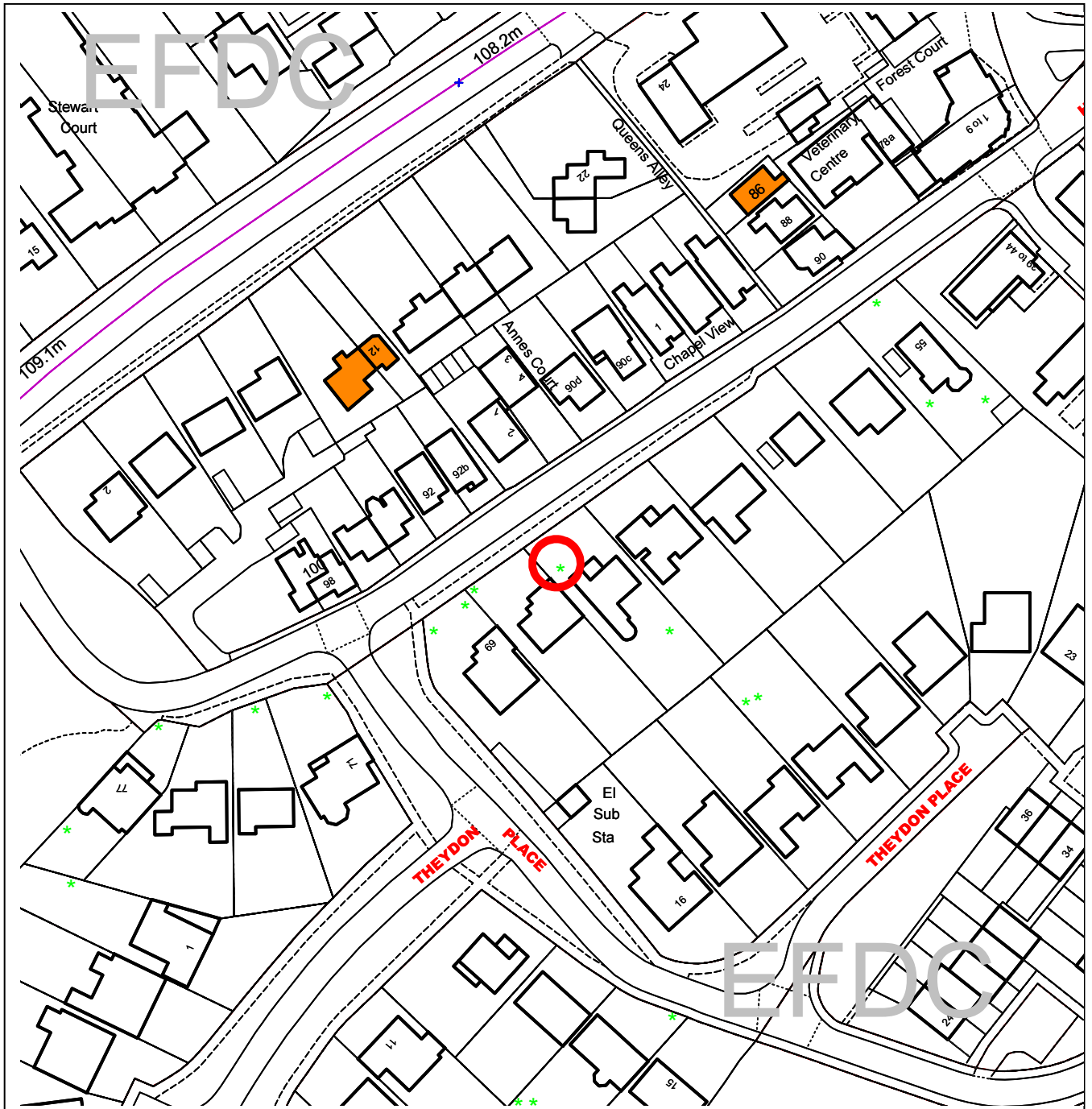
**Planning Application Case Officer: Robin Hellier
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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/2176/12
Site Name:	65 Hemnall Street, Epping CM16 4LZ
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2255/12
SITE ADDRESS:	51 Hornbeam Road Theydon Bois Epping Essex CM16 7JU
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Crawford & Company
DESCRIPTION OF PROPOSAL:	TPO/EPF/04/12 T2 - Oak - Fell
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=543540

REASON FOR REFUSAL

- 1 The report on which the application is based does not support the felling of the tree. The loss of the tree's visual amenity has not been demonstrated to be necessary or justified and is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations..

This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site

The tree stands on what appears to be highway verge outside the garden fence of 51 Hornbeam Road. It is in a visually prominent location on the western approach to Theydon Bois village.

Description of Proposal

Fell tree

Relevant History

TPO/EPF/4/12 was made in June in response to the arrival of tree surgeons on site to fell the tree.

Following considerable discussion on site and a request that felling be delayed the TPO was commenced following consultation with local councillors and the portfolio holder. The agents for the insurers of 51 Hornbeam Road informed the Council's Principal Officer Landscape & Trees that they would destroy the tree by ring barking it to prevent the order taking effect. On arrival back at the site with the TPO the officer observed that the ring barking had not been carried out before serving the order. The order was therefore validly made. The tree was observed to be ring

barked later that afternoon. This report however, concerns only the determination of this application not the legal ramifications of that attempted destruction of the preserved tree.

Relevant Policies

LL9 Felling of preserved trees “the council will not give consent to fell a tree.... protected by a TPO unless it is satisfied that this is necessary and justified.... any such consent will be conditional upon the appropriate replacement of the tree”

Summary of Representations

None received at the time of preparing this report. Any representations received will be reported orally to the committee.

Issues and Considerations

The TPO represented a reasonable response by the LPA to the intended felling of the tree. The felling was occasioned by cracking to the property for which the oak tree was blamed. The order was intended to allow the Council proper scrutiny of the supporting evidence and was justified because of its particular importance in the local street scene.

The application however, is not made on the basis of the then alleged subsidence. It is made solely on the basis of a report commissioned by the Council in respect of the contravention of the TPO, and specifically whether the tree could be said to have been destroyed by it.

Because of the attempted ring barking of the tree (that is the cutting of a channel through the bark, phloem (or bast) and cambium and into the sapwood) the future of the tree was in some doubt. As a result of that the Council commissioned an independent report from a tree pathologist, Dr David Lonsdale. The application quotes particular excerpts from Dr Lonsdale's report, but submits no other evidence. The application states specifically that the justification is based on the opinion of the Council's appointed expert and do not constitute findings of the agent, Marishal Thompson.

The application points specifically to 4 sections within the report:

1.3: 90% of the stem circumference has lost physiological functionality.

1.5: $\frac{2}{3}$ of the tree's canopy is now expected to (potentially) die back. In relation to this they state that if this is the correct assessment they believe that this process poses an unexceptional risk to people and property nearby as sections of the tree could fail/be lost during this process.

5.1.4: The supporting root structure is believed to be compromised by way of reduced phloem activity.

5.1.11: The report highlights that the tree is now considered vulnerable to adverse weather conditions.

In relation to these references felling does not follow from the report as a reasonable conclusion. The author of the report has confirmed that he does not believe that felling is a reasonable or necessary step at present. He has agreed that the tree could be retained for a reasonable period, subject to monitoring to determine how it will be affected by the partial ring barking.

The crux of Dr Lonsdale's report was how seriously had the tree been damaged and whether it could be said to have been destroyed. Although complete ring barking will necessarily kill a tree the incompetent ring barking carried out on this tree removed 90% of the phloem and cambium and a lesser percentage of the sapwood. The report's findings were that the oak will therefore continue to function, albeit with reduced vigour. The crown is likely to die back, but the extent or speed of that cannot as yet be accurately predicted.

There are no visible effects in the crown whatsoever at present. There will have been no loss of anchorage and there is at present no increased risk of deadwood falling and causing a safety problem either for the highway or for the owners of 51 Hornbeam Road. The tree is not therefore unsafe in the short or medium term. Of course the applicants could undertake more detailed research and submit their own view as to the likely effects upon the tree of the damage that they instigated. This however they have not taken the opportunity of doing.

The applicants ask that the Council give permission, by condition, for reduction of the crown by a percentage that the Council will specify. As stated, the officers' view, which is also the view of the independent consultant, is that the best course of action would be to wait until at least the latter part of summer 2013 to see what effect the attempted ring barking has had upon the functionality of the crown. It may then be possible to make recommendations as to pruning. However, it is important not to undertake an excessive or premature crown reduction which could reduce the likelihood of the tree's survival.

Conclusion

Given that a careful reading of the report by Dr Lonsdale, quoted as the sole basis for the application, does not lead to a conclusion that the oak should be felled and therefore having regard to the oak's size and prominent location, felling has not been demonstrated to be either necessary or justified. The application is therefore recommended for refusal in line with the relevant policy LL9 of the Epping Forest District Local Plan and Alterations 2006.

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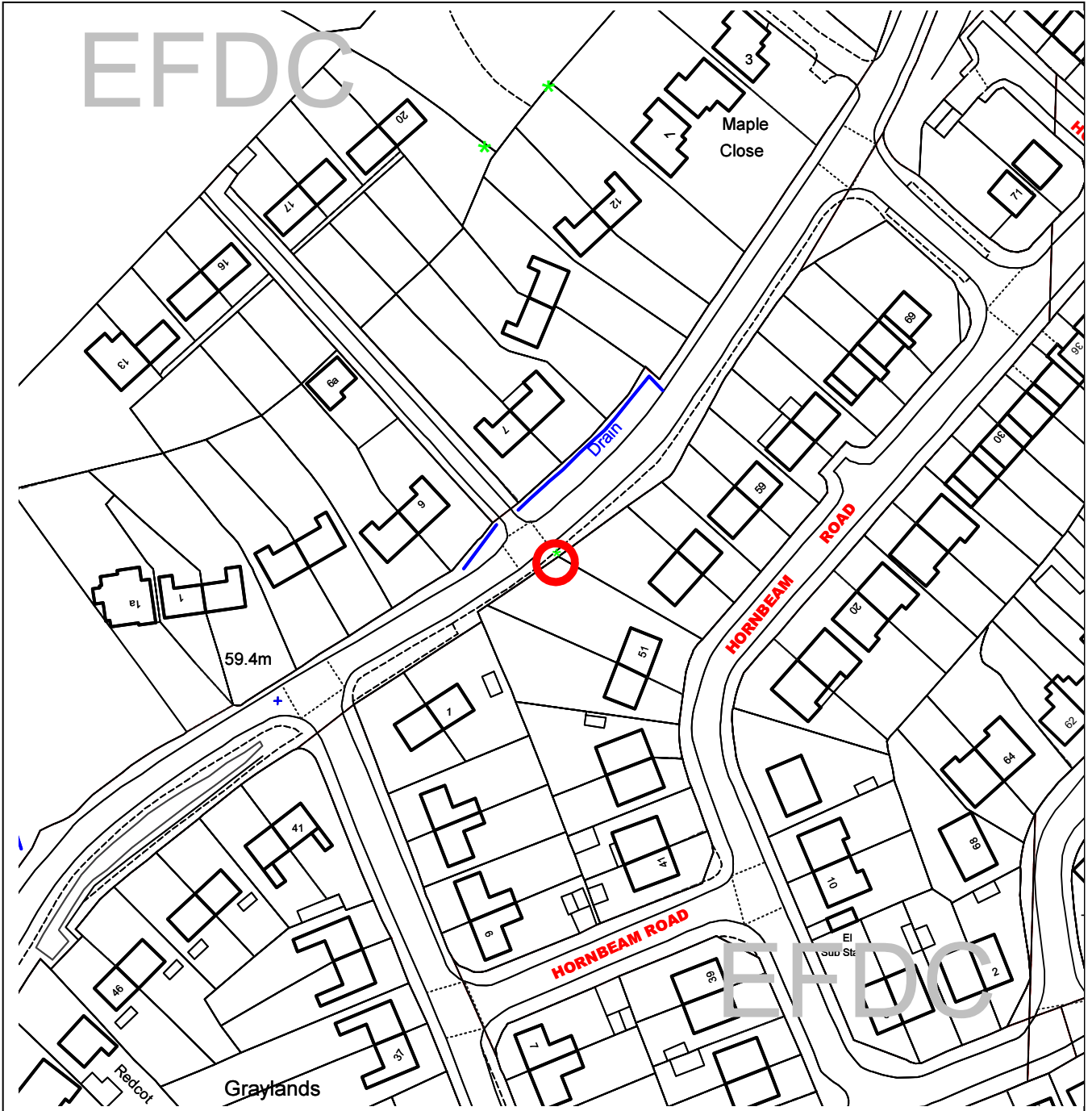
**Planning Application Case Officer: Christopher Neilan
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Agenda Item Number:	4
Application Number:	EPF/2255/12
Site Name:	51 Hornbeam Road, Theydon Bois CM16 7JU
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/2261/12
SITE ADDRESS:	Inverellen 62 Hoe Lane Lambourne Romford Essex RM4 1AU
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mrs Carol Curbishley
DESCRIPTION OF PROPOSAL:	TPO/EPF/06/08 T1 - Willow - Fell
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=543580

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing and in advance by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before this committee as any application to fell a preserved tree falls outside the scope delegated powers.

