

Report Item No: 1

APPLICATION No:	EPF/0546/06
SITE ADDRESS:	Brickyards Dunmow Road Fyfield Ongar Essex CM5 0NW
PARISH:	Fyfield
APPLICANT:	Mr P J Bell
DESCRIPTION OF PROPOSAL:	TPO/EPF/20/00 - Yew (x3) - fell.
RECOMMENDED DECISION:	GRANT

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 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.

Description of Proposal:

G1. Yew x 3. Fell and replace.

Description of Site:

The site contains a Grade II listed detached residential dwelling, set back from the main Dunmow Road, situated on the fringe of the village. Two large lime trees frame the front of the property and the subject trees stand at the side of the house at a height of approximately 10m. Recent pruning has cut back overhanging branches over the roof of the house.

Relevant History:

TPO/EPF/20/00 was served to protect trees of high amenity within the curtilage of Brickyards, in advance of the possible sale of the land for development. The TPO aimed to ensure that any development takes the trees fully into account

TRE/EPF/1411/05. Application was granted consent to prune the three Yews labelled G1 by pruning spreading branches to give 1.5m clearance from the roofline.

Relevant Policies:

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

Issues and Considerations:

Introduction

The trees under consideration contribute marginally to the publicly visible landscape of this part of Dunmow Road and their removal would only have a relatively modest negative effect upon local amenity.

The reasons for the proposed felling are as follows:

1. The trees are damaging the house.

Consideration of the reasons

It is suggested that the following questions need to be addressed:

1. What is the condition of the trees?
2. How serious is the threat from these trees to structures?
3. How great would be the loss to amenity in the felling of the trees?
4. What other factors must be considered?

1. What is the condition of the trees?

These mature trees appear to show normal levels of vigour. The recent pruning has left the trees with an uneven form and while yew tolerates quite heavy pruning the reasonable amount of reduction to avoid boughs contacting the house has opened the trees to more decay into the future.

2. How serious is the threat caused by these trees to the house?

The location of these trees, at 1m from a flank wall has raised concerns about damage to drains and the house. An engineer's report noted that there is quite a severe risk of direct root damage to the drains and paving. There are cracks in the wall externally and internally across the ground floor ceiling, which do not appear to be fresh. It was reported that these are consistent with differential movement but they do not appear to be progressive. It is reasonable to assume that the trees are influencing the structure.

Additionally, there will continue to be repeated requests to prune back growth close to the walls and roofline.

As a listed building, priority has to be given to the reasonable preservation of the fabric of the structure. This applies to damage from direct branch contact with roof and walls, damp resultant from extreme shading and direct and indirect root damage occurring to footings and drains.

3. How great would be the loss to amenity in the felling of the tree?

Since the trees are only moderately visible from public vantage point as a group landscape feature within the rural landscape, the loss of amenity would be modest. Additionally, the need for repetitive pruning will reduce amenity. Replanting in the front garden, where public views of trees will be enhanced, will compensate for this loss.

4. What other factors should be considered?

The requirement to replace these trees has been discussed with the applicant and a written undertaking has been submitted agreeing to additional planting, as suggested by the landscape case officer with the aim to restore and enhance the landscape amenity. A plot at the front of the site has been marked on the submitted plan.

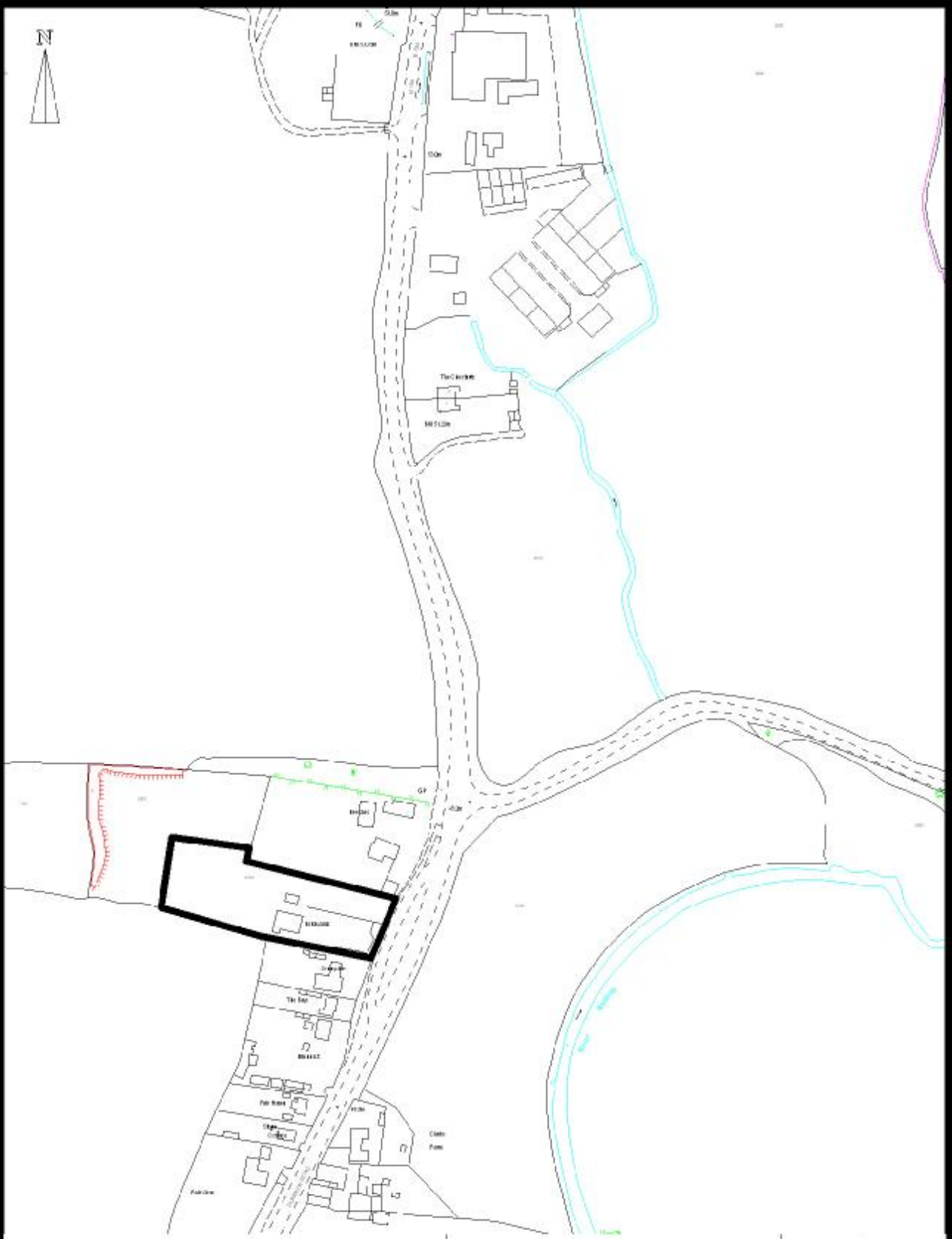
Summary

There appear to be justifiable grounds to allow felling, based on the evidence of existing ongoing damage and the inevitable problems generated by the trees' future growth.

It is therefore recommended to allow the felling of these trees on the condition that suitable replacements are replanted in as publicly visible position as is reasonable.

SUMMARY OF OBJECTIONS/OBSERVATIONS

PARISH COUNCIL - Object and would welcome the expert opinion of the tree officer and request confirmation that the mortgage retention on the property is specifically related to these trees. (*The applicant's mortgage has not been retained because of the trees.*)



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Item No: 01

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Report Item No: 2

APPLICATION No:	EPF/0350/06
SITE ADDRESS:	Woodlands Mill Street North Weald Bassett Epping Essex CM17 9JG
PARISH:	North Weald – Hastingwood
APPLICANT:	Miss V Williamson
DESCRIPTION OF PROPOSAL:	TPO 32/82: Pine - fell
RECOMMENDED DECISION:	REFUSE

REASONS:

- 1 Insufficient justification has been provided to justify the felling of this significant protected tree, which would require a more thorough investigation to reveal a full body of evidence showing the extent of stem decay. Felling on the evidence now provided would be contrary to policy LL9 of the adopted Local Plan.

Description of Proposal:

T1. Pine. Fell and replace.

Description of Site:

The tree stands on the south western boundary fence line, in front of a single storey detached garage belonging to the detached single storey dwelling. The setting is that of a residential cul de sac. The property is screened to the front by a closed wooden fence. The subject tree stands approximately 12m high over a cypress boundary hedge. There are six other protected pines standing on the opposite side of the road within the garden of Little Cam.

Relevant History:

TPO/EPF/32/82 was served to protect the Scots Pine as a result of a threat posed by an outline planning application to erect a garage within close proximity of the tree.

Relevant Policies:

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

Issues and Considerations:

The tree under consideration provides a significant contribution to the mature tree lined residential cul-de-sac and its removal would have an adverse effect on the local amenity.

The reason for the proposed felling is, as follows:

2. The tree is dangerous due to disease in trunk.

Consideration of the reasons

It is suggested that the following questions need to be addressed:

5. What is the condition of the tree?
6. How great would be the loss to amenity in the felling of the tree?
7. What other factors must be considered?

5. What is the condition of the tree?

This Scots Pine exhibits a 4m long scar of dead wood emanating from ground level. The robust buttress roots appear to be sound despite this wound, which is approximately 120mm at its widest point, tapering to a point at approximately 4.2m up the stem. There is evidence of the remains of a bracket fungal fruiting body at approximately 3m. A letter written by a tree surgeon, submitted with the application implies that it might be a *Ganoderma* ssp. The stem wood is clearly in the process of closing around this wound with new wood forming along the scar's length. The stem inclines somewhat towards the garage and there are gentle distortions and slight swellings up the trunk consistent with the adaptive growth of new tissue around partially dysfunctional columns of dead wood. There are some dead branches in the lower crown with signs of stubby pruned limbs, likely to die back soon. The main body of the crown canopy is densely covered in foliage of normal vigour. The crown is reasonably evenly formed with noticeable spires emerging from the roof of the crown.

6. How great would be the loss to amenity in the felling of the tree?

Since the tree is a publicly visible landscape feature within this residential area the loss of amenity would be significant.

It should be noted that there are another six Scots pines standing on the opposite side of the road. It may be argued that one tree from this group might not be missed as much as a solitary specimen. But on the other hand the group value and pine avenue feel would adversely diminished by the removal of this individual.

7. What other factors should be considered?

The decay of *Ganoderma* fungi in trees can cause mechanical failure of the stem. However, partially decayed wood retains considerable tensile strength and can remain sound at less than the normal 35% of stem radius, which is considered the minimum allowable.

The rate of decay tends to be slow and therefore the tree's life expectancy may not be excessively foreshortened, despite a wound of this size. Compensatory growth can be seen as bulges and swellings on the stem, which has developed to strengthen the weaker areas of the trunk.

A request to provide an image of a cross section of the stem has been rejected on grounds of excessive costs. Such an image would clearly show the extent of the decay and allow a clear decision on the tree's safety.

Summary

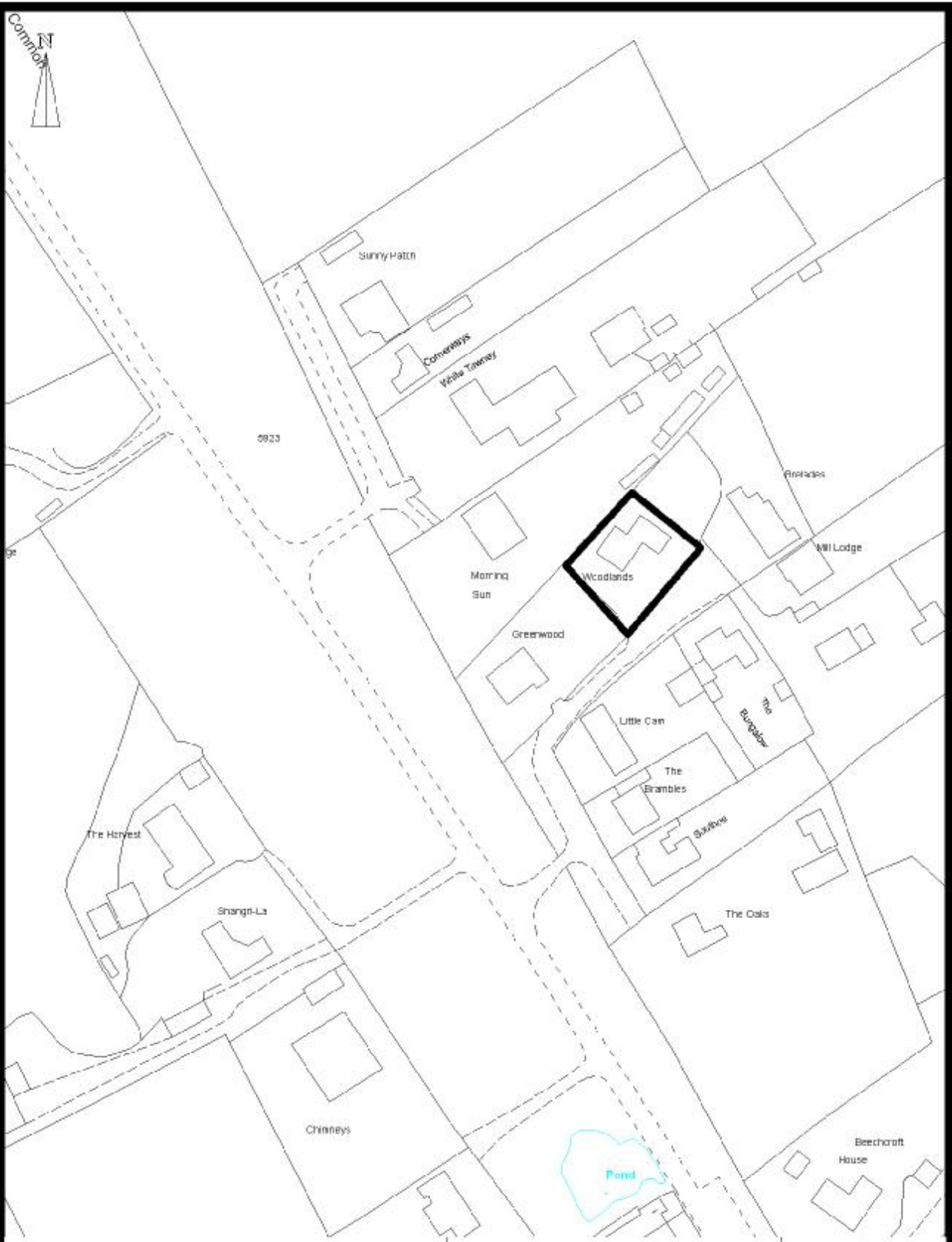
There does not appear to be justifiable grounds to allow felling, based on the observations made and with reference to published guidance on the subject of this type of decay fungi.