Description of Site

62 Hoe Lane is an attached property at the southern edge of the village. The tree stands on the front south east corner of the property and is visible entering the village.

Description of Proposal

Fell

Relevant History

TPO/EPF/06/08 was made in 2008 to protect the willow which was under threat as a result of a boundary dispute. There is no other specific history.

Summary of Representations

None received at the time of writing; any received later will be reported orally.

Issues and Considerations

The application is made solely as a result of the poor health of the tree.

The contorted willow is generally an attractive and unusual medium sized tree with characteristic corkscrew shaped stems. However, this tree is now showing evidence of poor health in the crown. The leaf coverage has been thin for the last couple of years and the crown has now started to die back. The symptoms are characteristic of infection by honey fungus although the fruiting bodies themselves have not been seen. There is no realistic chance of recovery or treatment available.

Conclusion

Felling therefore accords with policy LL9 of the Local Plan and Alterations 2006 in that it is necessary and justified and the application is therefore recommended for approval, subject to prior written agreement to a suitable replacement.

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:

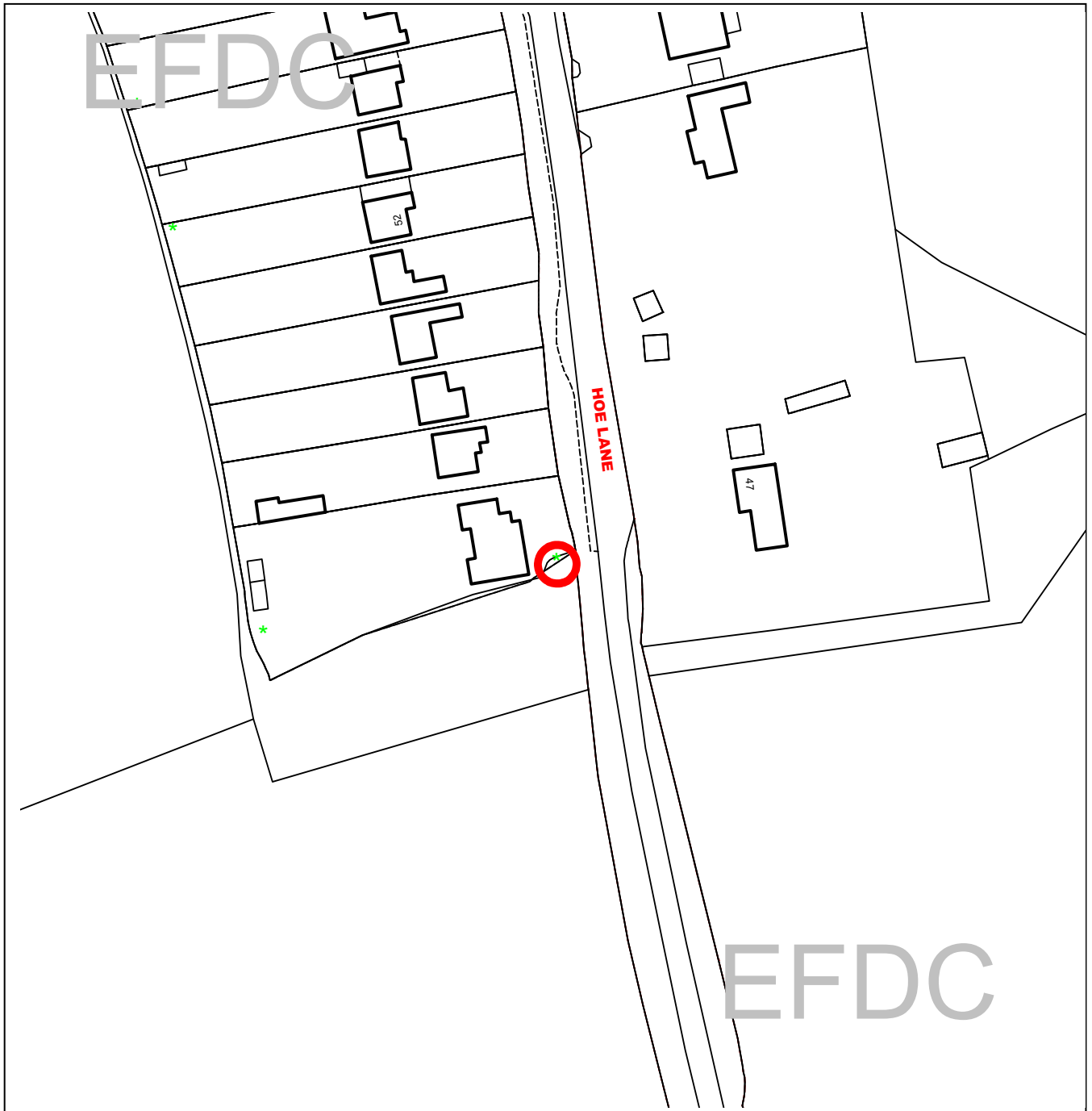
**Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117**

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Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/2261/12
Site Name:	Inverellen, 62 Hoe Lane Lambourne, RM4 1AU
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2513/11
SITE ADDRESS:	Mulberry House Chelmsford Road High Ongar Essex CM5 9NL
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr & Mrs Ray George
DESCRIPTION OF PROPOSAL:	Amended Masterplan proposal (including revised car park arrangement and landscaping proposals) for the demolition of structures including (chalet bedroom wing (17 Rooms), various outbuildings and hard standings associated with temporary marquee). Erection of replacement building to provide dining room, dedicated kitchen, reception lounge, 25 guest bedrooms and basement containing meeting room, office, gym and plant room. (Associated car parking and landscaping)
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=533513

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Location Map; Location Plan; 0907/103 rev. A; 0907/103.1 rev. A; 0907/104 rev. A; 0907/105; 0907/106; 0907/107; 0907/108; 0907/109 rev. A; 0907/110 rev. B; 0907/111 rev. B; 0907/112 rev. B; 0907/113 rev. B; and 0907/114 and the Arboricultural Method Statement (May 2011).
- 4 Other than on New Year's Eve, the use of the dining/bar/reception room by guests shall cease at 23.30 on any day.

- 5 No amplified live music shall be played externally, nor other amplified noise source deployed externally nor shall fireworks be set off within the application site.
- 6 Any internally generated noise source shall be limited to 85dB(A)Lamax. All equipment and fittings installed in accordance with this condition shall thereafter be retained as approved in a functioning condition and maintained in accordance with their manufacturers' instructions, unless the Local Planning Authority has given its prior written consent to any variation.
- 7 No external lighting or hard landscaping (for example paths) shall be erected within the site without the prior written agreement of the Local Planning Authority.
- 8 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 9 Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the LPA prior to their installation.
- 10 A sample panel of brickwork shall be constructed on site showing the proposed brickbond, mortar mix and pointing profile to be used on the new build, to be agreed in writing with the LPA.
- 11 A schedule of works describing the proposed repairs to the garden wall, including the removal of wiring and lights, shall be submitted to and agreed in writing with the LPA prior to the commencement of works.
- 12 Prior to the commencement of the development hereby approved, details of surface water drainage shall be submitted to the Local Planning Authority for approval in writing. The development shall proceed in accordance with the agreed details.
- 13 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 14 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules

of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 15 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Subject to the completion, within 3 months, of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- 1. The removal of structures including the rockeries, marquee, hard standing and access road within 3 months of the first occupation of the extension;**
- 2. To complete works to repair the garden wall within 3 months of the first occupation of the extension; and**
- 3. Not at any time following the grant of planning permission to implement the additional car park, permitted under planning application ref: EPF/2132/00.**

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a)), since it is an application for major commercial and other developments, (e.g. developments of significant scale and/or wide concern) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(c)), and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

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

Description of Proposal:

This application seeks planning permission for extensive works within the application site. These works would involve the demolition of the existing chalet guest accommodation to the side of the Mulberry Suite and also several sheds and other outbuildings. The application also confirms (by way of unilateral undertaking), the Applicant's intention to remove a number of unauthorised structures from the site including a marquee and related hard surfaced area and the rockery features which are situated either side of the entrance to the site from the A414.

The application proposes the erection of substantial additions which would facilitate a meeting room and gym at basement level; a 140 cover dining room with reception lounge/bar and 13 guest bedrooms at ground floor level; and a further 12 guest bedrooms at first floor level.

No change is proposed in relation to existing car parking provision, although the Applicant does propose, by way of a Unilateral Undertaking under Section 106, not to implement an extant planning permission for the addition of an additional car park to the front of the main buildings.

Relevant History:

Extensive planning history – relevant entries include:

EPF/2131/00. Change of use from a mixed use comprising training/conference centre and Christian retreat with residential accommodation to a mixed use comprising training/conference centre, Christian retreat, guest house, restaurant and function rooms. Refused planning permission, but subsequently granted at appeal following Public Inquiry.

EPF/2132/00. Resurfacing of existing car park, increase in car parking area, associated landscaping, increase in maximum number of guests present on site at any one time to 140. Refused planning permission, but subsequently granted at appeal following Public Inquiry.

EPF/0648/09. Variance of condition 7 of EPF/2131/00 allowed on appeal 30 May 2002. Application for restaurant use to be permitted in dining room and garden room (conservatory) from 7am until 11.30pm - seven days per week. Approved 13/08/2009.

Several planning applications have been submitted for the erection/retention of a marquee since 2009. These have been refused planning permission and enforcement action has been taken in respect of the marquee, which has been erected seasonally.

EPF/2322/10. Demolition of chalet bedroom wing (17 Rooms), various outbuildings and hard standings (associated with temporary marquee) and erection of replacement building to provide dining room, dedicated kitchen, reception lounge, 25 guest bedrooms and basement containing meeting room and ancillary facilities comprising office, gym and plant room. Application withdrawn.

EPF/2692/10. Entrance feature comprising rockery, ponds and retaining walls. Application withdrawn.

Planning Enforcement

ENF/0408/11. Marquee erected no planning permission. Enforcement Notice served 31/10/2011

Policies Applied:

GB2A	Green Belt Policy
GB7A	Conspicuous Development
DBE1	Design
DBE9 & RP5A	Adverse environmental impacts
ST6	Parking
HC12	Setting of a Listed Building
LL11	Landscaping Schemes

Summary of Representations:

Notification of this application was sent to High Ongar Parish Council and to 1 neighbouring resident. A site notice was also displayed on Chelmsford Road, opposite the site entrance.

The following representations have been received:

HIGH ONGAR PARISH COUNCIL. Objection. The Parish Council **object** to the above application on the basis that it is both detrimental to a listed building and the green belt. It does not agree that the very special circumstances which permit development within the green belt have been met and I attach a listing of observations and comments which was produced by ward councillors after studying the plans.

The Parish Council have a copy of the title deeds for this property which show that in the Conveyance of the land dated 7 January 1976 a covenant exists which restricts what could take place at Mulberry House and I attach a copy of the title deeds that gives further details. However, it is likely that there is an amendment to this covenant dated July 2004 and a copy has been requested from the Land Registry for more information.

Further notes made by the Parish Council in relation to the application submission are attached at Appendix 1.

SPADGERS, THE STREET. Objection. I would like to register my strong opposition to the redevelopment of Mulberry House. I have lived in High Ongar 13 years and Mulberry House was open as a Christian retreat and now just appears to be a growing commercial business. I believe the current venue is large enough and any further redevelopment would affect the local area in a negative way. Please take this email as my strong objection to the proposed development.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on:

Neighbouring Amenity;
The open character and appearance of the Green Belt;
The setting of the listed building;
Trees and Landscaping; and
Parking and Highways.