It is therefore recommended to refuse the felling of this tree on the grounds that insufficient justification has been provided.

Should members decide that the tree can be removed, a condition requiring a suitably positioned replacement should be added to the decision notice.

SUMMARY OF REPRESENTATIONS

LITTLE CAM, MILL STREET – I support this application.



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Item No: 02

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Report Item No: 3

APPLICATION No:	EPF/0408/06
SITE ADDRESS:	Dorrington Farm Rye Hill Road North Weald Epping Essex CM18 7JF
PARISH:	North Weald – Hastingwood
APPLICANT:	Mr J K Elmore
DESCRIPTION OF PROPOSAL:	Application to amend operational hours to between 07.30 hours and 18.30 hours Monday to Friday.
RECOMMENDED DECISION:	GRANT

Description of Proposal:

Application to amend the operational hours of the B1 uses at Dorrington Farm to between the hours of 07.30 and 18.30 Hours Monday to Friday. The current operational hours are 09.00 to 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays. The change is therefore a start time one and a half hours earlier and a finish time half an hour later on weekdays only.

Description of Site:

The application site is located in the Green Belt and close to the built up area of the southern Harlow. The site lies in the rural landscape and is on a prominent ridge viewed from the north. The residential properties on the western side of Rye Hill Road are generally set back from the road in landscaped settings, whilst behind them lays the Parndon Wood Nature Reserve.

Relevant History:

Planning consent was granted on appeal in 1997 for the use of the former barn for B1 (light industrial) use. This consent was subject to a number of conditions including that restricting the hours of use.

Last year the applicants applied to extend their hours to enable a 7am start and a 7pm finish. This application was refused on the basis of harm to the amenity of neighbours. The subsequent appeal was dismissed.

Policies Applied:

Structure plan:
CS4 Sustainable new Development.

Local Plan:
DBE9 Excessive loss of amenity to neighbouring properties.

Issues and Considerations:

The main concern in the determination of this application is the impact of vehicles accessing the site in the early mornings on the amenity of neighbours.

In the recent appeal the Inspector considered that there was no up to date information before her of the level of usage of Rye Hill Road during the hours in question and therefore the likely noise environment. And on that basis she was not prepared to change the hours from those imposed on the original permission.

With the current application the applicant has submitted a traffic count from Wednesday 22 March 2006, as follows:

0700 – 0730 75 cars, 9 vans, 1 Lorry
0730 – 0800 108 cars, 29 vans, 1 school bus.
0800 – 0830 158 cars, 10 vans, 2 lorries.
0830 – 0900 148 cars, 8 vans and 1 lorry

Between the relevant period 0730 – 0900 there were 465 vehicle movements along this stretch of Rye Hill Road, of which just 9 were into or out of Dorrington Farm. Of the 9 vehicle movements associated with Dorrington Farm, 6 were cars, 2 were vans and one was a lorry, this indicates that they accounted for about 2% of all van movements and a quarter of all larger vehicle movements.

The proposed start time is now 0730 whereas previously it was half an hour earlier. Environmental Health have raised no objection to this start time and state that it is the start time they would normally recommend for any industrial site. The proposed finishing time is just 1830, which is not late and cannot be considered unreasonable.

Given that Rye Hill Road is clearly a busy cut through from Harlow to Epping and that there are already a considerable number of vehicles using the road between 0730 and 0900, it is not considered that the small increase in use during those hours as a result of this application can have a significantly adverse impact on the living conditions of the occupiers of premises along Rye Hill Road. Whilst it is accepted that approval may mean that there is the possibility of additional noise from occasional lorry movements, this must be taken against the background that this is not a quiet rural road and that the noise will not be at night.

It is accepted that the road, due to its narrowness and sharp bends is not suited to increases in traffic, but this proposal is not intended to result in additional traffic movements, just to a different distribution of those movements, which will help them to avoid the periods of peak traffic congestion and help the efficiency of the business

The application is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS:

RYE HILL HOUSE - Object. The original condition was imposed to protect amenity. The applicant already breaks the current hours, and there are three units operating not one. The existing conditions have not been enforced. To permit longer hours in a residential road would further

deteriorate quality of life. There has been a significant increase in both commercial and private traffic and the road is deteriorating, any further increase in activity at the farm would be detrimental to the environment in which we live.

WEBBS COTTAGE, RYE HILL ROAD – Object on traffic grounds. A weight limit restriction has recently been introduced but this would not stop vehicles whose destination is Dorrington Farm. Traffic is increasing on this road and if the application is approved traffic volume will obviously increase further.

20 RYE HILL ROAD – Strongly object. Condition was imposed to protect amenity, it is still relevant. Weight restriction will not stop vehicles to Dorrington Farm. The applicant has continually flouted the conditions imposed by the Inspector and EFDC have neglected its duty to impose those conditions

19 RYE HILL ROAD – Object. The residents of this road are very aware of the increased traffic between 0700 and 0900 and 1700 and 1930. The access is on a dangerous part of the road and it is only a matter of time before a significant accident happens. Some large vehicles enter and exit from this farm drive. Is EFDC monitoring the situation? Are they legally allowed to run several companies under the Woodbridge Commercial name?

16 RYE HILL ROAD – Object. Application is not much different to that dismissed on appeal. It will increase traffic and be detrimental to the environment of residents. The road is inappropriate for increased traffic.

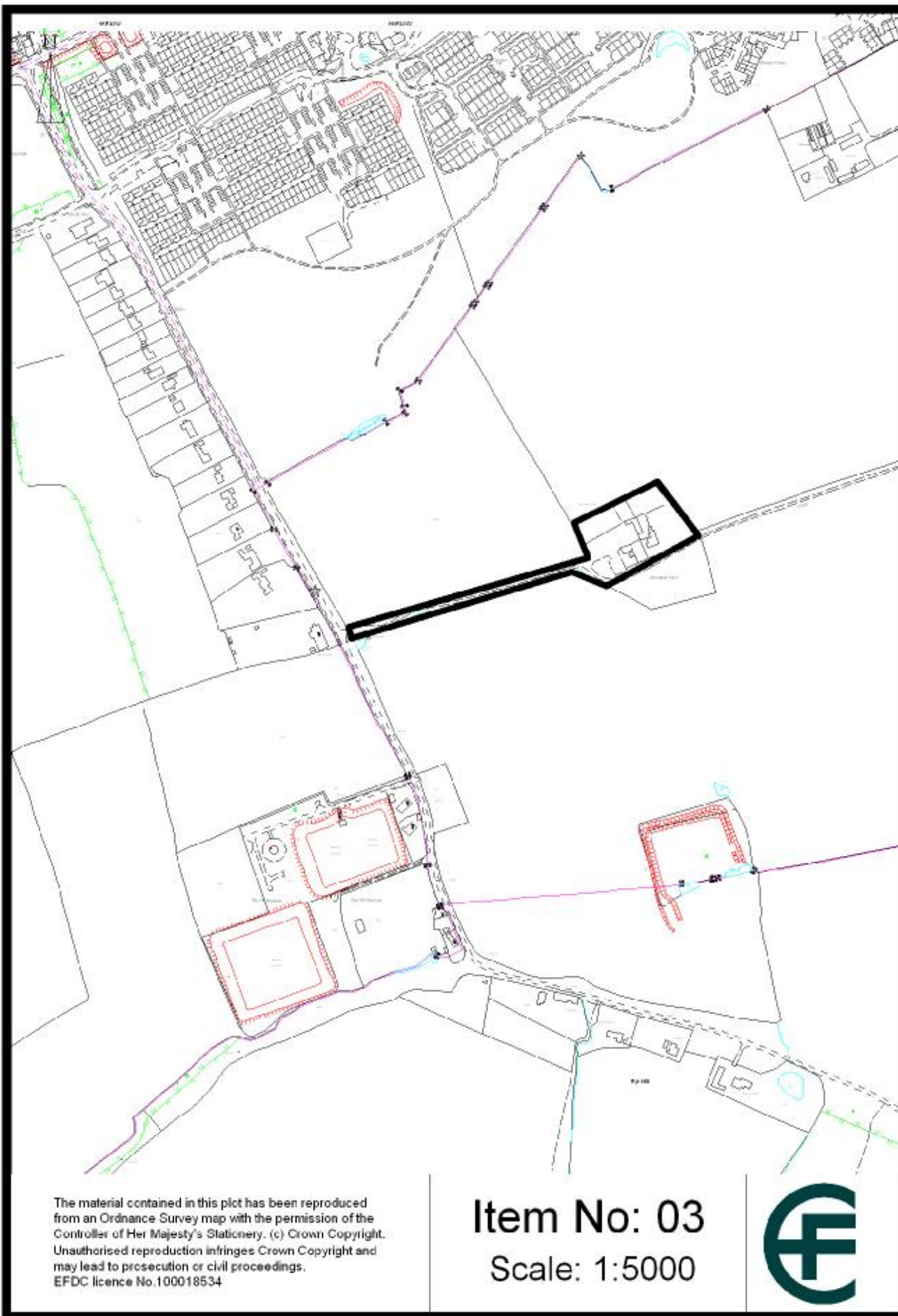
15 RYE HILL ROAD – Opposed. The increased hours will inevitably mean increased traffic in what is primarily a residential area and would be detrimental to our environment.

14 RYE HILL ROAD – The proposal will result in an increase in traffic and noise pollution and would spoil our enjoyment of this semi rural environment and our quality of life. This would also affect house prices in the area.

6 RYE HILL ROAD – Object. This is a residential road. The noise from the “tipper “ trucks were bad enough during the day and would be more intrusive early in the morning and late in the evening. This is already a rat run, we had hoped the weight restriction would lessen the larger lorries using it, but this does not seem to be the case.

RIVETTS FARM – Object. It is likely to add to the amount of traffic using the road during the periods when it is at its busiest. The narrow southern end already carries a volume of traffic which is beyond a sensible capacity during the morning rush hour between 8 and 9am.

HARLOW COUNCIL – No comment.



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Item No: 03
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Report Item No: 4

APPLICATION No:	EPF/0523/06
SITE ADDRESS:	Central House High Street Ongar Essex CM5 9AA
PARISH:	Ongar
APPLICANT:	Y2K Properties Ltd
DESCRIPTION OF PROPOSAL:	Demolition of outbuilding and construction of new building consisting of five flats and restaurant with parking spaces (Revised application).
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 4 The existing access to the site shall be permanently closed and the existing footway continued across the site frontage in a manner and at a time to be agreed with the Local Planning Authority after consultation with the Highway Authority.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 6 Arrangements shall be made whereby surface water run-off from the access is intercepted within the site.
- 7 Before the building is occupied, a suitably surfaced area shall be provided, and thereafter maintained to the satisfaction of the Local Planning Authority, within the curtilage of the site to enable a vehicle to turn and leave the property in forward gear. Details of this should be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.

Description of Proposal:

Demolition of single storey outbuilding located on the northern side of Central House and the erection of a three storey building comprising a restaurant at ground level with two floors above accommodating 4 x 1 bedroom flats and 1 x 2 bedroom flat.

Description of Site:

Part of the site is occupied by a single storey brick built outbuilding which is used as offices and outlet for radiator covers. The rest of the site is used as the vehicle access to the rear car park and approximately 3 parking spaces, which service the existing shops. The building, which is to be demolished, could well have served as the lavatory block for the old school, which occupied Central House.