Neighbouring Amenity

The recent use of the unauthorised marquee within the site has generated significant levels of complaint from nearby local residents who have had their amenity considerably harmed by noise and disruption from events at the site late into the night. Whilst the submitted legal agreement would oblige the Applicant to remove the marquee and associated area from the site, only limited weight is given to this benefit of the proposal – as the removal of these unauthorised structures can also be secured by means of a current effective enforcement notice.

In relation to the proposed development, events would be contained within solid buildings and there would be no overall increase in the number of guests/visitors permitted to be present on site at any one time (limited by planning condition to 140 people). Subject to the repetition of planning conditions relating to permitted hours and noise levels, it is not considered that there would be any increased harm caused to residential amenity.

The open character and appearance of the Green Belt

The site is located in the Green Belt and this provides the main constraint to the future development of the site. The impacts of the proposed development on the open character and appearance of the area must be considered and if any harm is found to be caused to the open character of the Green Belt then this harm must be outweighed by very special circumstances.

The application proposes the demolition of some structures. No weight should be applied to the removal of structures which are unauthorised (including the marquee, its hard standing and the rockery entrance features) – on the basis that powers exist to remove those anyway.

The proposed development would result in the demolition of the existing guest rooms to the side of Mulberry House and also several existing outbuildings.

The demolition of the existing guest accommodation would result in a loss of approximately 557.5m² in floor area and (having regard only to the development above ground level) approximately 2034.8m³ in volume.

The sheds to be removed (excluding the glasshouses, which by their nature have a less significant impact on the Green Belt) amount to a total floor area of approximately 140m² and applying an approximately average height of 2.5m to these buildings, a volume of approximately 350m³ would be lost.

Accordingly, the total lost floor space arising from the development would be 697.5m², representing a volume of approximately 2384.8m³.

The proposed development would loosely follow along similar lines to that which exists at present when viewed in elevation form, with the exception of the 'cottage' style building located at the end of the wing, which would increase the footprint of the building form.

The proposed development would provide two storeys of accommodation where only single storey buildings exist at present – however, this may be accommodated within loosely the same height as the existing building, on the basis that quite substantial ground works would be undertaken to sink the building into the ground (the exact level of the building may be controlled by the imposition of a planning condition requiring the Council's approval of levels prior to the commencement of works).

Estimations of the proposed floor area and volume as calculated from the submitted plans are that the proposal would result in the addition of approximately 908m² representing a volume of approximately 4,153.5m³.

Accordingly, whilst the proposed development would see an increase in the footprint of buildings by approximately 30%, the volume increase would be much greater at approximately 74%, due to the increased height of the proposal in relation to existing buildings. It is considered that these increases and also the increased prominence of the 'cottages' element of the development result in a significant impact upon the openness of the Green Belt. The development is, therefore considered to be inappropriate development within the Green Belt.

This view is contrary to that expressed by the Applicant's Agent, who has stated during the course of this planning application: *Paragraph 89 clarifies that the construction of new buildings should be regarded as inappropriate in the Green Belt, except for certain defined exceptions. Of the exceptions, which are set out in six bullet points, the current proposal suitably adheres to bullet point six:*

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

The proposal clearly represents the suitable redevelopment of a previously developed site with no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It does this through the erection of proposed built form in lieu of the demolition of existing structures on the site which are of a comparable footprint and scale to the proposal though of inferior design.

In being in accordance with bullet point six the proposal constitutes appropriate development in the Green Belt which does not require a demonstration of very special circumstances. Notwithstanding this position, very special circumstances exist in any case, as set out in the original planning application submissions.

The Planning Officer has considered the opinion of the Applicant’s agent, but does still consider that the redevelopment would have a greater impact on the openness of the Green Belt and would, therefore, be inappropriate development in the Green Belt. However, this does not mean that the application is necessarily unacceptable – consideration must first be given to whether or not there are very special circumstances which exist which would justify permitting the inappropriate development within the Green Belt.

Several key issues are relevant when considering the case for very special circumstances:

- The proposed development would be considerably more attractive than that which exists at present – result in a significant improvement to the character and appearance of the site.
- In addition to appearing more aesthetically pleasing, as above, the development would also be far more complementary to the setting and narrative of the historic building and, as a result, has the support of Historic Buildings Advisors at Essex County Council.
- The site contains an events venue which, if successfully operated, would benefit the local economy, in terms of direct employment and also linked revenue to other local business within the District. High Ongar Parish Council has raised concern regarding the lack of any economic appraisal to justify the Applicant’s position that the development will aid the viability of the venue, which it presently advises is running at a loss, being financially supported by the Applicant (the applicant advises, to the sum of £370,000 per annum). However, on the basis that it is readily clear that the proposed development would improve the attractiveness of the venue to prospective clients, Officers do not consider it necessary to require such an appraisal to be submitted. In any event, there would be no factual information relating to revenues following the completion of this development and any such appraisal would be dependant on the Applicant’s own forecasts and therefore difficult for the Council to independently appraise. It is clear to the Officers that the operation of an economically viable business from the site is essential to the long term future of Mulberry House, which is a local heritage asset.
- The submitted unilateral undertaking forfeits the implementation of an additional car park (previously approved to the front of the main building) which has a continuing extant planning permission on the basis that it formed part of a consent which has previously been commenced.
- It is also argued that the Applicant’s costs in providing the ghosted right hand turn land from the A414 into the site (a requirement imposed following the successful 2002 appeal)

were disproportionate and accordingly some economic return is necessary – however, the highway improvement works already exist and have previously been provided as very special circumstances for earlier developments at the site. It is not, therefore, considered by officers that significant weight may be applied to this issue when determining the extent of the very special circumstances.

As always, the issue of balancing inappropriate development within the Green Belt against a case for very special circumstances is difficult. However, in this case the aesthetic improvements to the development are significant. The impact of the scale and mass of the development when viewed from the A414 would be minimised by the articulation afforded by the design which is broken down into several distinct elements. Furthermore, views of the extensions from this public vantage point would be softened by the existing planting along this boundary of the site. On the basis of this and the considerable improvements to the setting of the listed building, it is the opinion of Planning Officers that considerable benefits exist in this case which outweigh the harm caused to the openness of the Green Belt.

The setting of the listed building

The Senior Historic Buildings Advisor at Essex County Council has been consulted on the planning application and has commented as follows:

The demolition and redevelopment proposals should enhance the setting of the listed building considerably, removing features which severely detract from the setting of the listed building and replacing them with structures of complementary design.

Subject to the imposition of several recommended planning conditions, the Historic Buildings Advisor is supportive of the proposal. On the basis of this professional advice, it is also the opinion of planning officers that the proposed development would not cause any harm to the setting of the listed building and would, on that basis, accord with both local and national planning policies.

Trees and Landscaping

The Council's Arboricultural Officer originally objected to the planning application, on the basis of discrepancies between the tree protection plans and the architectural plans. However, following the correction of this matter, the Arboricultural Officer has provided the following comment:

The information provided indicates the removal of the unpleasant rockeries and the hardstanding and a detailed planting scheme for the entrance area. I take it from the "Removals" plan that the additional car parking/ turning area associated with the wedding marquee is to be removed as well, which will also be beneficial.

This is an important and visually prominent building with an equally important landscape setting. As I see it the proposal benefits both. At the moment there is a good balance between the main house, (which is a big house, rather than a mansion), its subsidiary outbuildings and the surrounding landscaped grounds, well planted with (largely) appropriate trees. The proposals retains that, and possibly improves the relationship between house and outbuildings, removes undesirable features, (although there would be planning enforcement routes to achieve the same ends in most cases) and potentially enables significant improvement to the landscape context, by positive management of what is there, and appropriate new planting.

There are trees shown to be removed, but none significant or visually important. The new trees shown will be more than adequate compensation.

On the basis of the Officer's advice, it is the opinion of planning officers that the proposed development would not cause any harm to trees within the site, or to its landscape setting.

Parking and Highways

Access to the site would continue via the existing drive leading from the A414.

It is proposed to retain the existing (70) car parking spaces. No additional car parking is proposed and as referred to above, it is also proposed that the extant planning permission for an additional car parking area to the front of the main building will be foregone.

Whilst the level of accommodation and facilities within the site will be significantly increased, the Applicant specifically states that the number of guests on site at any one time will be retained at the existing cap of 140 people (the extensions will just provide more efficient space for accommodating those guests throughout the duration of an event).

On this basis, it is considered that the retention of existing levels of car parking is sufficient.

Other Matters

Flood Risk – Officers within the Council's Land Drainage Section have been consulted on the planning application and have commented as follows:

The site does not lie within an EFDC flood risk assessment zone, but the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff – the Applicant has provided a Flood Risk Assessment with the application and we agree with the findings in principle. Because the site lies within the Environment Agency's designated Flood Zone 2, the Applicant should refer to the EA's standing advice. The Applicant proposes to discharge surface water by sustainable drainage system, further details are required – this may be secured by the imposition of a planning condition.

Legal Agreement – The Applicant has submitted a unilateral undertaking which would oblige them to remove existing structures within the site (including the rockery, marquee and its hard standing), to complete repair works to an existing garden wall and would also prevent them from implementing an extant planning permission for additional car parking following the commencement of the development which is the subject of this planning application. Two amendments to this undertaking have been sought by the Planning Officer:

1. That the structures to be removed include the access road which leads from the hard surface below the marquee to the main drive into Mulberry House; and
2. That the obligation not to implement the additional car parking is triggered by the granting of planning permission rather than by its implementation – this would prevent the possibility of the Applicant installing the additional car parking following the grant of planning permission but prior to its implementation.

Conclusion:

The development is inappropriate within the Green Belt and would result in a considerable increase the built volume within the site. However very special circumstances, as referred to previously within this report, exist which would, on balance, justify permitting the development. Furthermore the proposal would be satisfactory in respect of other policy considerations, including the impact on nearby neighbouring residents, the character and appearance of the area, the setting of the listed building, the landscape setting of the site and matters of parking and highway

access. It is, therefore, the balanced recommendation of Officers that planning permission be granted subject to the submission of a revised unilateral undertaking to take account of the above. It is also requested that the Committee authorises Officers to refuse planning permission, in the event that reasonable progress is not made to complete a satisfactory agreement under Section 106 within 3 months of the date of this committee.

Appendix 1: Further Comments made by High Ongar Parish Council

NOTES ON PLANNING APPLICATION EPF/2513/11 MULBERRY HOUSE RETREAT AND LEISURE LTD

REPLIES

ITEM 6 Any new public roads within site – ‘No’

COMMENTS ON REPLIES

New roads will have to be made to access new proposed building entrances

ITEM 10. Vehicle Parking.

Existing number of spaces - 70
(+ 2 disabled parking bays)

Proposed number of spaces – 70 +2 disabled
no change despite increase in covers in restaurant, increase in numbers staying overnight plus increase in staff – ignoring conference needs, and increase in area.

ITEM 18. Class A3 Restaurants and cafes
– no floor space entered.

Restaurant has been operating on site for some considerable time.

Class C1 Hotels and halls of residence – 604 sq.m
Class D1 Non-residential No floor space entered despite existing conference suite
Total Existing floor space = 604 sq.m

Increase to 1115 sq.m – almost doubled
Increase to 709 sq.m

Proposed floor space = 1824.6 sq.m treble the previous amount.

ITEM 19 Employment

Existing Full time = 21
Existing Part time = 40

Proposed Full time = 23 +2
Proposed part time = 45 +5

ITEM 24. Visibility from public road, footpath, bridleway or other public land – stated ‘No’

Highly visible from A414 thanks to removal of hedge and can be seen from public footpath (Essex Way).