Relevant History:

There is a history of planning applications relating to Central House dating back to 1970's. Extension to building allowed in 1980s. Erection of detached office outbuilding allowed in early 1990s.

Planning permission for building comprising 2 shops, offices and 5 flats approved on this site in June 2005.

Policies Applied:

HC6, HC7, HC9 - Development affecting Conservation Areas.

E1 and E2 - Development in employment areas.

E10 - Town centre offices.

STC1, STC2, STC7 - Shopping and town centres.

DBE1, DBE2, DBE3 - Design and built environment.

T14 and T17 - Relating to parking and access related issues.

CS1, CS3, CS4 - Encourage sustainable development.

BE1, BE2 - Built environment.

TC3, TC4 - Town centres - retail development.

T1, T3, T6, T9, 712 - Transport policies.

Issues and Considerations:

The main issues relating to this proposal concern the suitability of the site for a mixed use development, the impact on the town centre appearance in the Conservation Area and car parking related issues. In addition the differences between this proposal and that approved last year fall to be considered.

In reality the difference between the two proposals relate to a use of the ground floor. Whereas the original submission proposed the use of the ground floor as 2 shops and an office, this proposal envisages the ground floor use being a restaurant. The intention of having a commercial use at ground level was to ensure that there would be a continuity of commercial use extending the business frontage up to and including Tesco's. The use of the ground floor as a restaurant will

ensure that this objective is still met and as a consequence, therefore, no policy objections to the proposal. Furthermore commercial kitchens are to be provided and the building has been designed to accommodate the need to adequately ventilate the fumes from the building.

The proposal will entail the demolition of a small single storey building, which is used as offices, and the repositioning of the access from the High Street, which leads to the car park, located behind Central House. The loss of the building is not considered an issue as it does not make a valuable contribution to the visual amenities of the Conservation Area and will not affect the setting of the listed building.

The building being proposed is well designed and will make a valuable contribution to the visual amenities of the area. Furthermore it will bridge the gap between Central House and the Tesco site adding a degree of continuity to the commercial frontage of the High Street. In addition the position of the building will not only screen the flank wall of Central House from the High Street but also much of the canopy of Tesco's petrol station, both of which are not valuable attributes to the street scene.

The development will inevitably lead to the loss of some car parking spaces, which are located immediately adjacent to the site entrance and in addition the additional accommodation will not be provided with independent parking provision. This is, however, a town centre location wherein a greater flexibility of parking requirements can be made. The proposals will necessitate the reorganisation of the existing car parking arrangements behind Central House and would result in better use of the site. Furthermore the proposals now include the provision of secure and covered cycle and motorcycle parking, which accord with the Council's adopted off street car parking requirements.

The application has been the subject of consultations with the Highway Authority who have not raised any objections to the proposals subject to the permanent closure of the existing access to the highway and reinstatement of the pavement across this section of the road frontage. Previously the Parish Council objected to the application as they considered that there is an increased danger to the pedestrians owing to the proximity of the development to Tesco's petrol filling station. However, these applications propose moving the access away from that serving Tesco's so it is quite unlikely that the problems would arise.

Another issue raised by the occupiers of the site relates to the adequacy of parking provision. It has to be acknowledged that during building works this might become an issue for occupiers of the buildings. This should be resolved once occupation of the development occurs. In this instance the main portion of the building is to be residentially occupied and the residents should find much of the car park available to them during evenings and at weekends when the business users are absent. Such a shared use of the car park is an acceptable proposition and is not considered to be an issue.

These proposals are considered to be acceptable. The proposals accord with policies in the Local Plan therefore the application is recommended for conditional approval.

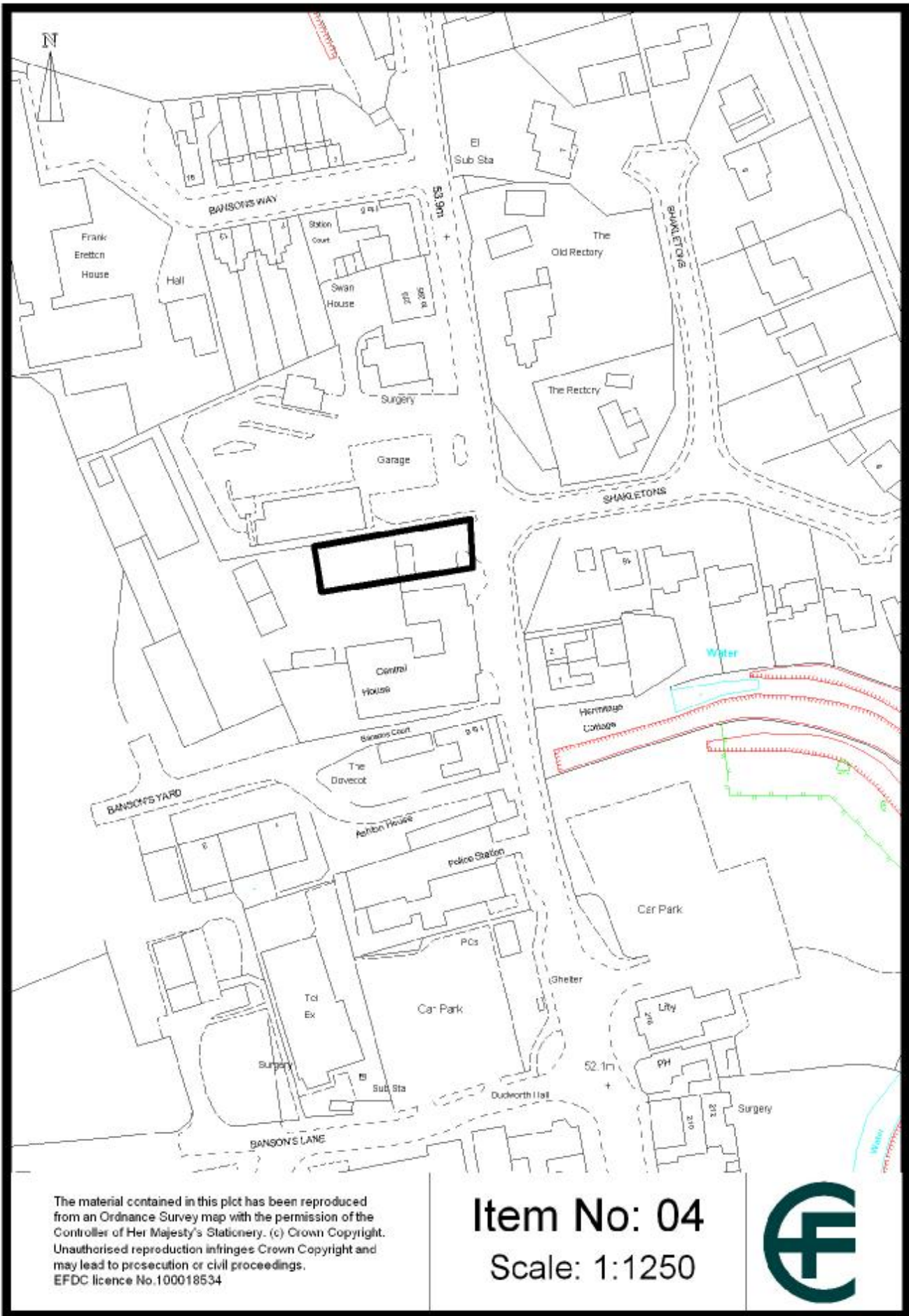
SUMMARY OF OBJECTION/OBSERVATIONS

PARISH COUNCIL - Wish to see the development completed in materials, which are in character of the Conservation Area.

FOSTER GROUP (LOUGHTON) LTD, CENTRAL HOUSE - Principle concerns remain the adequacy of parking accommodation - following the allocation of spaces to the occupiers of the new building there will be less remaining for existing tenants. As much of the office floor space in

this building is currently empty the absence of parked cars in the car park may well be misleading. Will there be adequate space for lorries to manoeuvre within the site.

16 SHAKLETONS - More houses and a restaurant is the last thing that Ongar needs. We already have outsiders parking cars in this road - some for 24 hours a day. We need the Principal Engineer - Traffic to bring forward the proposals for yellow lines. Is there a fire risk having a restaurant next to a filling station?



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Item No: 04
Scale: 1:1250



Report Item No: 5

APPLICATION No:	EPF/0633/06
SITE ADDRESS:	11 Great Stony Park High Street Ongar Essex CM5 0TH
PARISH:	Ongar
APPLICANT:	Mr D Williams
DESCRIPTION OF PROPOSAL:	Rear conservatory.
RECOMMENDED DECISION:	GRANT

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 proposed conservatory shall be constructed with red brick plinth walls, using a brick which matches that of the original building.
- 3 Single central horizontal glazing bars shall be incorporated into the window design.

Description of Proposal:

Erection of a conservatory measuring 2.4m x 5m, by 3.1m high with a pitched roof. The structure will be erected at an angle to the property due to the layout of the rear gardens.

Description of Site:

A conversion of a detached dormitory house for the old school on this site. The building is a three storey structure subdivided into a number of residential properties, and one of a similar number of houses on the site. The whole area is within the Conservation area and within the Green Belt.

Relevant History:

EPF/1561/97 - Conversion of school buildings to dwellings - Approved

Policies Applied:

GB2 Green Belt Policy
GB14 Extensions in the Green Belt

HC 6 Developments in conservation areas
HC 7 Conservation area design and materials
DBE 9 & 10 Amenity

Issues and Considerations:

The main issues are the impact of this proposal on the Green Belt, conservation area and the amenities of neighbouring properties. Whilst some preparatory ground works have been carried out, and the framing made on the site, the structure had not been erected at the time of the Officer's site visit.

Green Belt

- This proposal would only further add a minor volume to this house and would be relatively inconspicuous against the bulk of the house, especially as it has a glazed roof.
- It will not harm the openness and appearance of the Green Belt, and a number of conservatories have been given permission on this estate.

Conservation Area and Design

- The conservatory been designed in a traditional style, which is in keeping with the character and appearance of the building and the area. The Council's Conservation Officer has raised no objections to its design subject to conditions regarding materials.

Amenity

- The main issue with this application is its effect on the amenities of the neighbouring properties, specifically No 12 and No 13.
- The site has a rather unusual arrangement in the rear garden as the three properties share a fairly small area of rear garden, which is south east facing. No 12 has a roughly triangular area to the east, No 13 has a U shaped garden area, wrapping around the property which projects to the south, and No 11 has the area between the two other gardens. This is roughly rectangular in area with a narrow corridor to the north giving access to the rear elevation of No 11.
- This area is about 5m x 3m and forms the site for the proposed conservatory.
- The garden areas are sub divided by close boarded wooden fences.
- No 12 has a conservatory already erected on its rear elevation.
- There is a very similar conservatory already erected at No 15, on the identical block to the immediate east of the site. This was granted permission in 2005.
- The conservatory is angled away from each of these properties due to the layout of the site. Both of the neighbours already have their windows partly obscured due to the existence of the boundary fencing.
- This scheme will inevitably have an impact on the two adjacent neighbours, and both have objected on various grounds, including a loss of light to the kitchen at No 12 and the lounge at No 13 and visual intrusion on their amenities.
- The total height of the conservatory will be some 1.4m higher than the top of the fence, but this increase comprises the upper half of clear glass wall and pitched roof. It is the case due to this construction that there will be no major loss of light to either neighbour that would justify a refusal.
- However, there will be some loss of outlook to both of the rooms affected. This loss must be balanced against the fact that the kitchen of No 12 is not a habitable room in the way a lounge or bedroom is. In addition the outlook is already limited due to the layout of the site, and the conservatory is angled away from the window. With regard to the lounge at No 13 the conservatory is also at an angle to this, and there are other windows in the room which will be unaffected. In addition the outlook is already affected by the solid boundary fencing, and there are no restrictions on the normal use of the garden area.

- The garden areas of all three properties overlook each other, as do the rear elevations, and there will be no greater loss of privacy than already occurs.
- The occupants of No 13 have also objected on the grounds of disturbance being caused to them, especially as one of them is a shift worker, but this is an unsustainable argument in planning terms. All the properties are in very close proximity to each other and this scheme will not add to the normal disturbances caused by day to day living.
- This is a balanced case, but there is already a conservatory at No 12 built to the boundary with No 11, and a very similar scheme has been granted permission on an identical block on the site at No 15.
- It is therefore considered that there will be minimal loss of light, or further loss of privacy, and the effect on outlook, due to the specifics of this site are not so great as to justify a refusal on these grounds.

Other Matters

- Maintenance of the scheme has been raised by the objectors, but this is a matter for the applicant.
- Any blockage to flues, as raised by the objectors, would be a matter for the building regulations.