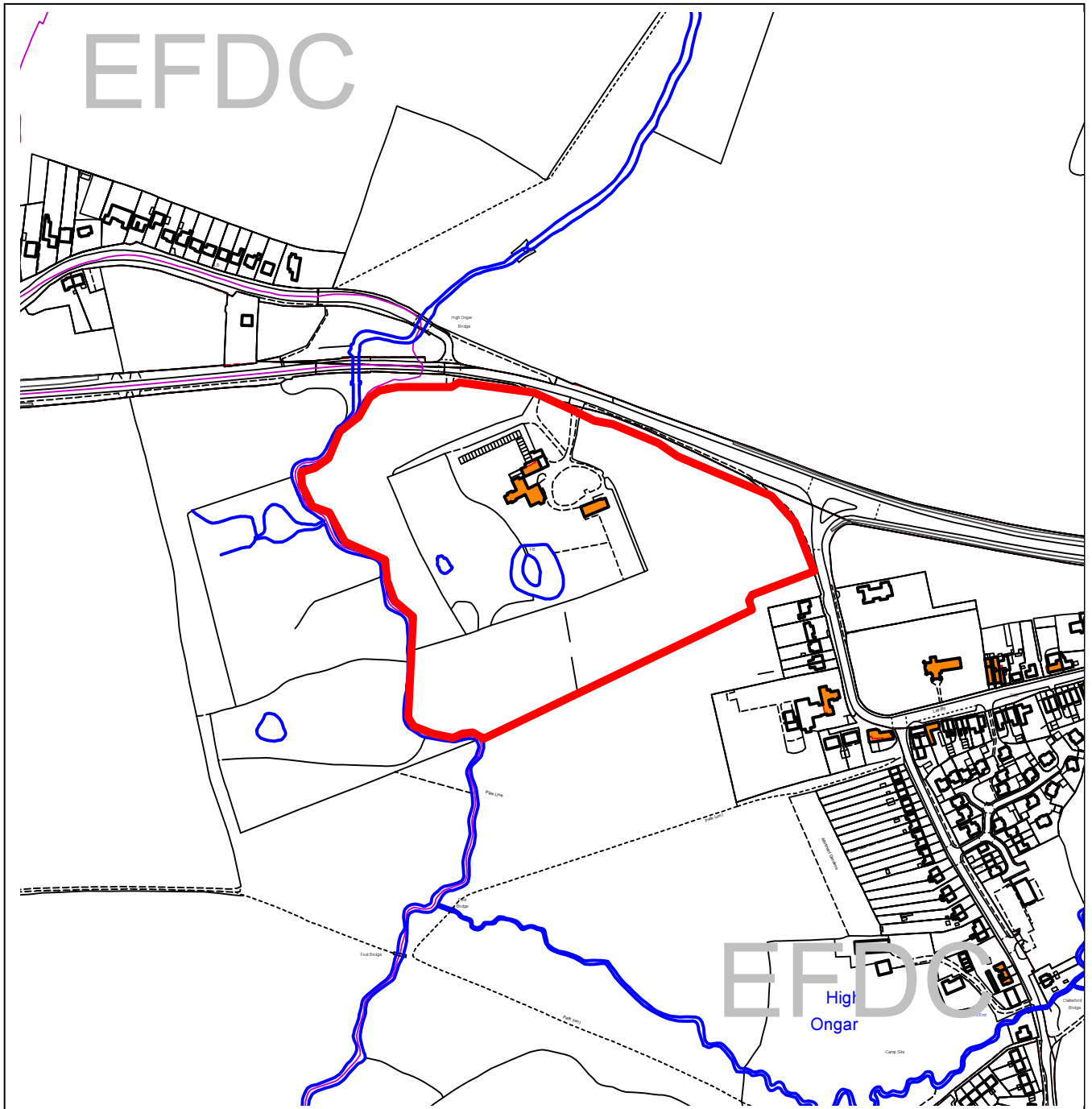
Additional questions - How many other bedrooms are there in e.g. The Mulberry Suite? (*answer given as 5 doubles, some of which are Family rooms*)

How many staff bedrooms and how many staff will be required to stay overnight? (*no answer given*)



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/2513/11
Site Name:	Mulberry House, Chelmsford Road High Ongar, CM5 9NL
Scale of Plot:	1/5000

Report Item No: 7

APPLICATION No:	EPF/1245/12
SITE ADDRESS:	1 Ivy Cottage Mews Theydon Park Road Theydon Bois Epping Essex CM16 7LW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Ronald Roast
DESCRIPTION OF PROPOSAL:	Erection of sliding gates across vehicular access at front of site, removal of section of infected hedge and planting of replacement hedge.
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/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538799

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The roots of this section of hedge shall not be removed. Any additional planting in the hedge, which may be desirable to ensure full growth, shall be carried out using the plant species described in the Council's letter of 19/3/12. ref: PL/CJN/PC/EPF/0810/11.

This application is before this Committee because the recommendation is for approval contrary to an objection from the Parish Council which is material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (g)).

Description of Proposal:

Erection of sliding gates across vehicular access at front of site and removal of section of infected hedge to 0.3m above ground level.

Description of Site:

One of 3 new bungalows built some 2 to 3 years ago on the site of a former dwelling. There are two vehicular accesses to the site – the southerly one serves two of the bungalows at the rear of the site and the northerly one serves the bungalow subject of this application - which lies in a more forward position on the site between 2.8m and 6m from the front boundary. Most of this front

boundary of the site consists of a hedge but there are two 1.6m lengths of a wall (0.9m in height) on either side of the access to the application property.

Relevant History:

EPF/1913/08 gave approval to the replacement of the former dwelling on the site with 3 bungalows.

**The above planning permission was subject to a number of planning conditions, including a condition that required the retention of landscaping which includes the hedge.*

EPF/0810/12 was a refusal of a proposal to replace a 3m section of hedge with a brick wall as continuation of an existing wall, to facilitate provision of an electronic sliding gate to the property – it was refused on grounds of loss of visual amenity in the street scene. This refusal was also supported on appeal.

Policies Applied:

DBE9 – Loss of amenity.

LL10 – Adequacy of provision for landscape retention.

Summary of Representations:

THEYDON BOIS PARISH COUNCIL – Object – the Parish Council strongly supports the retention of hedgerows particularly in this type of rural location and this is one of the fundamental principles contained in the Theydon Bois village design statement. We note the previous decisions on the property and we object to the proposal.

NEIGHBOURS – 9 properties consulted and no replies received.

EFDC TREES AND LANDSCAPE – this section of hedge does suffer from a viral infection and would benefit from suitable management, which could be as radical as cutting right to the base.

Issues and Considerations:

Since this application was submitted the proposal has been clarified in that it is not proposed to completely remove this section of hedge, but to cut it back to 0.3m (12 ins) in height. This cutting back is needed because this section of hedge is thin and poor and suffers from a viral infection. The Council's Tress and Landscape section agree that cutting back the hedge to this height will allow it to recover. Although this recovery may take several years this is a preferable solution than leaving the hedge as it is to die. A temporary light weight green coloured open mesh wire fence will be erected to protect the hedge once it is cut back.

The proposed gates to be erected across the access would be of an open railing design, and would be 0.95m at the sides rising to 1.25m in the middle. The style and height of these proposed gates is appropriate and will not unduly affect visual amenity in the street scene.

Comments on representations received.

The Parish Council objects to the removal of this hedge. However some ambiguity over the initial description of development has been removed. It is not proposed to remove all of the hedge, but to cut it back to 0.3m in height in order for it to re-grow and to save it from disease.

Conclusion:

The proposal is acceptable and conditional approval is 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:

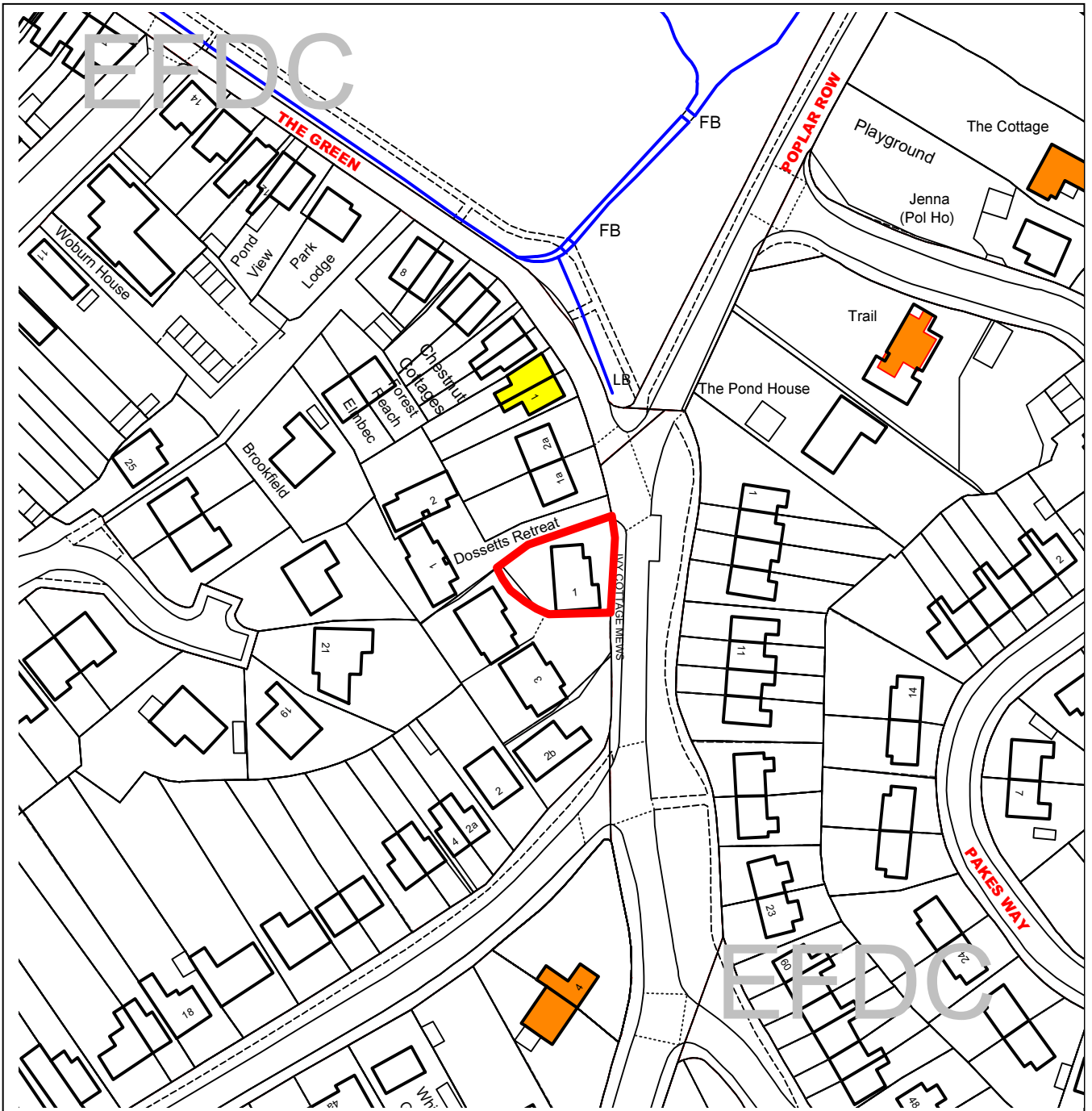
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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:	7
Application Number:	EPF/1245/12
Site Name:	1 Ivy Cottage Mews, Theydon Park Road, Theydon Bois, CM16 7LW
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/1395/12
SITE ADDRESS:	Rear of Woodside Camp Site Weald Place Farm 9 Duck Lane North Weald Bassett Epping Essex
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr William Alldis
DESCRIPTION OF PROPOSAL:	Change of use of grazing area to manege.
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=539505

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Plan date stamped 20/07/12, The additional Site Plan received 29/10/12, Site B plan date stamped 20/07/12.
- 3 Materials to be used for the proposed manege shall match those specified within the applicants letter dated 29/10/12. For clarity, the surface material shall be sand and recycled rubber contained within a permeable membrane, and the fencing shall be a 1.2m (4ft) high timber post and rail fence, unless otherwise agreed in writing by the Local Planning Authority
- 4 The manege hereby permitted shall be used solely in conjunction with horses kept at the site known as Weald Place Farm, Duck Lane, and shall not be used by horses brought onto the site for competitions or events or with the sole purpose of using the manege.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a large farm that has diversified into other commercial activities that includes an industrial estate, a shooting range and a commercial fishing lake. The application site consists of a parcel of an existing area of grazing land adjacent to the main farmyard accessed from Duck Lane. To the south of the site is a mixture of grassed and arable fields, however it is intended for all these fields to be used for grazing/equestrian use. The application site is located within the Metropolitan Green Belt and an EFDC Flood Risk Assessment Zone.

Description of Proposal:

Consent is being sought for the change of use from an existing grazing area to a manege. As confirmed by letter dated 29th October 2012, the manege would only be used by horses resident to Weald Place Farm and not for any other horses brought onto the site, nor for any competition use. The proposed manege would be fenced by a 1.2m (4ft) post and rail stock fence and would be surfaced with sand and recycled rubber contained within a permeable membrane. This would be 1250 sq. m. in area and located within a field currently used for grazing and exercising horses.

Whilst the original submitted application included the erection of stables, this element has been removed from the proposal. Furthermore, all other works currently taking place on site, including the imported materials, are subject to ongoing enforcement investigations and are not the subject of this planning application.

Relevant History:

There is a long history to the site, including details of the diversification that has taken place on the agricultural holding, however none are specifically relevant to this application.

There are ongoing enforcement investigations on the site with regards to the importation of waste, laying of new roadways, and with regards to works subsequently starting on the installation of the manege.

Policies Applied:

GB2A – Development within the Green Belt
GB7A – Conspicuous development
ST4 – Road safety
ST6 – Vehicle parking
DBE9 – Loss of amenity
LL2 – Inappropriate rural development
RST4 – Horse keeping

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

36 neighbouring properties were consulted and a Site Notice was displayed on 22/08/12. All neighbours and the Parish Council were reconsulted on the removal of the stables from the proposal.

PARISH COUNCIL (latest comments) – Object. Members have a concern that on the amended application it is not confirmed as to whether or not the stables form part of this application or if they have been removed from the application, however the Parish Council continues to object to both the stables and to the manege as the proposal is too close to adjoining residential homes and would cause a nuisance to residents by way of noise, smells, and vehicle movements. The plans submitted bear no resemblance to the explanation of what is being required so further accurate plans should be sought. There are no actual details of how it would actually be represented on the site. There is a large amount of soil which has been imported on to the site, and is continuing to be imported and we ask that the Enforcement Department visit to check this out. There is a concern about the drainage on the site, together with an adjacent brook, which any waste matter could drain into, that is why accurate plans relating to the manege (including drainage) are necessary.

41 DUCK LANE – Object to the increased usage of the area and resulting disturbance, the unacceptable working hours, potential parking problems that would result from a commercial stables/riding school, the existing field access adjacent to their property may be utilised for the commercial stables, concerns about the use of the field for gymkhanas, competitions and open days and the possible hiring out of the stables.

Issues and Considerations:

The main issues here relate to the impact on the Green Belt, neighbours amenities, and with regards to highway and parking issues.

Green Belt:

Horsekeeping is recognised as an outdoor recreational use that retains openness (subject to the level of built form) and is often considered an acceptable form of development within the Green Belt. The long established Weald Place Farm includes stables within the existing farmyard, which are currently utilised for the stabling of horses, and the proposed manege would be located within an existing field used for grazing and exercising horses.

Although the manege would introduce a large area of semi-hardstanding to this green field, it is not considered that the proposed development would be detrimental to the openness of the Green Belt and examples of this type of manege can be found throughout the District. The manege would be enclosed by a traditional post and rail fence, which is not considered harmful to the appearance or character of the Green Belt, and would serve an existing stables and paddock.

Neighbours amenities:

The proposed manege would be located some 60m from the closest residential neighbour. Whilst concern has been raised with regards to the potential loss of amenity due to noise and smell, the manege would be located within a field currently used for the exercising and grazing of horses. As such, the introduction of this semi-hardsurfaced horse exercise area would not result in any additional nuisance to nearby residents.

Concerns have been raised by a nearby neighbour (with regards to the original submission regarding both the stables and the manege) about the potential commercial use of the site and the possibility of gymkhanas, competitions and open days taking place. Whilst this application deals specifically with the manege, rather than the site as a whole, it has been confirmed by the applicant that the proposed manege will only be used by horses stabled on Weald Place Farm, which would ensure that the manege is not used for competitions, shows, or by horses bought onto the site specifically to use this exercise area. This can be suitably controlled by way of a condition.

Highways/parking:

The proposed manege would only be used by horses stabled at Weald Place Farm. As such, there would be no increase in vehicle movements associated with this development, nor any change to vehicle access or parking arrangements already serving the farm.

Comments on Parish Council comments:

Despite the Parish Councils statement that “*it is not confirmed as to whether or not the stables form part of this application or if they have been removed from the application*”, the reconsultation letter clearly stated that the proposal had changed and altered the description to read just ‘Change of use of grazing area to manege’. Furthermore, a conversation was had between the Planning Case Officer and the Parish Council Clerk whereby the situation regarding the removal of the proposed stables from the application and the ongoing enforcement investigations were discussed and clarified.

Conclusion:

The proposed development would provide a manege to serve horses stabled within the existing stables on Weald Place Farm and would be located within a field currently used for grazing and exercising horses. This development would not constitute inappropriate development and would not be detrimental to surrounding neighbours, and as such the application is recommended for approval. Whilst there are several other unauthorised works currently taking place on site, these are subject to ongoing enforcement investigations and therefore are not relevant to this application.

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:

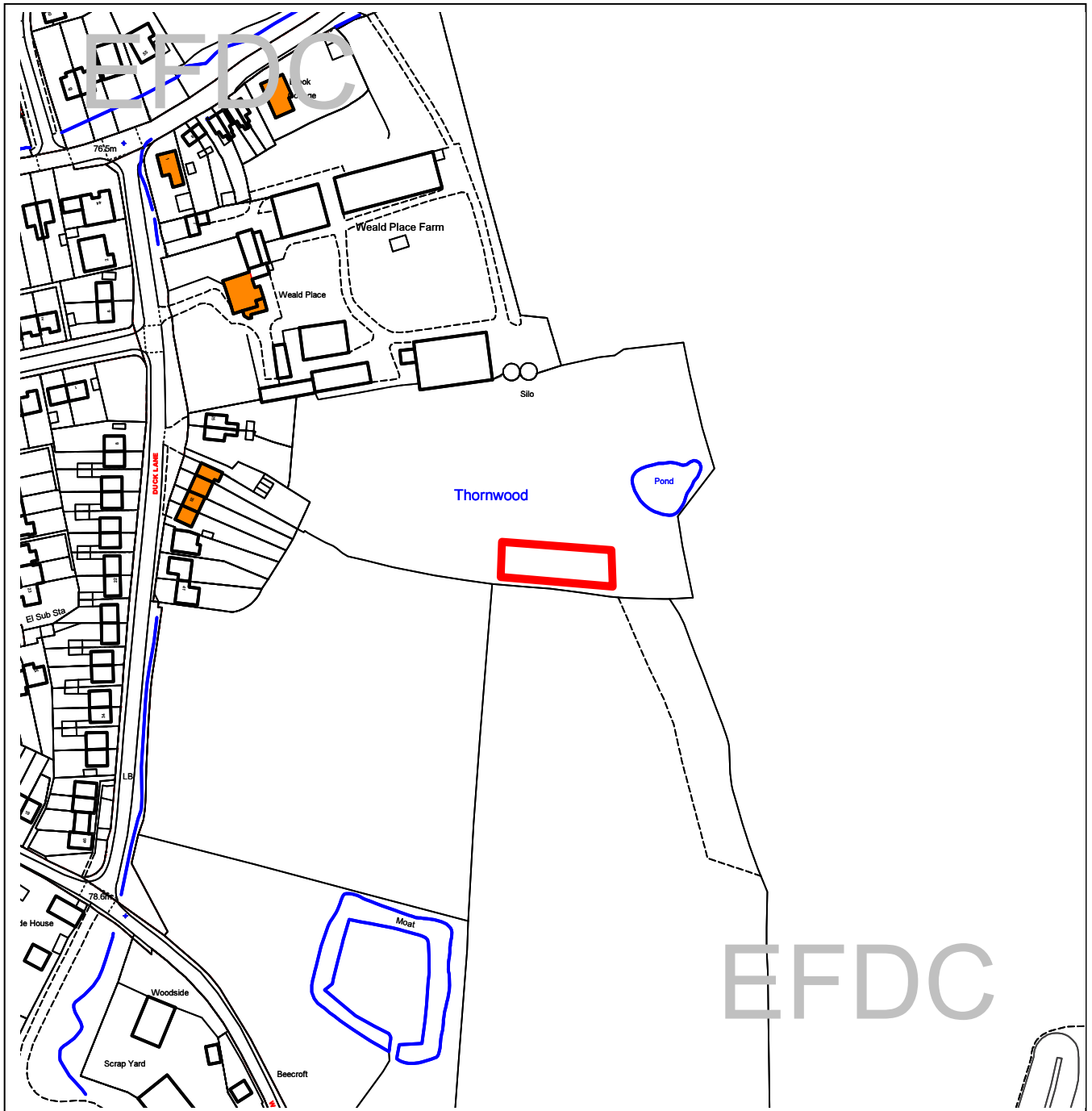
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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:	8
Application Number:	EPF/1395/12
Site Name:	Rear of Woodside Camp Site, Weald Place Farm, 9 Duck Lane, North Weald Bassett,
Scale of Plot:	1/2500

Report Item No: 9

APPLICATION No:	EPF/1433/12
SITE ADDRESS:	Land adj to Central House High Street Ongar Essex CM5 6AA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	D G Property Consultants
DESCRIPTION OF PROPOSAL:	Demolition of existing outbuilding and erection of new building consisting of 2 shops, and 5 flats.
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=539619

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 621/01b; 621/06L; 621/09d
- 4 Prior to first occupation of the development the access shall be provided with a dropped kerb crossing with a minimum width of 5.5 metres.
- 5 Prior to first occupation of the development the existing access to the north shall be suitably and permanently closed as shown in principle on drawing no.621/06 Rev L, dated 20 July 2012,, to include the removal of the redundant radius kerbing, the reinstatement to full height of the dropped kerbing, and the resurfacing of the footway, to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
- 6 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

- 7 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 8 No gates or other form of enclosure shall be erected or placed across the access.
- 9 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision of a Travel Information and Marketing Pack for sustainable transport, approved by Essex County Council.
- 10 Prior to the installation of the refuse and cycle stores, details of these structures shall be submitted to the Local Planning Authority for approval in writing. The stores shall be installed, in accordance with the agreed detail, prior to the first occupation of the building hereby approved.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The site is located adjacent to Chipping Ongar Conservation Area and Central House, a Grade II listed early 19th century building.

The application site contains a detached single storey outbuilding which is thought to have originally accommodated changing rooms for Central House, which was formerly a grammar school. By its age and association, this building is curtilage listed. The application site also includes the forecourt area to the front of the building including the vehicular access point onto the High Street and part of the rear parking area. Two individual car parking spaces are also included within the site area.

Description of Proposal:

This application seeks planning permission for the demolition of the outbuilding and its replacement with a two storey building with additional accommodation within the roof space. The building would accommodate 2 shops (45.5m² and 44.8m² in floor area) and a 2 bed flat at ground floor level, 2 x 2 bed flats within the first floor and 2 x 2 bed flats within the roof space.

The proposed building would comprise a section at the front with a Mansard style roof, a rear section with gabled sides and the middle section of the building would have a dual pitched roof with a central ridge connecting the front and rear elements of the building. The front and rear roof slopes would each contain 3 dormer windows and the side roof slopes would contain roof lights.

At approximately 9 metres high, the ridge of the proposed building would be slightly lower than that of Central House.

The vehicular access into the site would shift sideways, such that the 5m wide access way would be positioned between Central House and the proposed building. To the rear of the proposed building adjacent to the boundary with Tesco's petrol filling station would be 8 car parking spaces (2 to serve the shops and 6 to serve the flats). Two of the existing parking bays would be allocated for a refuse store and a cycle store.

Relevant History:

EPF/0523/06. Demolition of outbuilding and construction of new building consisting of five flats and restaurant with parking spaces (Revised application). Approved 12/06/2006.

**The above planning application expired without being commenced.*

An application (EPF/1434/12) seeks listed building consent for the demolition of the listed building and is presently under consideration.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
H2A – Previously Developed Land
TC3 – Town Centre Function
ST4 – Road Safety
ST6 – Vehicles Parking
HC6 – Development affecting Conservation Areas
HC11 – Demolition of Listed Buildings
HC12 – Development affecting the Setting of a Listed Building
DBE1 - Design
DBE 2, 9 – Amenity
DBE3 – Development in Urban Areas
DBE6 – Car Parking
DBE8 – Private Amenity Space

Summary of Representations:

Notification of this application was sent to Ongar Town Council and to 53 neighbouring properties.