Conclusion

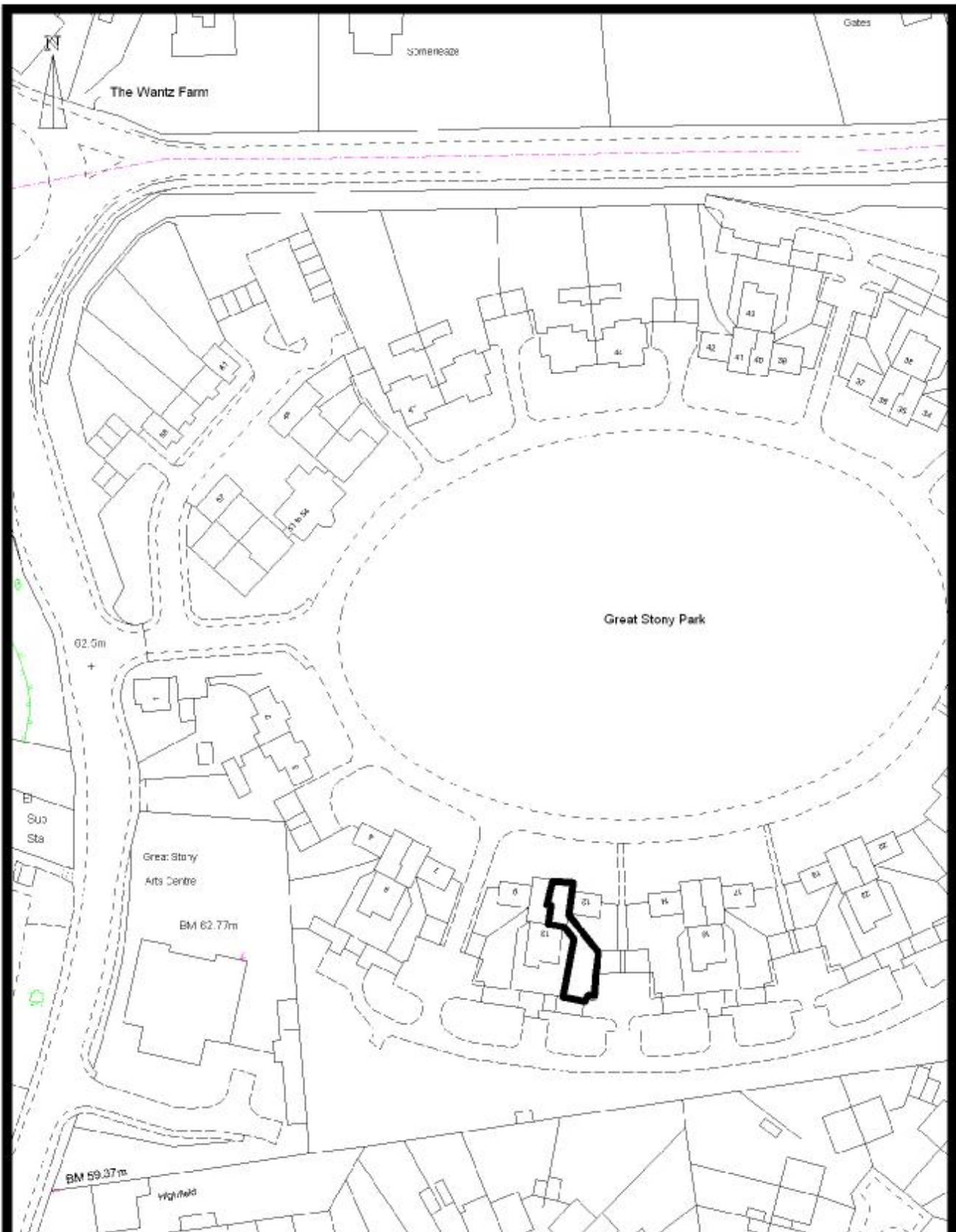
This is an unusual scheme, but it is the case that it meets the local plan policies and is acceptable in the Conservation Area. It is recommended for approval.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL – Object, the proposal is intrusive in nature in an already cramped area. It appears to be at odds with the original design of housing at Great Stoney Park and would adversely affect the street scene. Will represent a loss of amenity to neighbours including privacy. Maintenance impossible unless access gained via neighbours gardens. Impact on boiler fumes. Council believes that a similar structure at No 15 Great Stoney Park should not be allowed to set a precedent due to effect on neighbours.

12 GREAT STONY PARK – Object, the occupant of the adjoining property of No 15, where there is a similar structure has stated to us that it has had an adverse effect on this view and natural light. Work has already been started. This structure will be an eyesore to the conservation area. We will lose a view out of our kitchen window which will be obscured. The proposal is crammed in to a tiny slot to the rear of the building and is not big enough for a realistic use. This will be intrusive, being 4 feet from our kitchen window. Will cause a loss of light to our kitchen. Maintenance will be impossible.

13 GREAT STONY PARK – Object, the occupant of the adjoining property of No 15, where there is a similar structure has stated to us that it has had an adverse effect on this view and natural light. Work has already been started. This could cause us sound pollution. This structure will be an eyesore to the conservation area and compromise its principles. We will lose a view out of our kitchen window which will be obscured. The proposal is crammed in to a tiny slot to the rear of the building and is not big enough for a realistic use. This will be intrusive, being 2 feet from our lounge window and the roof will have a direct view of our bedroom window. Light pollution will occur affect me as I work unsocial hours. Will cause noise pollution. Maintenance will be impossible.



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Item No: 05

Scale: 1:1250



Report Item No: 6

APPLICATION No:	EPF/0199/06
SITE ADDRESS:	The Yard Rear Of 16 Sheering Lower Road Sheering Harlow Essex CM21 9LF
PARISH:	Sheering
APPLICANT:	Mr T L Jones
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of replacement dwelling and associated landscaping (Revised application).
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 The development shall be carried out in accordance with the amended plans received on 3 March 2006 unless otherwise agreed in writing with the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1 Classes A, B or E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The residential curtilage of the dwelling hereby approved is restricted to that area outlined in red on drawing no 2456/10 received on 3 March 2006. The remaining land outlined in blue and the outbuilding shown within that area have only agricultural use and shall not be used for any non agricultural purpose.
- 6 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the

same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

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

- 7 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 8 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

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

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

Description of Proposal:

Demolition of existing dwelling and erection of replacement dwelling and associated landscaping. The proposal involves the erection of a detached 2-bed bungalow with a floor area of 93m² and change of use of an area of land to residential curtilage.

Description of Site:

The red lined application site is an area of land measuring 17m x 22m immediately to the rear of numbers 16 and 16a Sheering Lower Road. The dwelling that it is proposed to replace is a former piggery building with a floor area of 75m² which lies partly within the red lined site, for which there is a certificate of lawfulness for use as a dwelling. The applicant owns a larger area of land and an

outbuilding, which have only agricultural use. The site is accessed via a shared track that runs between numbers 16 and 14. The red lined site area is largely hard surfaced. The site is located immediately to the rear of residential properties on the eastern side of Sheering Lower Road and is surrounded by agricultural land.

Relevant History:

The site and the larger blue lined area within the applicant's ownership have a complicated planning history.

- 1971 Use of land as builders yard. Refused
- 1977 Erection of offices and ancillary accommodation for landscape contractors Refused and enforcement notices served for removal of caravan and hard standing. Appeals dismissed
- 1983 Change of use to pig and poultry farm, market garden, retail sale of animal food, farm shop and use of building as agricultural workers dwelling. Refused.
- 1984 Use of land and building for fabricating ornamental pool sections and growing water plants and conifers. Refused.
- 1985 Enforcement Notice served re: placing of mobile home and caravan on site. Appeal dismissed and enforcement notice upheld but varied.
- 1987 Retention of mobile home Refused. Appeal dismissed.
- 1988 Use of existing barn for residential purposes. Refused
- 1990 Agricultural workers dwelling. Refused.
- 1990 Piggery building. Refused
- 1991 Piggery building. Refused
- 1993 Version of part of existing building to living accommodation in connection with agricultural holding. Refused. Enforcement Notice served. Appeal dismissed.
- 1994 Enforcement Notice issued re: Motor vehicle repairs.
- 1994 Change of use of land to playing field and erection of community room. Approved.
- 2001 Continued use of part of building as single dwelling. Refused. Appeal dismissed 2004
- 2004 Certificate of Lawfulness for existing use of piggery building as a dwelling. Issued 2005.
- 2005 Demolition of existing dwelling and outbuilding and erection of replacement dwelling. This was for a larger dwelling than that now proposed and was withdrawn.

The above history is quite confusing. Essentially the only lawful use of the site historically was for agricultural purposes. There are two buildings on the site. In the 1990s part of the larger building was lived in without planning consent but this use was successfully enforced against. Then in 2001 it was occupied again and permission was refused for this use and they lost their appeal. As there is an existing enforcement notice this building is currently in unlawful occupation.

In 2004 following the dismissal of the appeal, a Certificate of Lawfulness Application was submitted, claiming that the smaller of the buildings, (the piggery) had been occupied as a single dwelling for more than 4 years and that that use was therefore lawful. Sufficient evidence, including sworn statements from 8 different individuals, was submitted by the applicants to prove on the balance of probability that the piggery had been occupied as a dwelling for more than 4 years and a certificate of lawfulness was therefore issued for that building. The applicant is currently still occupying the larger building in contravention of the enforcement notice. Prosecution has been put on hold pending the outcome of this application.

Policies Applied:

Local Plan Policies:

GB2 General Green Belt restraint.

GB15 replacement dwellings.

GB4 Extension to residential curtilages.

DBE2 effect on neighbouring properties.

DBE4 Design of buildings in the Green Belt.

DBE9 protection of amenity.

Issues and Considerations:

The site is within the Green Belt. Policy GB15 allows for the replacement of existing dwellings in the green belt on a one for one basis, provided the new dwelling will not be materially larger than that it will replace: and it will enhance the appearance of the countryside and is not an isolated or sporadic development.

In this instance there is an existing lawful dwelling, and the site is not isolated, so in principle its replacement is appropriate in the Green Belt. The main concerns therefore are whether the replacement is materially larger than the existing and whether the appearance of the countryside will be enhanced. Additionally the impact of the development on neighbouring residents must be assessed.

The existing dwelling is a single storey monopitched building originally a piggery, which contains a bedsitting room with kitchenette, a bathroom and a storage area. The floor area of the building is about 75 sq metres, and there is no lawful curtilage. The bungalow now proposed is single storey with a floor area of about 93sq metres. It is squarer in footprint and has two bedrooms a living room and a kitchen and has a pitched roof with a ridge height of 5.7m. A garden area is also proposed with space for parking.

In floorspace terms the proposed development is only 18 square metre, or 24% larger than the existing dwelling, which has not been extended and this is within the amount that would normally be considered a limited extension to an existing dwelling and as such, provided permitted development rights are removed to prevent further extension of the building in the future, the development is not considered excessive. The siting proposed is considered better than the existing building as it allows for a more logical and defensible curtilage to the rear of just two properties (16 and 16a Sheering Lower Road) rather than 4, and is set behind garages and outbuildings to the rear of those properties, which limits its visual impact. The design of the dwelling is simple and appropriate to the location.

With regard to the impact on neighbours, bearing in mind that there is an existing lawful dwelling, the proposed replacement will not result in additional traffic or disturbance and given the depth of the gardens of the properties in Sheering Lower Road the new building will not cause any overshadowing or overlooking problems. The development will result in the removal of the rather unsightly ex piggery building, and although there will be a formalised residential curtilage, which may result in additional paraphernalia associated with residential use, being brought on site, the proposed garden area is not considered excessive and has been designed to create a logical and defensible curtilage, which may help prevent the further expansion of residential use onto the larger area of land which is within the applicants ownership.

Concern has been raised by neighbours that consent for a dwelling here will undermine the Green Belt Status of the land which may result in further development at a later date. This is not the case. GB15 allows for one for one replacement of existing dwellings in the green belt, it does not affect the Green Belt status of the land or open the door to further development. Finally, although

permission was granted in the 1990's for a community building and playing fields at this site this permission was never implemented and has lapsed and is not considered relevant to the determination of this application.

Conclusion:

Whilst it is accepted that local people have concerns over the way in which this site has gained lawful use for a dwelling, the fact remains that the piggery building does have lawful use as a dwelling because it was used as such for a period in excess of 4 years, and is an existing dwelling. The Council have previously tried to resist the replacement of such "lawful" dwellings gained by such occupation, with new properties, but have not been successful on appeal due to government guidance which allows for replacement dwellings in the green belt.

It is considered that the revised application is in accordance with Policy GB15 and other policies within the adopted Local Plan and will have only limited impact on the openness of the green belt. The application is therefore recommended for approval subject to conditions.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – Objection due to back land development. It could set a precedent for other development on the land which is also Green Belt. Also, the existing building already has a change of use to community purposes with adjoining land for playing field and recreational facilities.