The following representations have been received:

ONGAR TOWN COUNCIL. Objection. Ongar Town Council considers that the new building is unlikely to improve the setting of Central House or the special character of the Ongar conservation area.

UNITS 1 & 2 REDBRICKS (Situated to the rear of the car park behind the proposed building).
Comment. These units are designed as office/storage and have large lorries delivering every weekday. We are concerned about the access to the units not being sufficient for delivery lorries e.g. the width available to enter the rear of the new building and also the ability of the lorries to turn in the car park and not have to reverse into a main road. The car park is already filled to capacity and the additional shops and flats will only add to the problems of access. If this application is granted and access is not suitable for large vehicles then delivery lorries would have to park on the main road causing congestion in the high street.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on the listed building and on the conservation area, the acceptability of the proposed design of the new building, levels of residential amenity and matters of parking and highway access.

Impact on the Listed Building and the Conservation Area

Both the EFDC Conservation Officer and the Senior Historic Buildings Advisor at Essex County Council have been consulted on this planning application.

They do not raise any objection to the loss of the curtilage listed building, concluding that '*although it does have a historic association with Central House, it does not form an integral element of the listed building's significance and its loss will not cause any notable harm*'.

Furthermore, they consider that the proposed building would have a traditional form which would appear sympathetic to both the listed building (Central House) and the conservation area. They state '*the proposed building will enhance the appearance of the streetscene by continuing the building line of this part of the street*'.

Design of New Building

As identified above by the Conservation and Historic Buildings Advisors, the building would be of traditional form that would complement the existing nearby development. The building would be well proportioned and it is considered that it would result in an improvement to the street scene. It is noted that Ongar Town Council does not consider that the proposed development would improve the setting of either Central House or the conservation area, but for the reasons above, Officers disagree with this conclusion.

Residential Amenity

Habitable rooms within the proposed flats would each have an acceptable level of amenity, in terms of natural light, outlook and privacy.

No residential amenity space would be provided within the site. However, due to the central location of the site and its proximity to areas of public open space, this is not considered reason to withhold planning permission. It should be noticed that this situation and the planning policy context is no different to that when planning permission for a similar development was granted in 2006.

Car Parking and Vehicle Access

Two car parking spaces are proposed for the two shops and six spaces for the five flats – although it must be noted that this layout (and the provision of a refuse/cycle store) is created at the expense of some existing car parking within the site and in total there would be a reduction by 2 spaces across the site and other land within the Applicant's control.

However, within this town centre location this provision is considered acceptable – particularly as during two visits to the site by the Planning Officer car parking provision at the rear of the site has been considerably underused.

With regard to highway access, Officers at Essex County Council have advised that the proposed bell-mouth entrance onto the High Street is not necessary for a development of this scale and accordingly a simple vehicle crossover will suffice.

Concern has been raised by a business operating from the rear of the site regarding access and turning facilities for larger vehicles. The site is constrained and it is acknowledged that access and turning by larger vehicles will be difficult. However, this is the situation at present and the proposal would actually slightly increase the width of the access road. It is not considered that access to the rear of the site for larger vehicles would be worsened and it is not, therefore, considered that this issue would justify the withholding of planning permission.

Conclusion:

In light of the above appraisal, it is considered that the development is acceptable. It is, therefore, recommended that planning permission be granted.

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: Mrs Katie Smith

Direct Line Telephone Number: (01992) 564109

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:	9 & 10
Application Number:	EPF/1433/12 & EPF/1434/12
Site Name:	Land adj to Central House, High Street, Ongar, CM5 6AA
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/1434/12
SITE ADDRESS:	Land adj to Central House High Street Ongar Essex CM5 6AA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	D G Property Consultants
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the demolition of existing outbuilding and erection of new building consisting of 2 shops, and 5 flats.
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/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=539620

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Samples of the types and details of colours of all the external finishes, including shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 3 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 4 Prior to the undertaking of any works to demolish the existing building, a full photographic record of the building should be submitted to the Local Planning Authority.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(d)) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal

(Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The site is located adjacent to Chipping Ongar Conservation Area and Central House, a grade II listed early 19th century building.

The application site contains a detached single storey outbuilding which is thought to have originally accommodated changing rooms for Central House, which was formerly a grammar school. By its age and association, this building is curtilage listed. The application site also includes the forecourt area to the front of the building including the vehicular access point onto the High Street and part of the rear parking area. Two individual car parking spaces are also included within the site area.

Description of Proposal:

This application seeks listed building consent for the demolition of the outbuilding.

A concurrent planning application seeks planning permission for the replacement of the outbuilding with a two storey building with additional accommodation within the roof space. The building would accommodate 2 shops (45.5m² and 44.8m² in floor area) and a 2 bed flat at ground floor level, 2 x 2 bed flats within the first floor and 2 x 2 bed flats within the roof space.

Relevant History:

An application (EPF/1433/12) seeks planning permission for the demolition of the listed building and construction of a replacement building and is presently under consideration.

Policies Applied:

HC11 – Demolition of Listed Buildings

Summary of Representations:

Notification of this application was sent to Ongar Town Council.

The following representation has been received:

ONGAR TOWN COUNCIL. Objection. Ongar Town Council considers that the new building is unlikely to improve the setting of Central House or the special character of the Ongar conservation area.

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on the historic and architectural interest of the listed building.

Impact on the Listed Building and the Conservation Area

Both the EFDC Conservation Officer and the Senior Historic Buildings Advisor at Essex County Council have been consulted on this application.

They do not raise any objection to the loss of the curtilage listed building, concluding that *'although it does have a historic association with Central House, it does not form an integral element of the listed building's significance and its loss will not cause any notable harm'*.

Furthermore, they consider that the proposed building would have a traditional form which would appear sympathetic to both the listed building (Central House) and the consideration area. They state *'the proposed building will enhance the appearance of the streetscene by continuing the building line of this part of the street'*.

It is considered necessary to impose a planning condition requiring the recording of the outbuilding prior to its demolition, as a record for future reference.

Conclusion:

In light of the above appraisal, it is considered that the development is acceptable. It is, therefore, recommended that listed building consent be granted.

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: Mrs Katie Smith
Direct Line Telephone Number: (01992) 564109***

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

Report Item No: 11

APPLICATION No:	EPF/1714/12
SITE ADDRESS:	Orchard Villa Norton Heath High Ongar Ingatestone Essex CM4 0LQ
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Alan Barclay
DESCRIPTION OF PROPOSAL:	Single storey summer house and deck (revised application to incorporate pitched roof and alterations to elevations).
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=541069

CONDITIONS

- 1 The shingles, weatherboard and window frames as detailed on plan number AB/RPA/12/001 shall be timber, with finishes as stated in the application forms.
- 2 Within four months of the date of this decision notice the proposed works and material changes as detailed on drawing number AB/RPA/12/001 shall be fully completed as stated.

This item was deferred at the last meeting held on the 28/11/12 in order to allow members to visit the site. The site visit is scheduled to take place on 15/12/12 and the report below is as first reported.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

Orchard Villa is a Grade II listed cottage set in a small enclave of dwellings within the boundaries of the Metropolitan Green Belt. The adjacent property to the north is the Grade II listed Bright's Cottage. These are traditional, vernacular 18th century cottages, within a picturesque rural setting. The garden area of the property is situated to the east of the dwelling and is separated from Orchard Villa by a high hedge.

Description of Proposal:

The proposal is a retrospective application to retain a single storey summer house with a decking area in the garden area of the application site. The building has a floor area of approximately 4.0m x 3.1m. The current building has a flat roof and modern finish. This has previously been deemed inappropriate and as such an application for the retention of the summer house has been refused (EPF/2029/11). The reason for refusal was stated as follows;

“The development by reason of its poor use of modern materials and detailing and flat roof design would appear out of place, forming no affinity with the listed buildings, Orchard Villa and Bright’s Cottage. As such the development would fail to preserve or enhance the special character of these buildings. The proposal is therefore at odds with government guidance contained in Planning Policy Statement 5 (Planning for the Historic Environment) and contrary to Policy HC12 of the adopted Local Plan and Alterations.”

This proposal includes the retention of the building with the addition of a pitched roof with a shingle covering and a timber cladding. The deck area would be surrounded by a low set post and rail fence.

Relevant History:

There have been a number of applications at the site the most relevant and recent being;

EPF/0955/00 - Two storey side extension, alterations to garage, and single storey rear extension. Refuse Permission - 18/12/2000.

LB/EPF/0989/00 - Listed building consent for two storey side extension, alterations to garage and single storey rear extension. Refuse Permission – 18/12/00.

EPF/2518/10 - Grade II listed building application for the retention of external soil pipes. Grant Permission – 15/03/11.

EPF/2029/11 - Retrospective application for the retention of a single storey summer house and deck. Refuse Permission – 29/11/11.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

HC12 – Development Affecting the Setting of a Listed Building

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

SUMMARY OF REPRESENTATIONS:

(3 properties consulted – 1 reply received).

BRIGHT’S COTTAGE: Objection. The close siting of this building in relation to our house is a gross invasion of privacy. We believe the applicant would have been aware that an application was necessary for planning permission. The site plan is totally misleading and shows the building

as a tiny structure in the corner of the property. The length of this shed is over 9.0m, over 50% of the boundary is abutted by a shed, and 60% of our dwelling. The structure will result in a loss of light to our living room and bedroom. It will be level with the top of our bedroom window. This will affect light and privacy. We have kept our hedge higher this year in order to block views of this structure and it is usually 2 foot lower than at present. We are concerned the close proximity of the shed represents a fire risk. This area will be used for socialising which again will mean more noise and disturbance. The applicant also has a sodium lamp lit up until late in the evening which is proving to be a nuisance and illuminated rooms in our house. This is not the first retrospective application at this property. I trust we have made our case for, loss of privacy, light, noise and light pollution.

PARISH COUNCIL: Objection. The modifications do nothing to overcome the principal objection that the location of the structure shows complete disregard for the impact on the neighbouring property. The lounge windows of Bright's Cottage are only separated by a tall hedge and the potential for noise nuisance cannot be supported by the Parish Council.

Issues and Considerations:

The main issues to consider are the impact of the proposal on the setting of the listed building, neighbour amenity and the Metropolitan Green Belt.

Green Belt

This proposal, as an ancillary outbuilding within the Metropolitan Green Belt, is deemed relatively modest and would have no material impact on openness.

Listed Building

A proposal to retain a summer house with decking area has been previously refused at the site with concerns about the setting of both listed buildings cited as the reason. The current application outlines the proposals to overcome this concern. The proposed use of weatherboard with a shingle roof can address the concern about the appearance of the current structure. Their suitability can be agreed by condition. The proposed position of the building is perhaps the best to limit impact on the listed buildings as it will be screened by the high hedge. The decking and low set post and rail fence raises no issues. Generally the building in its proposed state would preserve the setting of this pair of listed buildings and subject to suitable conditions it is deemed an acceptable appearance which overcomes previous concerns.

Amenity

The occupants of the neighbouring dwelling, Bright's Cottage, have expressed some concern about the development and its impact on their amenity. The existing hedge provides a solid screen and there would be no material increase in loss of light to windows on the ground floor, even with the newly pitched roof above. The lounge in the neighbouring property is also served by a number of ground floor windows.

The window at second floor level would suffer no serious loss of light as the built form would not extend as high as this opening. The roof of the structure would be visible from the upper floor window at Bright's Cottage. However this would not result in a material loss of outlook from the window. Although there would be some visual impact it would not be highly detrimental to the living conditions of occupants of this dwelling.

The neighbours are also concerned about noise from the neighbouring property due to the location of the summer house adjacent to windows on Bright's Cottage. This is a slightly unconventional scenario in that the first floor window of Bright's Cottage is side facing and overlooking the

neighbour's private garden area. This scenario is not significantly different from outbuildings/patio areas at the rear of properties that fall outside the control of Local Planning Authorities. This is particularly the case in rural areas where boundaries can be less uniform than in more urban parts of the district. The applicant is further restricted by the fact that the setting of the listed building must be accounted for, and the advice of Essex County Council's Listed Building Advisor is that this is probably the best position for it. It is unfortunate that this is a retrospective application but it must be judged on its merits. The existing hedge does provide a solid screen and there is then a gap from the hedge to the dwelling. Therefore any loss of amenity is considered to be an acceptable level. It is not accepted that the use of the summerhouse and decked area would necessarily result in significantly more noise and disturbance than general domestic garden use would.