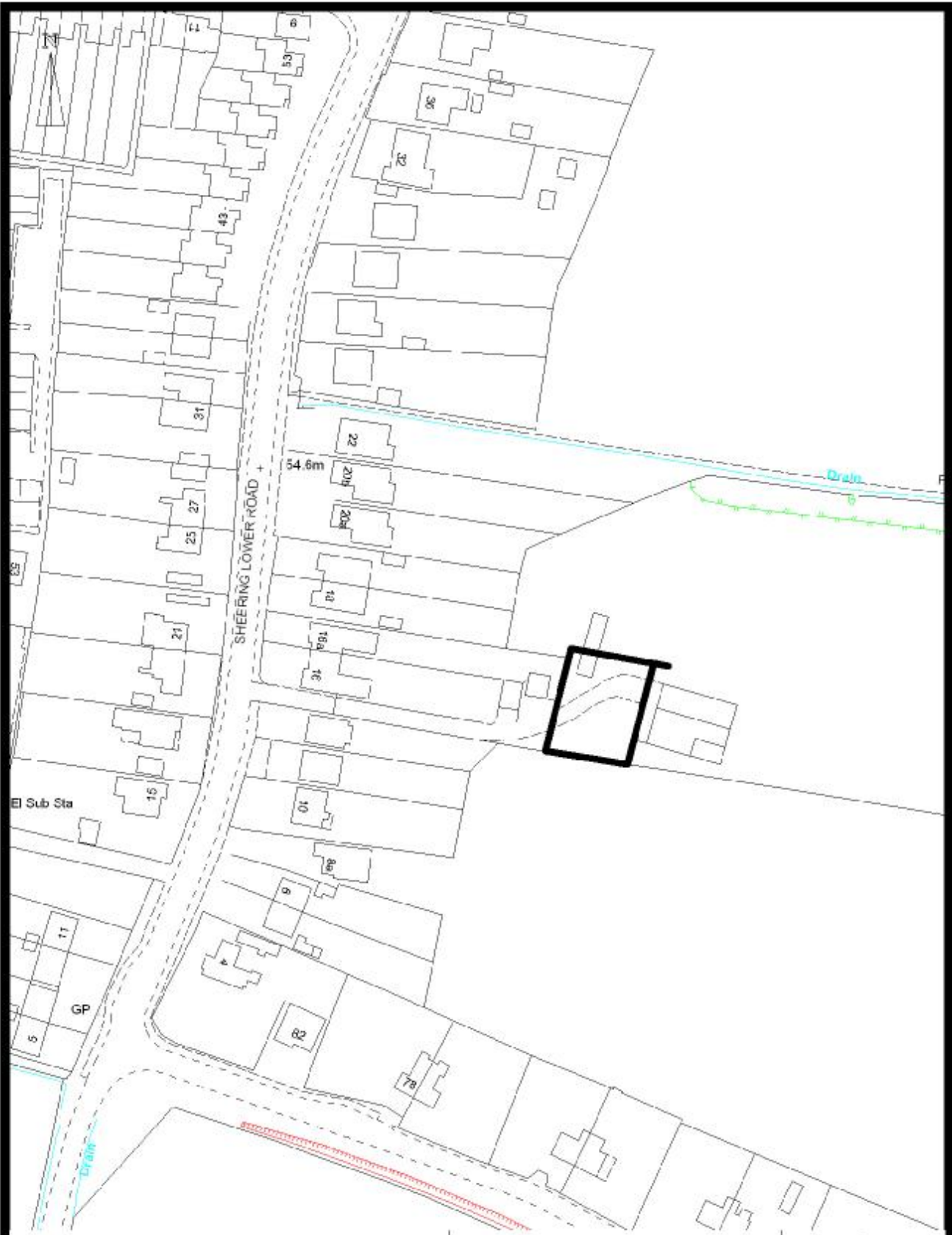
20 SHEERING LOWER ROAD - Opposed. We contest that the pigsty was ever lived in, we are unable to find anyone who witnessed someone living in it at any time, and this is therefore not a replacement. The existing building has no planning permission. The proposed building has about twice the volume of the existing so is materially larger, and is on a different footprint. Unsocial activities continue at the site and will worsen if permission is granted. This will allow an opening for further development, which will adversely affect the value of our property.

22 SHEERING LOWER ROAD – Opposed. In 2004 the Planning Inspectorate refused permission for any development of this site of a residential nature, it is inappropriate. The applicant has been living on the site illegally for 9 years. EFDC should not have granted dwelling rights on the pigsty, I have never seen anyone living there at any time. The building is twice the size of the existing building and not on the same ground area. The unsocial activities at the site will no doubt increase. It will open the door to further development and lower the value of my property. The dwelling right on the pigsty did not include a domestic curtilage; the proposal includes a significant curtilage.

20 A SHEERING LOWER ROAD – Opposed – Opposed to any development of this Green Belt site, this is backed by the 2004 appeal decision. We are frustrated that the occupants have not been enforced against despite that decision. The occupants continue to undertake activities on the land that are not agricultural, including burning noxious substances and having caravans on the site and driving quad bikes/motorbikes. How can someone illegally occupying a farm building allow this to become a legal dwelling in the Green Belt? Do not believe that it has been occupied; neither my neighbours nor I have seen any evidence of anyone living there. We fundamentally challenge the lawful occupation decision by EFDC and the evidence on which it was based. Concerned about noise and disruption during demolition and building. The replacement building is clearly materially larger than the existing; the creation of a curtilage is also harmful. Concerned that this will be the thin end of the wedge and will result in further loss of green belt.

14 SHEERING LOWER ROAD – Oppose, as I have done since 1994. Inappropriate development in the Green Belt. The access drive is also unsuitable.

20B SHEERING LOWER ROAD – Opposed The land is Green Belt and cannot be developed, the construction will be detrimental to my property and others. It will set a precedent for further development undermining the semi rural setting. The application should be refused and the matter resolved once and for all.



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Item No: 06
Scale: 1:1250



Report Item No: 7

APPLICATION No:	EPF/0322/06
SITE ADDRESS:	Land to the east of Willow Mount Epping Road Ongar Essex CM5
PARISH:	Stanford Rivers
APPLICANT:	Mr D O'Mahony
DESCRIPTION OF PROPOSAL:	New stable block.
RECOMMENDED DECISION:	GRANT

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 shall be carried out in accordance with the amended plans received on 23 March 2006 unless otherwise agreed in writing with the Local Planning Authority.
- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the existing hedge or hedges which are to be retained, the minimum heights at which they will be maintained and appropriate trees within the hedge or hedges which shall be retained and allowed to grow on. The plan shall also show where the hedgerows are to be reinforced with further planting, details of which indicated in a timetable of implementation. The hedges shall thereafter be maintained in accordance with the approved details.
- 4 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 6 There shall be no commercial use of the site whatsoever. Only domestic by the applicant and his immediate family (spouse and children) is approved.

- 7 The colour of the materials is to be approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.
- 8 Within one month of the erection of the stables hereby approved all other buildings, structures and debris shall be removed from the site and no further development shall occur without the prior written approval of the Local Planning Authority.
- 9 Details of the means of storing and disposing of manure shall be submitted to and approved by the Local Planning Authority and completed in accordance with these details prior to first occupation of the stables.

Description of Proposal:

Erection of a new stable block. The stable would be erected to the north east of the site, and would measure 22.3m x 9.2m by 3.2m high, with a pitched roof. It would have a U shape and consist of 4 stables, hay store, tack store, and animal feed store.

Description of Site:

The site is an open field about 300m to the west of Toot Hill on the north side of the Epping Road. The land slope up to the west, and at the top of the slope is the property known as Willow Mount, which is in separate ownership. The land to the north of the site is classed as Ancient Landscape in the local plan. The site has an area of 1.01ha. The whole site is within the Metropolitan Green Belt. There are watercourses on the northern and eastern boundaries of the site. The site is currently used for the keeping of horses and poultry, and there is a hardened track from the site access.

Relevant History:

EPF/835/87	Building for use as goat rearing farm	refused
1992	Enforcement Notice requiring removal of goat rearing accommodation and dismissed 1992	appealed

Polices Applied:

Structure Plan
C2 Development in the Green belt

Local Plan
GB2 Green Belt Policy
HC2 Historic Landscape
RST4 Horse keeping
RST5 Stables
DBE1 Design of New Buildings
DBE9 Excessive loss of amenity to neighbours
LL1 Rural landscape and landscaping

Issues and Considerations:

The main issues are whether the proposed stables are appropriate in this area, their impact on the adjacent historic landscape, whether they are of acceptable design, and whether there would be any impact on the amenities of the neighbouring properties. It should be noted that revised plans have been submitted reducing the number of horse stalls to 4 and reducing the overall size of the building.

Green Belt & Historic Landscape

- The site already has a lean too field shelter and domestic type shed on the land which are of no visual merit. The land is classed as agricultural, but the keeping of horses on land, whilst not agricultural, is a recognised rural type of use. It is considered that there is no harm caused to the openness of the Green Belt by this use of the land.
- Stables are generally considered appropriate in the Green Belt provided they do not significantly impact on the character and appearance of the landscape.
- The new stables will be erected along the northern boundary of the site, set back from the road by some 90m, and will be on the lower part of the site, and screened from the north and east by existing mature hedgerows. Due to the fall of the land and the distance involved it would not be conspicuous from the road.
- As well as the stalls the building will have the usual stable ancillary rooms (Hay, Tack etc) and a storage area for the feed for the poultry on the site.
- The building has a floor area of 117m².
- It is considered that this is a small scale building, well sited, for an appropriate Green Belt use, and due to its size and siting causes no harm to the openness of the Green Belt, or any harm to the historic landscape to the north. It is acknowledged that the scheme towards the upper end of what would be considered small scale, but it is not an excessive size. It should also be noted that a very similar scheme for 4 stables was granted permission in 2004 for land to the west of Willow Mount.
- It has been suggested by an objector that to grant permission to this proposal would be to contrary to the Inspectors Decision to refuse permission in the 1992 appeal for the retention of two buildings for use as a goat farming enterprise. Whilst superficially this is a similar case the facts are different.
- In the 1992 decision the question was whether to allow the retention of two partially completed sheds for use as a goat farm. These sheds were located against the eastern boundary of the site and had a floor area of 306m², together with associated hardstand areas.
- The Inspector found, that whilst the use was appropriate in the Green Belt "...the size of the buildings and the proportion of the site that they would occupy, together with the necessary hard standings, I consider that they would prejudice the open character of the countryside." He also found that no harm would be caused to the neighbours living conditions by the proposed use and there were no highway objections to the scheme.
- Therefore the scheme refused comprised of two adjoined buildings, with a floor area some 2½ times greater than the single building proposed in this application. In addition areas of hardstand were proposed, which is not the case in this scheme.
- In addition conditions can be imposed to ensure the removal of the other structures on the land, which will be a positive benefit to the site.
- Therefore this scheme is not contrary to Green Belt or conservation policies.

Horse Keeping

- Policies RST4 & 5 set out the criteria for assessing such a proposal. The use for domestic horse keeping is generally appropriate for the Green Belt.
- It is inevitable that there will be some use of the surrounding roads and paths, but this is not unusual in rural areas. The applicant has confirmed that there is, and will be no, commercial use of the site, and this is purely for the domestic stabling of family horses, and this can be conditioned.

- The dimensions of the stables are in keeping with the recommended standards in the local plan.
- An objector has commented that there is insufficient land on the site to accommodate 4 horses. The British Horse Society proposes minimum land requirements based on the area of pasture needed for grazing through the summer months and for horses kept in the open for 24 hours a day is 1 to 1 ½ acres per horse. However this area can safely be reduced if the horses are to be stabled for the majority of the day and let out for several hours. This is the case at this site, as the owner proposes to continue his current twice daily visits to the site. Therefore it is considered that the area of land is adequate for the purposes proposed in this application.
- Although the applicant does not live in close proximity to the site (living in Chadwell Heath) he visits the site twice daily and has friend in the village who can visit the site if he is unable. The site is also fenced and there is an electric fence in position as well to keep the animals from escaping from the site.
- Therefore it is considered that this scheme will have no adverse effects on the welfare of the horses kept on site.

Design

- The proposed block would be of a U shaped with stained weatherboarding with a tile roof. The design and materials are considered appropriate, and are commonplace in this area, and will have no adverse impact in this rural area.
- The colour of the materials can be conditioned to assist with the building integration into the rural landscape.

Access and Car Parking

- The access already exists and there is sufficient parking on the site for this proposed non-commercial use.

Effect on Neighbours

- The proposal can be conditioned to reduce the impact on neighbouring property to the west from muck heaps.
- A neighbour has complained regarding the noise of the poultry on site but this issue is not germane to this application.

Conclusion

Officers consider that this is a small-scale building to be used for a non-commercial use. It is of an acceptable design, and would not have such an adverse effect on the Green Belt, or the adjacent historic landscape as to warrant a refusal. It also differs considerably in scale when compared to the previously refused scheme for a goat farm. It is in line with national and local policies and therefore the recommendation is for approval.

SUMMARY OF REPRESENTATIONS

Original Application:

PARISH COUNCIL – Object, 2 acres for 5 stables seems rather a small area for horses, site unattended, near to road.

DIGBY ROAD, Barking – Object.

CPRE – Object, large structure in the Green Belt.

WILLOW MOUNT – Object, I have instructed a Planning Consultant.

WILLOW MOUNT (2nd letter) – Object, the applicant is keeping horses and geese on site, the geese causing considerable noise. The building is not suitable for such a small site, and if permission is granted it is virtually certain that permission will be applied for a mobile home and then a house on the site. Applicant lives in Chadwell Heath.