Conclusion:

The proposed amendments to the design of this summer house are deemed suitable to overcome previous concerns. Some impact on the amenities of adjacent residents of Bright's Cottage is recognised. However it is considered that there are mitigating factors which reduce the impact to an acceptable level. It is therefore considered that the proposal is deemed acceptable and recommended for approval 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:

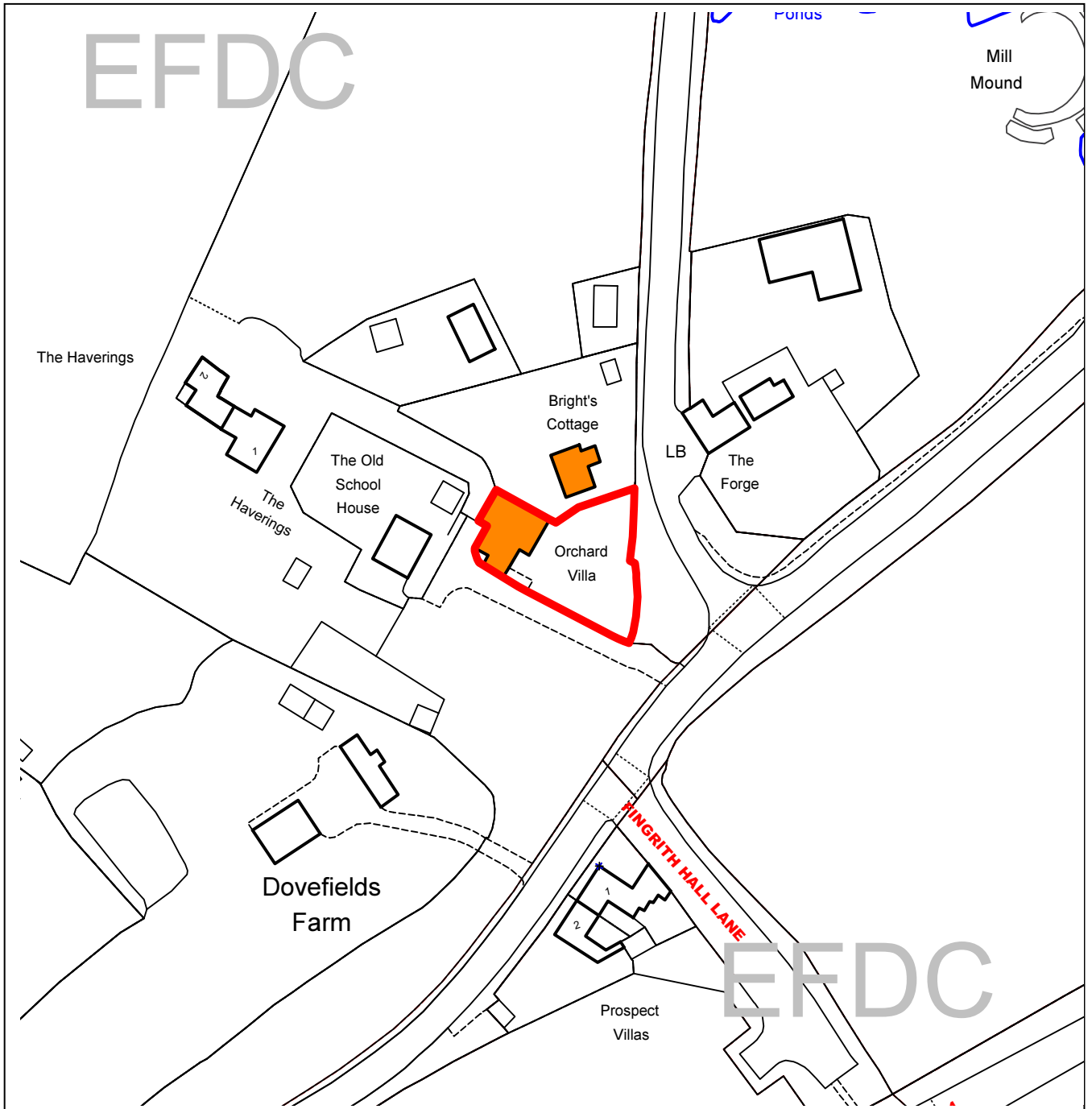
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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:	11
Application Number:	EPF/1714/12
Site Name:	Orchard Villa, Norton Heath High Ongar, CM4 0LQ
Scale of Plot:	1/1250

Report Item No: 12

APPLICATION No:	EPF/1905/12
SITE ADDRESS:	63 Weald Bridge Road North Weald Essex CM16 6ES
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr Mark Simpson
DESCRIPTION OF PROPOSAL:	Construction of a one bedroom annexe in rear garden.
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542097

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The annexe hereby approved shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied or sub-divided off as a unit separately from the dwelling known as 63 Weald Bridge Road.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site forms one of a number of properties of similar design which make up a ribbon of development along Weald Bridge Road. The dwelling is detached and a chalet style bungalow. One of the characteristics of the area is that dwellings are served by relatively long rear gardens of approximately 50m. The rear of this garden is screened by vegetation and both side boundaries are demarcated by low set chain link fencing. A part overgrown accessway runs along the rear boundary of the site. The property is not within the Metropolitan Green Belt, the boundary of which abuts the rear of the site and a bridleway also passes close to the rear of the site.

Description of Proposal:

The proposal is to construct a one bedroom annexe in the rear garden of the property. The floor area would measure 10.2m x 5.5m, an eaves height of 2.4m and a ridge height of 4.0m. The plans indicate that the building would have a brick and tile finish, however the application forms state a render finish. The building would be located towards the rear of the garden area. The application form indicates that the building would be used as ancillary accommodation for his wife's mother.

Relevant History:

EPF/1947/08 - Loft conversion and pitched roof to existing flat roofed single storey extension to provide first floor accommodation. (Revised application) . Grant Permission (With Conditions) – 10/11/08.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE9 – Loss of Amenity
GB7A – Conspicuous Development

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

SUMMARY OF REPRESENTATIONS:

NORTH WEALD PARISH COUNCIL: Objection. Concern about visual impact on adjacent neighbours and represents backyard development. We are concerned that when we initially contacted the planning department we were told this was Green Belt land and as a result have had to amend our comments. We are also concerned that no planning notice was displayed and that only the adjacent neighbours were consulted. We feel that the construction of an annexe in a back garden should have been consulted on more widely.

2 neighbours consulted – 1 reply received.

65 WEALD BRIDGE ROAD: Objection. If this application is approved it would open the floodgates for garden developments along the road. There is no access to the rear and if one was created it would pass within 3 foot of my kitchen wall.

Issues and Considerations:

The main issues to consider relate to design, amenity and the comments of consultees.

Amenity

The Parish Council have raised concern that consultation for this proposal was not wider and that a site notice was not displayed. Both neighbours of the development were sent consultation letters and as this proposal is a "Householder" application this is the normal practice. Wider consultation and site notices are reserved for applications which would be of wider concern. It was not considered that the construction of a building in the rear garden of a property is one such development.

The proposed annexe would be located towards the bottom of the residential garden of the dwelling. Both neighbouring properties have similarly deep gardens and as such the building would be located some distance from the main dwellings on adjoining plots. It is not readily apparent that this proposal could impact on adjacent neighbour's amenity. This is because the use of the land would not change and it is possible to use existing ancillary buildings for residential purposes under Section 55 of the Town and Country Planning Act 1990 without the need for consent. The difference here is that the building is being constructed for ancillary residential use, and the height limitations of Class E also require an application in this instance. However, having regard to the depth of plots, relative to the position of the proposed building, it is considered there would be no undue impact on amenity. The Parish Council has referred to the visual impact on neighbours. This involves a judgement of such things as scale, siting, massing, height, orientation and roof line. However having regard to the size of plots and the distance to the dwellings on adjoining plots it is not considered that this proposal would trigger excessive impact on any of these points.

Design

The design of the building is acceptable. There is a discrepancy between the plans and the application forms with regards to the finish of the walls. However either proposed materials would not appear out of place if used to finish the outbuilding. This can be agreed by condition. The height of the building is reasonable, single storey with a conventional pitched roof above, and it would not appear excessively prominent from the surrounding area. The Parish Council has made reference to the fact that this is a "backyard" development. This is a reference to Government changes to planning policy which restrict the development of dwellings on backland sites. However the application forms indicate that this is an ancillary building with a clear tie provided by the fact that a relative will live in the building. There are no plans to create a separate planning unit; and case law recognises that a "Granny Annexe" can be capable of independent living and still remain as an adjunct to the main house (*Uttlesford D.C v S.O.S and White 4/3/91*). Access to the building is achieved by the same means as to the main house. A condition ensuring the building is not separated or sold off is however deemed necessary.

Parish Council Green Belt comments

The Parish Council also state that they had initially been informed by the Planning Department that the site was within the Green Belt. No further details are available but revised comments were received and no prejudice has occurred.

Conclusion:

The proposed development is deemed acceptable and is recommended for approval subject to the conditions recommended. The comments of neighbours and the Parish Council are noted but this does not change the recommendation to grant consent in this instance, given the recommended 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:

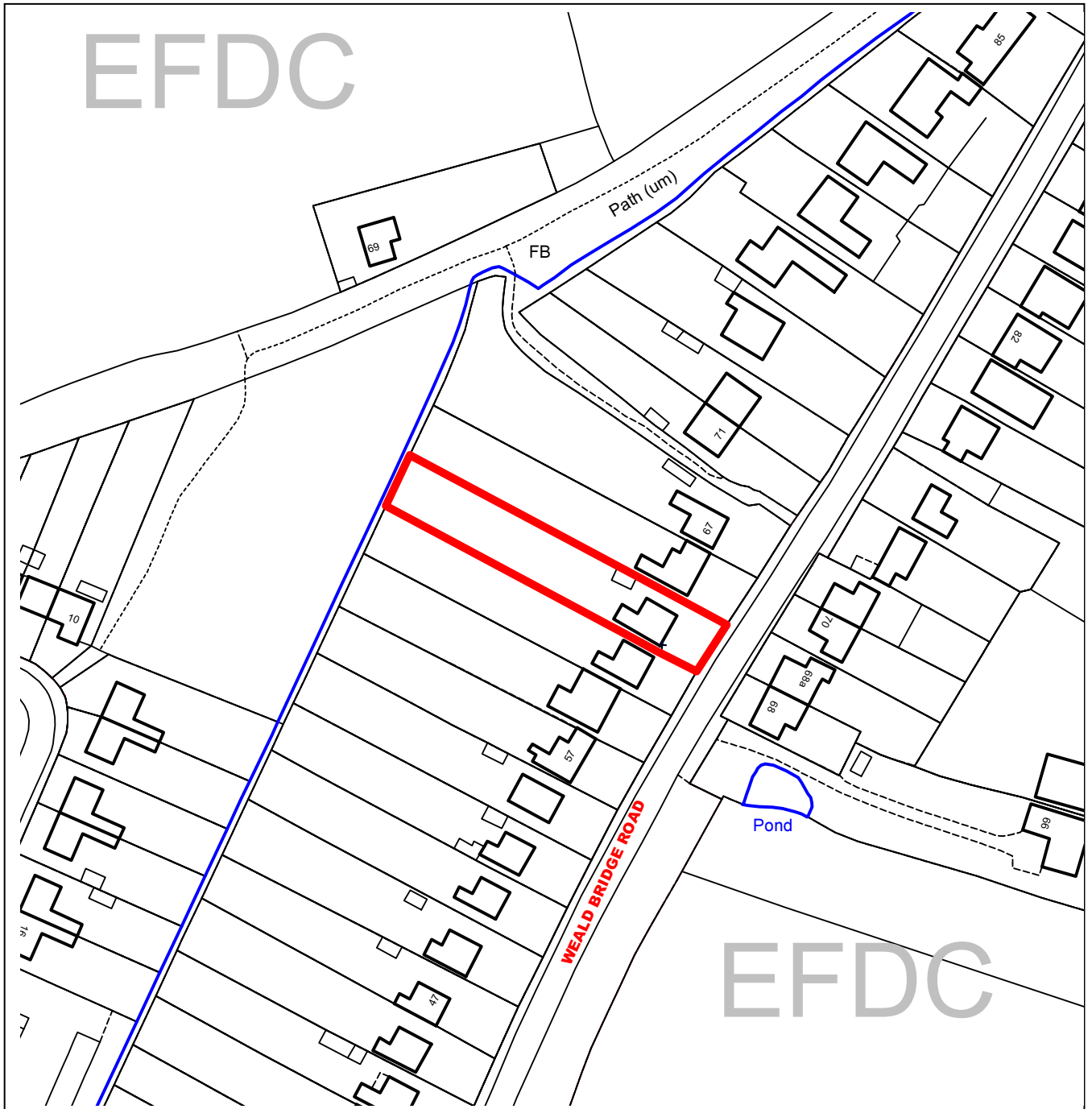
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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:	12
Application Number:	EPF/1905/12
Site Name:	63 Weald Bridge Road, North Weald CM16 6ES
Scale of Plot:	1/1250

Report Item No: 13

APPLICATION No:	EPF/1924/12
SITE ADDRESS:	261 High Street Epping Essex CM16 4BT
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr G DiPiazza
DESCRIPTION OF PROPOSAL:	Conversion of office space (disused) into 3 no. self contained flats and alterations to existing bedsits into a single self contained flat.
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=542180

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 08003.SP, 08003.002 Rev: P1, 08003.003 Rev: P1, 08003.004 Rev: P1

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

Grade II listed building with an 18th century or earlier historic shop front, which is considered extremely important to the building, and 19th century and later extensions to the rear. The site is located within the key frontage of Epping Town Centre and accessed by way of an undercroft pedestrian walkway to the side of the unit. Vehicle access is also available from Buttercross Lane. The property contains a restaurant at the ground floor and a mix of a three bed bedsit and offices on the first floor.