CONSULTANTS REPORT – scheme is in direct conflict with Government and local policies, this is a very large structure, will adversely affect the ancient landscape. There is an inadequate bridleway network in the area, too many horses for the site which is inadequate for their welfare; this will cause highway hazards and parking problems.

Revised Application:

PARISH COUNCIL – Object

WILLOW MOUNT – Object, remain strenuously opposed

CONSULTANTS REPORT – despite the changes the objections still stand. Land is not suitable for its intended purpose, and draw attention to the 1992 appeal decision.

WILLOW MOUNT (2nd letter) – Object and emphasise the appeal decision from 1992 which is directly relevant to this case.

CONSULTANTS LETTER - this is contrary to council and County policy, and consent should not be granted.

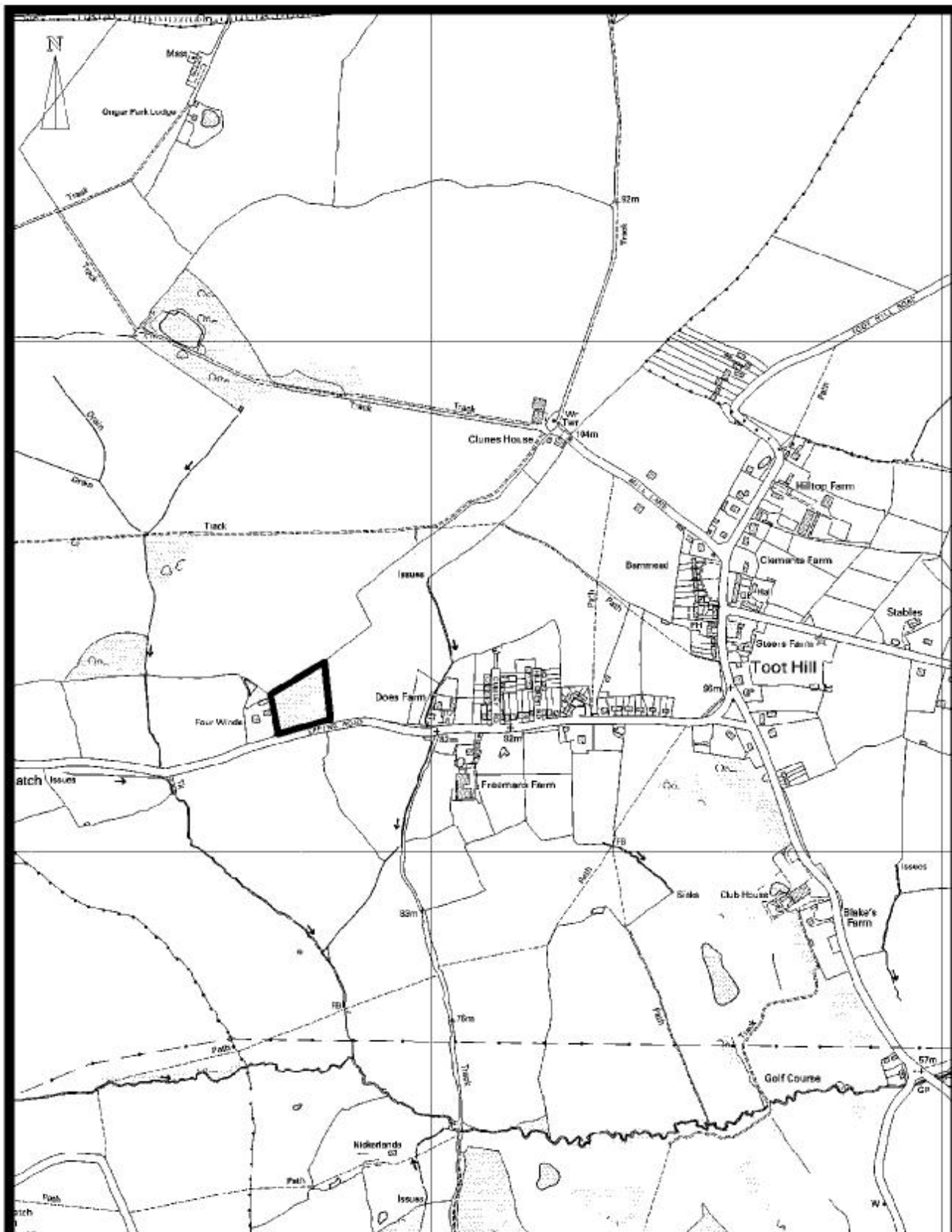
50 EPPING ROAD – Object, the land in question has started to resemble a squatter's camp ruining the concept of the Green Belt. This will also increase traffic flows and strain on infrastructure.

58 EPPING ROAD – Object, will this eventually become a plot to accommodate mobile homes, road safety will be compromised, animal welfare should be investigated, and this will harm the Green Belt.

STANBRIDGE HOUSE, BLAKE HALL ROAD – Object, like to emphasise previous refusal of a Goat Farm, in that this would cause serious harm to the open character of the Green Belt, which must still be the case. Is this the laying down of a foundation for a commercial endeavour?

PYGRO, CUMLEY ROAD – Object, this will erode the Green Belt.

DOES FARMHOUSE – Object, this is encroaching on and eroding the Green Belt with a view to a later application for a permanent dwelling.



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Item No: 07
Scale: 1:10000



Report Item No: 8

APPLICATION No:	EPF/0468/06
SITE ADDRESS:	Land opposite Golf Course School Road Stanford Rivers Ongar Essex CM5 9PU
PARISH:	Stanford Rivers
APPLICANT:	Toot Hill Village Hall Management Committee in association with The Royal British Legion
DESCRIPTION OF PROPOSAL:	Erection of new village hall, with parking, children's play area and football pitch.
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 4 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree 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 shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or 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.

- 5 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

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

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

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

- 6 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

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

- 7 The access should be laid to a gradient not exceeding 4% for the first 6.0m and 8% thereafter and should be suitably paved to avoid the displacement of loose materials onto the highway.
- 8 The car park to be constructed and marked out in permanent materials and used only for the parking of cars not the storage of cars and not the storage of materials.
- 9 Provision so secure parking for powered two wheeled vehicles to accord with the Essex Planning Officers Associated Parking Standards `01.

- 10 Arrangements should be made whereby surface water run-off from the accessway is intercepted within the site thereby avoiding water entering the highway.
- 11 The developer shall ensure that the speed limit is legally altered and the signing and order in place prior to the commencement of works on the site.
- 12 Details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority before any work commences and the development shall be implemented in accordance with such agreed details.
- 13 All surface water serving the car parks store should pass through a petrol interceptor before discharging to the surface water system. The installation of such a system should be confirmed in writing with the Local Planning Authority.

Before development commences, a written proposal detailing the provision for drainage of the site should be submitted to the Local Authority.

- 14 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place on site between the hours of 0730 to 1830 Monday to Friday & 0800 to 1300 hours on Saturday, and at no time during Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15 No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- 16 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 17 The village hall and facilities hereby permitted shall not be open to customers / members outside the hours of 9.30 to 00.00 hrs on Mondays to Saturdays and 9.30 to 23.00, and not at all on Sundays or public holidays.
- 18 There shall be no external lighting of the building, car part of playing fields without the prior written consent having been obtained in writing from the Local Planning Authority.
- 19 Prior to the premises being brought into use for the purpose hereby permitted, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.
- 20 A noise control device shall be installed in the main auditorium, which shall control the volume of music and other amplified sound so that it is not audible on the boundaries of nearby residential properties.

Description of Proposal:

Erection of a single storey building to accommodate a multi disciplined member's facility and hall; recreation area and main banqueting suite/multi use hall. These facilities will be served by a kitchen and toilets plus changing rooms associated with a football pitch, which is to be created to the rear of the building. In addition the hall will be provided with complimentary car parking facilities and a children's playground.

Description of Site:

Large open field laid to grass located on the eastern side of School Road it is located immediately opposite Toot Hill Golf Course. The site is approximately 120 metres wide x 120 metres deep and is fronted by a mature well established field hedge onto the highway.

Relevant History:

None.

Policies Applied:

Green Belt policies GB2, GB3 and GB7. Provision of play areas RST8. Playing fields RST14. Provision of community facilities CF8. Design and built environment DBE1 and DBE3. Landscape features LL10. Car parking and traffic related issues T14 and T17.

Issues and Considerations:

The main issues in determining this application relate to the appropriateness of the development in the Green Belt; the design and visual impact of the development in this location; and the car parking and traffic related issues.

Green Belt

The intention is that the development will take place in the Metropolitan Green Belt - an inevitability owing to the fact that all of Stanford Rivers is located in the Green Belt. In this instance the development would occur on the edge of the Toot Hill settlement; and the intention is to provide a replacement for the original village hall, which is accommodated in a temporary building (lease expires in 2019). The applicants have stated that they would not have an objection to a condition being imposed on a planning permission for this development that the old hall should be demolished prior to the first occupation of the new premises. In the Green Belt very special circumstances need to exist in order that an exception can be made to policy and in this instance the community benefits, which would accrue from such a proposal warrant a relaxation of policy. Members may wish to know that elsewhere in the district, in Abridge and in Stapleford Abbots, new village halls have been allowed in Green Belt locations.

Visual Impact

The proposed building is well designed and will fit well into the landscape. The intention is to provide complementary landscaping within the site; and to inter plant within the roadside hedge additional trees and hedgerow planting in order to bolster the existing screening. The merits of the additional planting are evident on the opposite side of the road where the frontage to the golf

course has been the subject of extensive landscaping, which as it matures has created an effective and attractive screen.

In addition to the provision of the new hall; the submission incorporates proposals for both a children's play area and for a football pitch. Neither will detract from the open character of the Green Belt and should be welcomed as community facilities. Furthermore the new football pitch is identified as a useful provision by the Head of Leisure Services, as it will address the problem of shortages elsewhere and he is also of the view that the new hall will allow for the delivery of new outreach programmes e.g. "Active for Life".

Access and Parking

Access from School Road will be gained via a new entrance to be created from School Road. The location has been the subject of negotiations with the Highway Authority in order to ensure that satisfactory sight lines can be achieved. Whilst the opening has been positioned to ensure that major roadside trees will not be lost, it will necessitate the creation of a gap in the hedgerow but in order to ensure that this will not open up views of the car park the intention is to plant a tree belt within the site entrance, which will screen much of the site and car park from the road. The proposals will make adequate off street parking provision but will also be complimented by an overspill area, which can be used if and when the demand arises. The applicants have also agreed that they will make arrangements to move the 30 miles per hour speed limit so that the entrance is within the controlled area.

Amenity Considerations

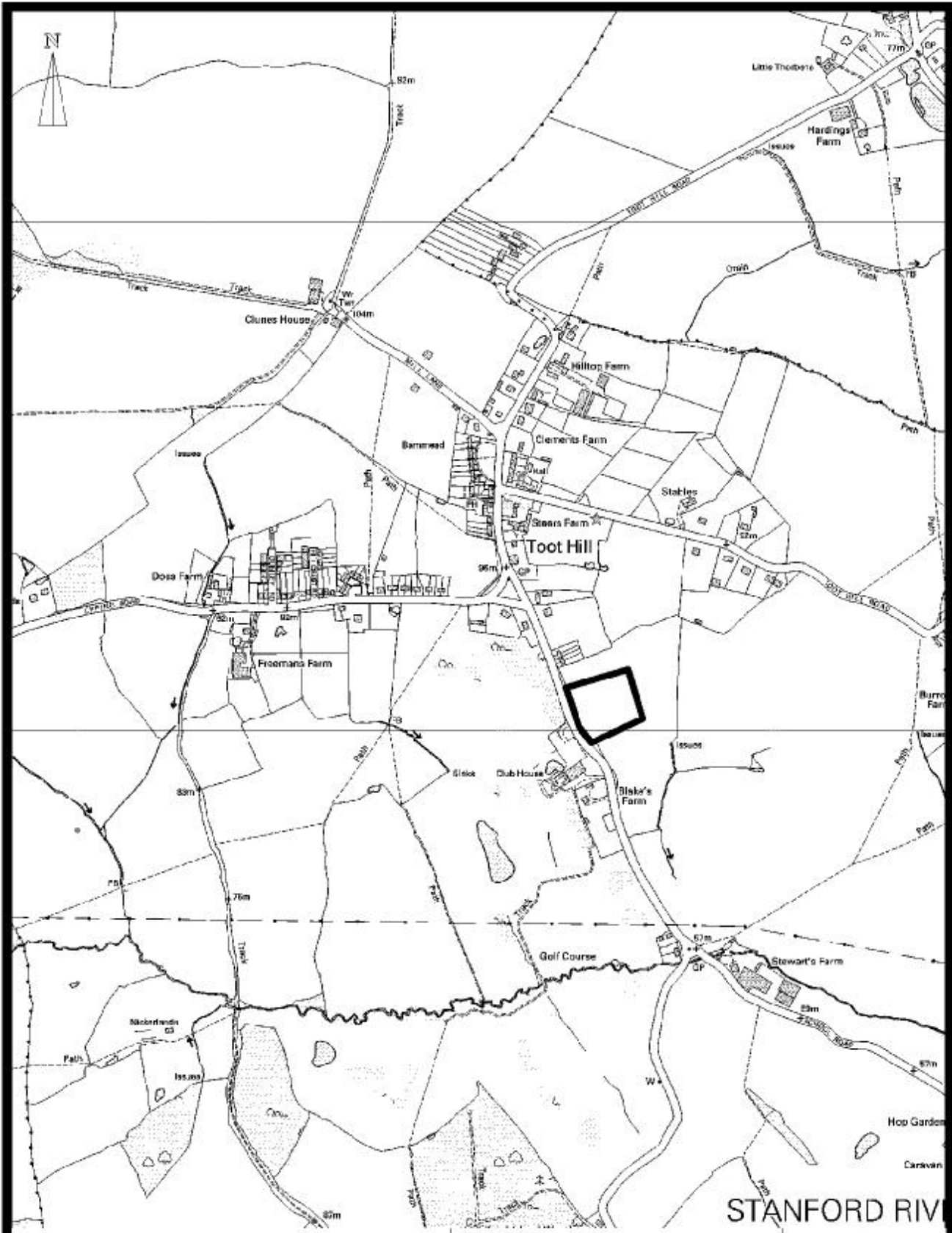
There is a physical separation of the new hall from the adjacent houses on the uphill side of the side by a distance of 75 metres. This is considered to be adequate so as to ensure that activities within the building should not have a deleterious effect on the amenities of those properties. However, it is recommended that conditions be imposed to restrict the hours of when the building can be used so as to ensure that there is not excessive noise and activity associated with the site at anti social hours.

For the foregoing reasons this application is considered to be acceptable and is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS

PARISH COUNCIL - No objections.

BUGLE COTTAGE - No objections to children's play area and football pitch with changing facilities. However, consider that the size of the hall far exceeds what is required for a small community. There will be an inevitable increase in traffic on the narrow access road. Would be strongly opposed to floodlighting of the football pitch.



STANFORD RIVER

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Item No: 08
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Report Item No: 9

APPLICATION No:	EPF/0248/06
SITE ADDRESS:	Spindrift Bournebridge Lane Stapleford Abbots Epping Essex RM4 1LT
PARISH:	Stapleford Abbots
APPLICANT:	Mr & Mrs D White
DESCRIPTION OF PROPOSAL:	Retention of use of existing building and site for residential purposes on a permanent basis.
RECOMMENDED DECISION:	REFUSE

REASONS:

- 1 The existing building is not of permanent and substantial construction, its use as a permanent dwelling would be out of keeping with its surroundings and it remains suitable for recreational/tourism use only. As such the development is contrary to Policy GB8 of the adopted Local Plan and inappropriate development in the Green belt in context of Policy GB2 of the Plan and Policy C2 of the Essex and Southend on Sea Replacement Structure Plan. Furthermore, the other material considerations advanced by the applicant are insufficient to outweigh the very strong policy considerations against inappropriate development in the Green Belt.

Description of Proposal:

Permission is sought to retain the existing residential use of both the application site and the building thereon for residential purposes on a permanent basis. No extensions or external alterations are proposed to the building.

The site currently has the appearance of a residential curtilage and the single storey building is in use and occupied as a dwelling house comprising a lounge, bathroom, kitchen and 2 bedrooms.

Description of Site:

The application site lies within the Green Belt to the west of Stapleford Abbots. It is occupied by a single storey building with a part pitched, part flat roof, in a poor state of repair and currently used as a dwelling house. The remainder of the site is used as its curtilage. To the front of the site a gravelled area provides off road car parking facilities.

The frontage of the site and the eastern boundary are relatively well screened, but there are more exposed views in other directions, onto open countryside.

Relevant History:

EPO/443/68 for a replacement recreational hut was granted with conditions in November 1968.

EPO/443A/68 for the retention of a recreational hut was granted with conditions in November 1970.

EPO/423/71 for the use of the chalet for residential accommodation was granted with conditions in September 1971. This consent restricted occupation of the chalet to the then applicant, a Mrs G M Major, and required that the chalet should be removed if the applicant no longer resided there.

EPF/1044/77 for the retention of the chalet for recreational purposes was approved with conditions in October 1997. This was granted following the death of the previous applicant and restricted the use of the building to a recreational chalet, and then for five years only.

In February 1999, an Enforcement Notice was served in respect of the unauthorized use as a permanent dwelling. No appeal was lodge against this Notice and it came in to effect on 30 April 1999, with a compliance period of one year.

EPF/488/99 for the retention of use for permanent residential occupancy was refused in June 1999, on Green Belt Policy grounds.

The unauthorised permanent residential use of the land and building continues.

Policies Applied:

Replacement Essex Structure Plan: C2 - Development within the Metropolitan Green Belt.

Adopted Local Plan: BF2 - Development in the Green Belt.

GB8 - Changes of use in the Green Belt.

Issues and Considerations:

The main issues in the consideration of this application are the appropriateness of the development in the Green Belt and its effect on its openness and character. Weight also has to be given to other material considerations, including the personal circumstances and human rights of the applicants.

A statement in support of the application has been submitted, which makes the following main points:

* The present applicants have occupied the property since February 1998.

* Previous owners have also occupied the building as a full time residence.

* No action has been taken by the Council to secure compliance with the Enforcement Notice.

* Were the Notice enforced, the applicants and their daughter would become homeless and their daughter may not be able to attend the local school.

* Local people have raised no objections to the permanent residential occupation of this site.

Green Belt Policy

The existing building, by reason of it having originally been erected for recreational purposes and due to its poor appearance and state of repair, cannot be said to be of permanent and substantial construction. Moreover, as a dwelling its form, bulk and design is not in keeping with its surroundings.

The proposed use does not fall within any of those listed as appropriate in Local Plan Policy GB2, it is not related to recreation or tourism, nor is any business or storage use envisaged. Residential

use is only permitted by local plan policy GB8 where the building is unsuitable for those other uses, and in this case there is no reason why the building is not suitable for its original recreational/tourism use.

Therefore, whilst permanent residential use is unlikely to generate levels of vehicular traffic materially in excess of the lawful use, it is considered that the development fails to comply with Policy GB8 and is by definition inappropriate in the Green Belt in the context of Policy GB2.

Other Material Considerations:

It is acknowledged that the Council have not sought compliance with the Enforcement Notice, but the applicants were in occupation at the property at the time it was served in February 1999, and are aware of its requirements. They also had an application for permanent residential use refused in June 1999. Earlier occupations of the site may also have been breaches of planning control but the Council sought to remedy these by the service of the Enforcement Notice.

Were the applicants and their daughter to become homeless, the Local Authority would be obliged to re-house them having regard to their daughter's educational needs. Moreover, there is no suggestion that the family have claimed gypsy status. It is acknowledged that there have been no objections to this and earlier applications, but that alone does not justify permitting inappropriate development in the Green Belt.

Therefore, it is considered that the circumstances advanced by the applicant are insufficient to outweigh the very strong presumption against inappropriate development in the Green Belt.

Human Rights:

Whilst the refusal of planning permission and subsequent enforcement proceedings might mean that the family will become homeless, the Local Authority will be obliged to re-house them in suitable accommodation. In any event the right to respect for a home under Article 8 of the European Convention for Human Rights, as enacted by the Human Rights Act, 1988 is a qualified one where the interference by a Public Authority is justified where in accordance with the law and necessary in a democratic society in the interests of the economic well-being of the country and the protection of the rights and freedoms of others. The maintenance of a key planning policy falls within such wide definition.

Whilst there may be some interference with the applicants' property under Article 1 of the First Protocol of the Convention, this right is qualified and interference is justified in the public interest and subject to the conditions provide for by law. Moreover, it does not prevent the right of a State to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest.

The applicant's daughter will continue to be provided with education at either her current school or a suitable alternative, and as such, her right to education under Article 2 of the First Protocol will not be infringed.

Therefore, it is considered that a refusal of planning permission will not infringe the human rights of either the applicants or their family.

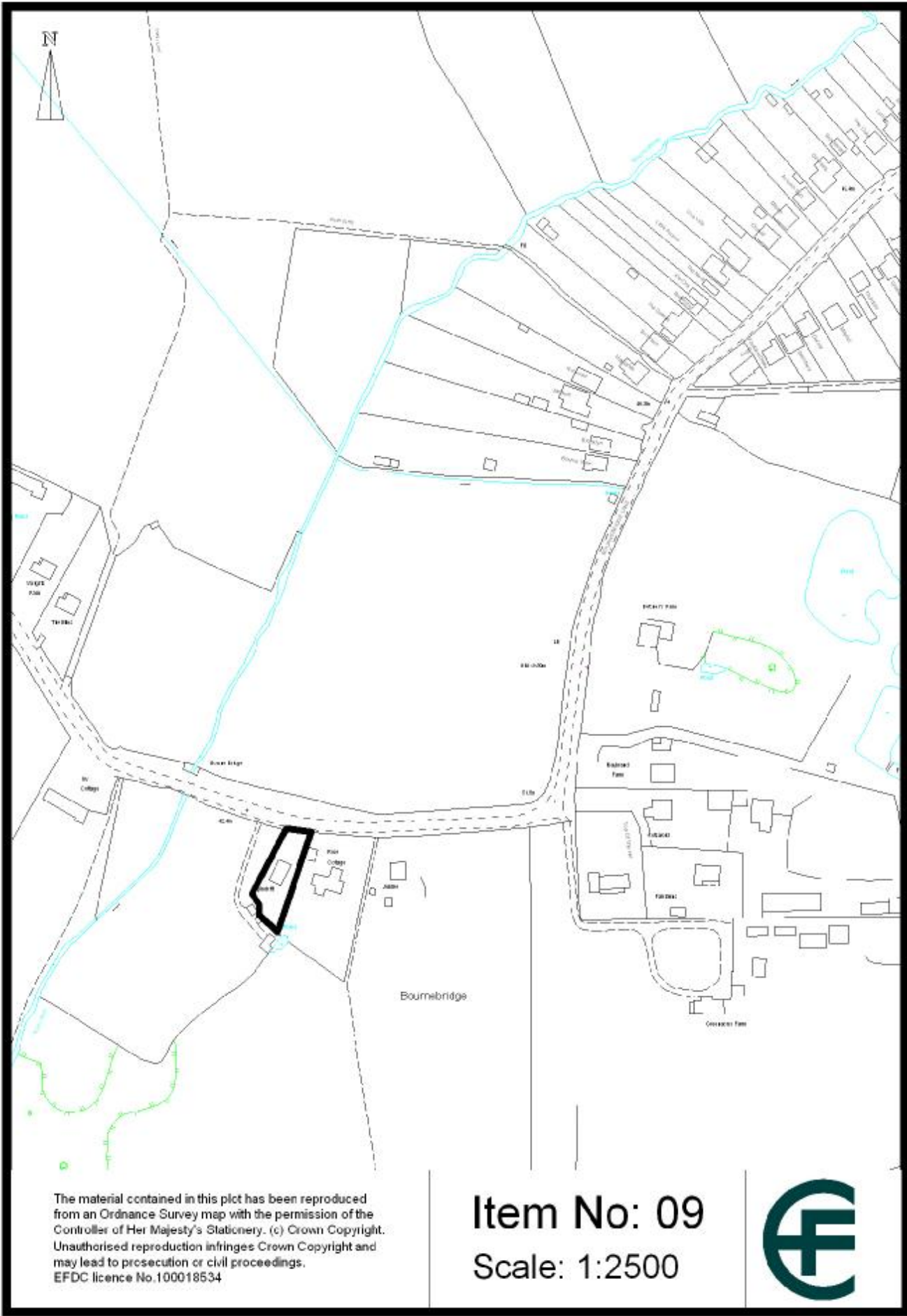
Conclusion:

The provisions of the relevant Local Plan Policies are not met, and other material considerations, including human rights issues, are insufficient to outweigh those policy considerations. Disregard for the policy aims in this case, despite the personal situation, could set a dangerous precedent to

the overall detriment of the Green Belt. Therefore, it is recommended that permission in this case be refused.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - There was no objection to this application.



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Item No: 09
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Report Item No: 10

APPLICATION No:	EPF/0585/06
SITE ADDRESS:	Five Trees Oak Hill Road Stapleford Abbots
PARISH:	Stapleford Abbots
APPLICANT:	S E Aley
DESCRIPTION OF PROPOSAL:	Renewal of planning permission EPF/387/01 for the erection of double garage/workshop with storage space over.
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed garage shall match those of the existing dwelling.
- 3 No part of the proposed building shall be constructed closer than 1.0m from the top of the bank of the adjoining open watercourse.
- 4 The garage building hereby approved shall be used solely for domestic garaging and / or ancillary residential purposes and at no time shall the building be used as a separate dwelling or at any time sold away from the main dwelling know as Five Trees.
- 5 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.

Description of Proposal:

Renewal of planning permission previously granted in June 2001 for a garage and workshop with storage area above.

Description of Site:

Bungalow built in 1930's in a small ribbon of 10 properties at southern tip of the District. It backs onto a brook beyond which there are green fields.