Description of Proposal:

Consent is being sought to convert the existing offices into three self contained flats consisting of 1 no. two bed, 1 no. one bed and 1 no. studio flat, and to alter the existing bedsit into 1. no. two bed flat. The three new flats towards the rear of the site would be served by a shared entrance whilst

the converted bedsit would benefit from its own separate entrance. There would be no alterations to the ground floor and no extensions to the existing building.

Relevant History:

EPF/1924/00 - External fire escape staircase and change of use of first floor to offices and bedsits – approved/conditions 14/03/01

EPF/1652/04 - Erection of first and second floor rear extension to provide 4 no. two bedroom apartments – refused 01/11/04

EPF/0198/05 - Erection of first floor extension with rooms in roof to provide 3 no. flats (revised application) – refused 22/06/05

EPF/1265/05 - Erection of first floor extension with rooms in roof to provide 3 no. flats (revised application) – approved/conditions 14/09/05

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP7 – Urban form and quality

DBE8 – Private amenity space

DBE9 – Loss of amenity

E4A – Protection of employment sites

HC6 – Character and appearance and setting of conservation areas

HC7 – Development within conservation areas

HC13 – Change of use of listed buildings

TC1 – Town centre hierarchy

TC3 – Town centre function

ST1 – Location of development

ST6 – Vehicle parking

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

8 Neighbouring properties were consulted and a Site Notice was displayed on 28/10/12 in relation to LB/EPF/1938/12.

TOWN COUNCIL – Object. Committee believes that retention of employment premises within the town centre should remain a priority over housing.

Issues and Considerations:

The main issues to be addressed in this case are the principle of the development in this location, whether the change of use would be detrimental to the listed building and conservation area, and whether there would be any harmful impact on the amenities of surrounding or future occupiers.

Principle of development:

Local Plan policy TC3 states that, in town centres, the Council will “*permit residential accommodation in appropriate locations but not at ground floor level*”, and the NPPF states that

LPA's should "recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites".

Notwithstanding the above, Local Plan policy E4A states:

Sites currently or last in use for employment but outside the defined employment areas will be safeguarded from redevelopment or change of use to other land-uses. Housing on redundant employment land will be regarded favourably but any changes to this or other land uses will only be permitted in circumstances where it has been shown by an independent appraisal that either:

- (i) the site is particularly poorly located in relation to housing or access by sustainable means; or**
- (ii) there are material conflicts with adjoining land uses (e.g. by reason of noise, disturbance, traffic, environmental and amenity issues); or**
- (iii) existing premises are unsuitable in relation to the operational requirements of modern business; or**
- (iv) there is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period;**

and there are very significant development or infrastructure constraints, making the site unsuitable or uneconomic to redevelop for employment purposes.

The application site is located within Epping town centre with good access to shops, services and public transport links, and is therefore considered to be a sustainable location for residential development. Furthermore, given that the current employment use is for offices, it is not considered that this would materially conflict with adjoining land uses. As such, points (i) and (ii) of policy E4A cannot be argued in this instance.

The applicant submitted a letter stating that:

"We confirm that the offices at the above mentioned property were vacated by the previous tenant over 12 months ago.

Since that period, we have actively marketed the property. We have not received any interest to occupy the property as offices and to date, the offices remain vacant.

Demand for offices at this property has been non-existent".

Further to this letter, an email from 'Partners Employment Lawyers' has also been submitted stating that:

"I confirm I was a tenant at [261a] High Street for some years. We had tried for over a year to assign the premises with two separate agents including Lloyds Commercial Agents. We also approached companies directly without success. We had two viewings over that period but no interest at all. In the end we had no choice but to surrender the lease.

I can therefore confirm there is a lack of demand and that numerous attempts have been made to rent or assign the premises".

Furthermore, the site is still being advertised and continues to have a large sign up advertising '1st Floor Office To Let'. Due to the above, it is considered that the property has been adequately advertised for employment purposes for a sufficient period without interest and therefore there is a lack of market demand for these premises.

Whilst the application site is located within a sustainable location, and the Town Council considers that employment use should remain a priority over additional housing, the application site is a

listed building and as such any extensive alterations or redevelopment to provide up-to-date, modern facilities would likely be deemed unacceptable. Therefore, this site is considered to be severely restricted in terms of retaining suitable employment use. As the residential use of this site can be achieved through minimal internal and no external alterations, this is considered to be a preferable and more feasible use of this listed building and would comply with policy E4A (iii) and (iv).

Planning consent was previously granted for a new first floor extension (with habitable space within the roof space) to the rear of the application site, which incorporated three new residential flats. This consent shows that the principle of additional residential use on this site is considered acceptable.

Conservation issues:

This Grade II listed building comprises an 18th century or earlier frontage building with a 19th century rear extension, added in the Edwardian period and further extended in 1969. Whilst the frontage building contains the greatest historic significance, the 19th and early 20th century extensions do also contain a degree of significance with internal features of interest, including some raised and fielded panelled doors and Edwardian fireplaces.

No significant change is proposed within the frontage building, as this is simply being converted from a three bed bedsit to a two bed flat (with one previous bedsit being changed to a kitchen/lounge). The changes to the rear section of the building are minimal, as the majority of existing walls and divisions are to be retained. The alterations to the corridor to create a bathroom and moved doorways are considered reasonable, subject to two of the more historic doors being reused in the new layout.

The proposed layout appears to allow fire and sound regulations to be accommodated without loss of features, but any additional works must be sensitively executed and any new doors should be of sympathetic design. However it is not considered that the proposed conversion would detrimentally impact on the historic features or character of either the Grade II listed building or the wider conservation area.

Amenity concerns:

The site is surrounded by other commercial and residential first floor units and only overlooks rear yard areas. As such there would be no loss of amenity to any sensitive neighbours.

The proposal does not provide any private or communal amenity space for future occupants of the flats, however this is often not required in town centre locations such as this. There is an existing yard area serving the entire unit, which provides access and bin storage space, however the application form states that there are no parking spaces existing or proposed, so it is assumed that this is unavailable for parking provision. However, once again, the vehicle parking standards can be reduced within town centre locations, and in this particular instance (due to the limited site area and extremely sustainable location) it is considered that a zero parking scheme would be acceptable.

Conclusion:

As the existing office has been marketed for a period of at least 12 months (and is continuing to be advertised) without any interest, it is considered that there is no market demand for these premises, which is severely restricted in its potential to be enhanced, modernised or redeveloped. The proposed residential use within this first floor can be achieved without harming the historic fabric or character of the listed building or wider conservation area, and would be in line with both National guidance and Local Plan policies. Whilst the proposed flats would not be served by any

amenity space or off-street parking it is considered that, due to the location and limitations of the site, the lack of this would be considered acceptable in this instance. Members should be aware that a previous enforcement notice against the change of use of a first floor office to a flat at no. 53 High Street, Epping was quashed on appeal in 2010 because there was evidence of marketing and lack of interest in office use.

Given the proposal complies with the relevant Local Plan policies, the application 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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:	13 & 14
Application Number:	EPF/1924/2 & EPF/1938/12
Site Name:	261 High Street, Epping, CM16 4BT
Scale of Plot:	1/1250

Report Item No: 14

APPLICATION No:	EPF/1938/12
SITE ADDRESS:	261 High Street Epping Essex CM16 4BT
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr G DiPiazza
DESCRIPTION OF PROPOSAL:	Grade II listed building application for the conversion of office space (disused) into 3 no. self contained flats and alterations to existing bedsits into a single self contained flat.
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=542243

CONDITIONS

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 08003.SP, 08003.002 Rev: P1, 08003.003 Rev: P1, 08003.004 Rev: P1
- 3 The doors to be removed to create the new layout of Flat 1, as shown on drawing No. 08003.004 Rev: P1, shall be reused within Flat 1 and retained as such thereafter.
- 4 Any new doors or additional works required to address Building Regulations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works taking place.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

Grade II listed building with an 18th century or earlier historic shop front, which is considered extremely important to the building, and 19th century and later extensions to the rear. The site is located within the key frontage of Epping Town Centre and accessed by way of an undercroft

pedestrian walkway to the side of the unit. Vehicle access is also available from Buttercross Lane. The property contains a restaurant at the ground floor and a mix of a three-bed bedsit and offices on the first floor.

Description of Proposal:

Grade II listed building consent is being sought to convert the existing offices into three self contained flats consisting of 1 no. two bed, 1 no. one bed and 1 no. studio flat, and to alter the existing bedsit into 1. no. two bed flat. The three new flats towards the rear of the site would be served by a shared entrance whilst the converted bedsit would benefit from its own separate entrance. There would be no alterations to the ground floor and no extensions to the existing building.

Relevant History:

LB/EPF/1944/00 – Grade II listed building application for an external fire escape staircase and change of use of first floor to offices and bedsits – approved/conditions 14/03/01

LB/EPF/1266/05 – Grade II listed building application for the erection of first floor extension with rooms in roof to provide 3 no. flats (revised application) – approved/conditions 23/09/05

Policies Applied:

HC6 – Character and appearance and setting of conservation areas

HC7 – Development within conservation areas

HC13 – Change of use of listed buildings

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

A Site Notice was displayed on 28/10/12.

TOWN COUNCIL – Object. Committee believes that retention of employment premises within the town centre should remain a priority over housing.

Issues and Considerations:

The main issues to be addressed in this case are whether the change of use would be detrimental to the listed building and conservation area.

This Grade II listed building comprises an 18th century or earlier frontage building with a 19th century rear extension, added in the Edwardian period and further extended by 1969. Whilst the frontage building contains the greatest historic significance, the 19th and early 20th century extensions do also contain a degree of significance with internal features of interest, including some raised and fielded panelled doors and Edwardian fireplaces.

No significant change is proposed within the frontage building, as this is simply being converted from a three bed bedsit to a two bed flat (with one previous bedsit being changed to a kitchen/lounge). The changes to the rear section of the building are minimal, as the majority of existing walls and divisions are to be retained. The alterations to the corridor to create a bathroom

and moved doorways are considered reasonable, subject to two of the more historic doors being reused in the new layout. This can be controlled by way of a condition.

The proposed layout appears to allow fire and sound regulations to be accommodated without loss of features, but any additional works must be sensitively executed and any new doors should be of sympathetic design. Subject to the imposition of a condition requiring this, it is not considered that the proposed conversion would detrimentally impact on the historic features or character of either the Grade II listed building or the wider conservation area.

Conclusion:

The proposed residential use within this first floor can be achieved without harming the historic fabric or character of the listed building or wider conservation area, subject to conditions, and therefore would be in line with both National guidance and Local Plan policies. As such, the proposal complies with the relevant Local Plan policies and the application 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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