Relevant History:

The only planning history relates to this proposal, which was previously approved in 2001.

Policies Applied:

Metropolitan Green Belt Policies GB2 and GB14; and, Residential Development Policies DBE9 and DBE10.

Issues and Considerations:

The main issues relate to the possible impact on the open character of the Green Belt; the amenities of neighbours and the long-term use, which might be made of the building.

This is essentially a residential pocket of development in the Green Belt, which on the ground reads as part of the village. The rear garden to the bungalow is extremely well screened with mature Leylandii hedge growing along its eastern boundary. The garden drops slightly towards a stream at the back of the site so that the building will be at a lower level. It will not be intrusive and will not impact on the openness of the Green Belt. There is, at present, an unsightly conglomeration of an existing garage and sheds in the same spot, built in timber, felt and concrete panels and new building will be a great improvement and just as secluded. The existing garage and that in the neighbour's back garden are accessed via a shared drive, which is located between the two bungalows.

The present range of unsightly outbuildings will disappear and the steeper roof pitch will give a much-improved look to the corner of this garden. The dormers, which light the upper storage area, will face the open land to the rear and the building is sufficiently far from the adjoining bungalow to cause no adverse effect. Indeed, the neighbours also have a detached garden at the bottom of their back garden, which would have a greater impact on their outlook than the building being proposed.

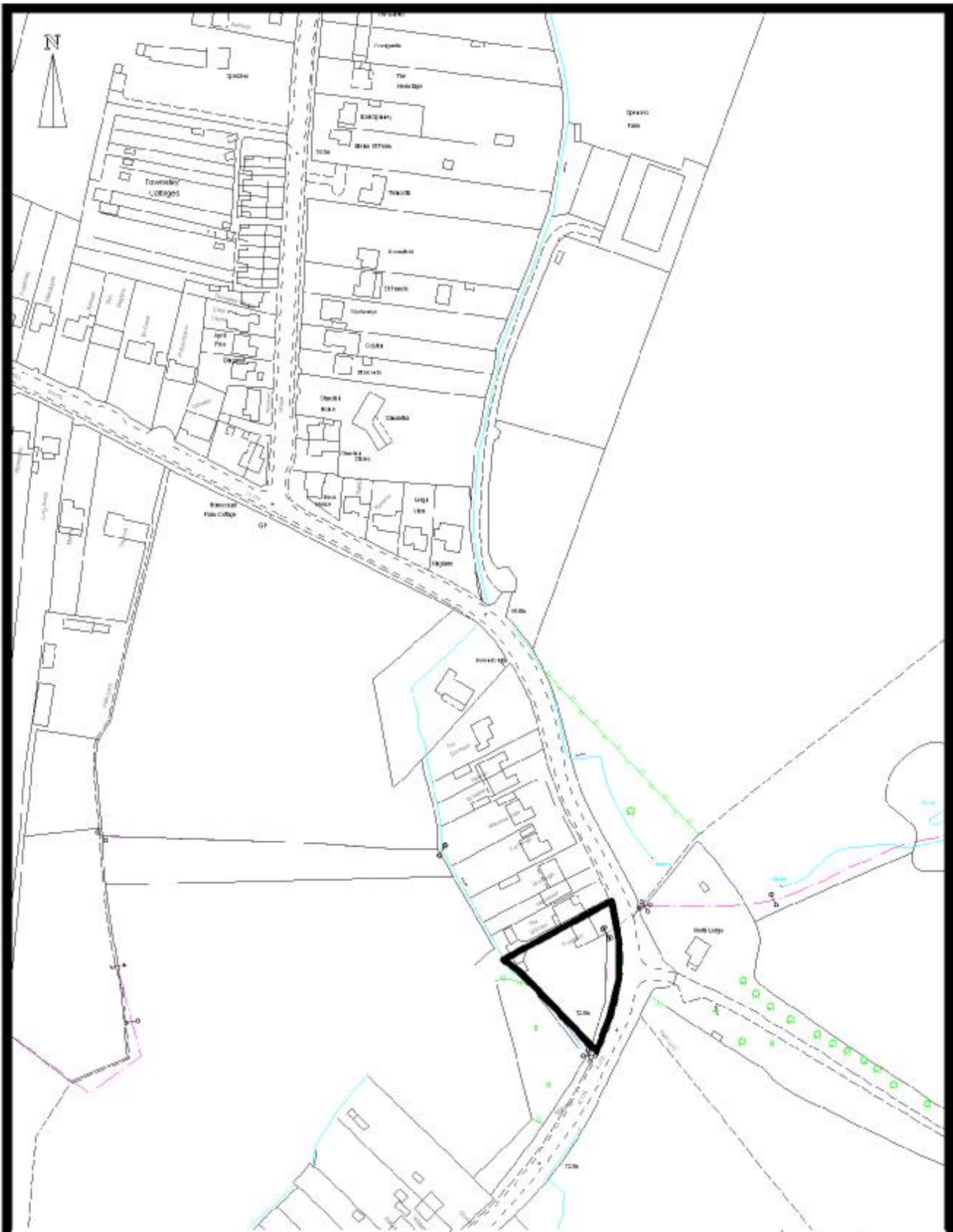
The Parish Council has maintained its objection to this proposal repeating its comments regarding the scale of the building. However, in reality the height is negated by the lower level of the land; and the amount of accommodation being provided is little different from that provided by the existing buildings which are to be demolished.

In these circumstances the proposals are considered to be satisfactory and still accord with Local Plan Policies. The renewal of planning permission is therefore recommended.

SUMMARY OF OBJECTIONS/OBSERVATIONS:

PARISH COUNCIL - Recommend refusal - overdevelopment and the building is too big for an outbuilding.

LONDON BOROUGH OF HAVERING - Consideration should be given to the impact on the Green Belt. Condition should be imposed restricting the use to ancillary accommodation.



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Item No: 10

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Report Item No: 11

APPLICATION No:	EPF/0530/06
SITE ADDRESS:	1 & 2 Warden Hall Cottages Fyfield Road Willingale Ongar Essex CM5 0QB
PARISH:	Willingale
APPLICANT:	Mr & Mrs P Inskip
DESCRIPTION OF PROPOSAL:	Demolition of 2 no. semi-detached dwellings, outbuildings and garages and erection of 2 no. link-detached dwellings with garages.
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B and C shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

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

Description of Proposal:

Demolition of a pair of semi detached properties and erection of two link-detached dwellings with garages. The proposed houses are to be rendered with plain clay tiled roofs and each is four bedroomed.

Description of Site:

Pair of unremarkable 1960s semi detached houses originally built as agricultural workers dwellings, located within the village of Willingale. They have an open frontage to the road and are relatively prominent. Number 2 has an unattractive garage to the side.

Relevant History:

In 2005 certificates of lawfulness were issued for both properties for their occupation in contravention of the agricultural occupancy conditions, as both had been occupied by non-agricultural workers for more than 10 years.

Policies Applied:

Structure Plan Policies:
C2 Green Belt

Local plan Policies:
GB2 green Belt restraint
GB15 replacement houses in the Green Belt
DBE1, DBE4, DBE8, DBE9 relating to design and amenity.
LL10, LL11 regarding landscaping.

Issues and Considerations:

Replacement of dwellings on a one for one basis is one of the few forms of development that may be appropriate in the Green Belt. Policy GB15 of the adopted Local plan sets out the criteria that must be met. The dwelling should not be isolated or part of sporadic development, the replacement should not be materially larger than the existing and the development should enhance the appearance of the countryside.

This site is not isolated it is the edge of an existing settlement. The original dwellings had a floorspace of about 107 sq metres, those now proposed have a floorspace of about 140 sqm an increase of about 29%. Although this is clearly larger than existing the increase is not considered excessive and is generally in line with the size of extension that would be acceptable on the existing dwellings. The proposed dwellings do have higher roof heights than the existing, but this is a consequence of the use of a steeper roof pitch to enhance the design.

The proposed new houses are considered to be an appropriate design for this rural location and subject to the use of suitable materials it is considered that they will enhance the visual amenity of the area. The garaging is set to the rear of the site to minimise visual impact and parking can be kept out of site, which is to be encouraged.

In design terms therefore the scheme is considered appropriate and an improvement over the existing 1960s dwellings that look somewhat out of place in this location.

Given the location of the properties they will not cause any loss of light or overlooking of adjacent houses to the west.

The proposals will not result in additional traffic or any harm to highway safety.

The Parish Council have raised concern about the loss of affordable properties from the village, but in reality, now that these properties are no longer encumbered by agricultural occupancy conditions, in this rural location, they will not be within most peoples price range, and although there is sympathy with the need to retain small affordable housing for local people it is not considered that there is any existing policy that can achieve this.

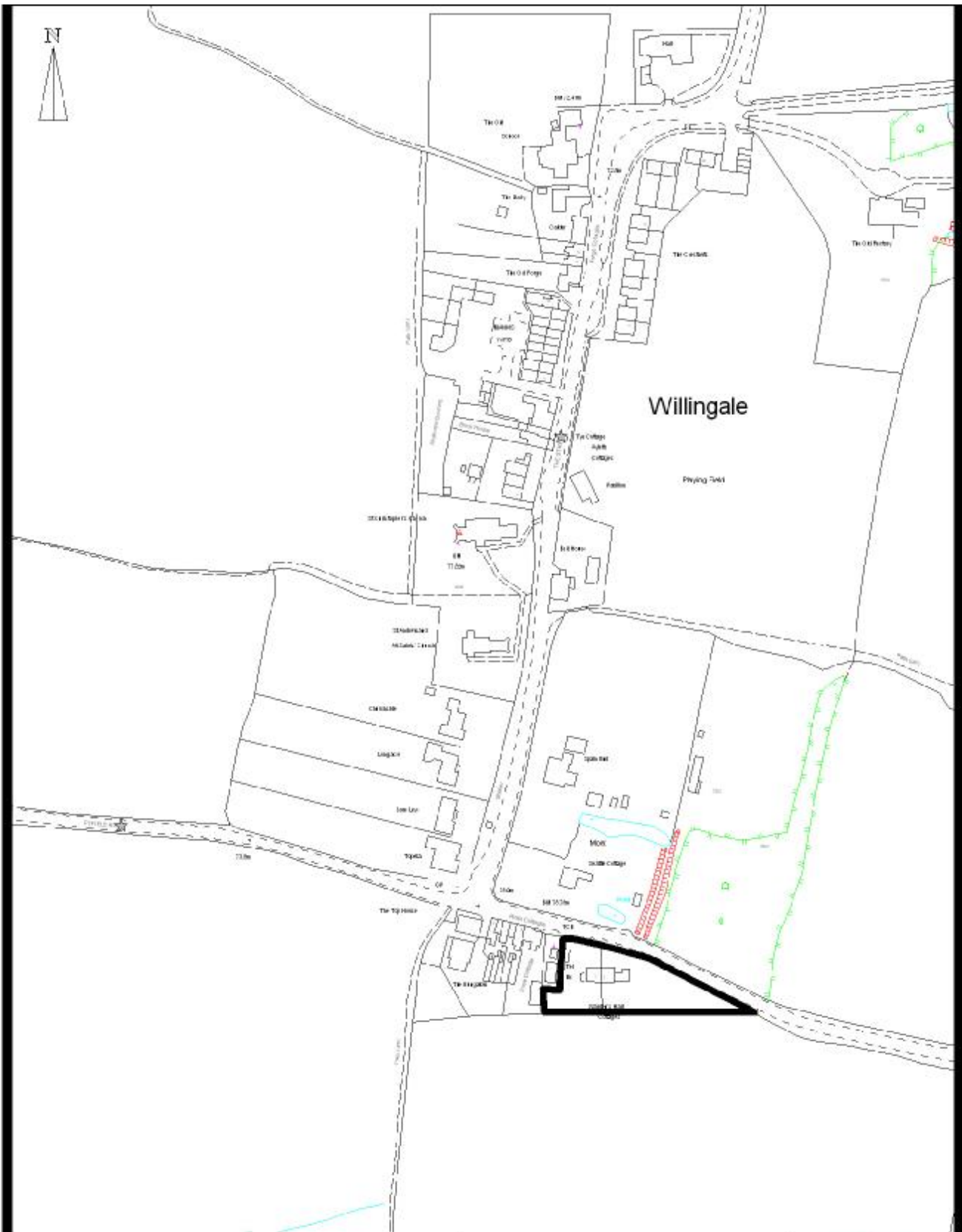
Conclusion

The development is considered to be in accordance with the policies of the adopted Local plan and the application is recommended accordingly.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL – The Parish Council objects to the demolition of two semi detached dwellings, outbuildings and garages and erection of two dwellings with garages on the following grounds:

- 1) The proposed development will deprive Willingale of two affordable dwellings. The village is in the process of trying to provide more rather than less affordable housing.
- 2) The proposed dwellings are more appealing visually than the existing, but high roof lines are too imposing compared with the existing semi detached houses.
- 3) The proposed houses are excessive in size.
- 4) The proposed houses appear to occupy a bigger footprint than the existing house.



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