AREA PLANS SUB-COMMITTEE 'EAST'

4 December 2013

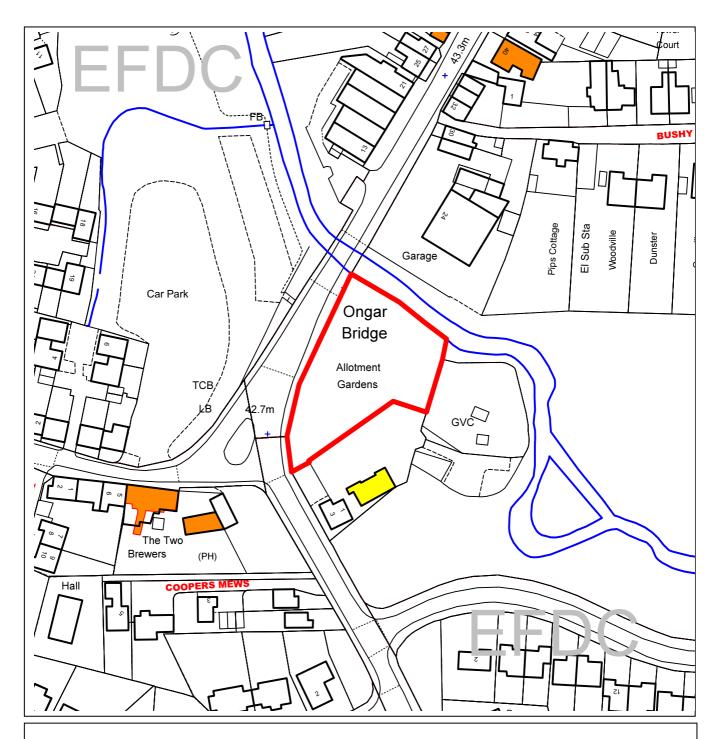
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Epping Forest District Council

AGENDA ITEM NUMBER 1



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Application Number:	EPF/1549/13
Site Name:	Former Allotments, Coopers Hill Chipping Ongar, CM5 9EE
Scale of Plot:	1/1250

Report Item No: 1

APPLICATION No:	EPF/1549/13
SITE ADDRESS:	Former Allotments Coopers Hill Chipping Ongar Essex CM5 9EE
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Kastriot Rexha
DESCRIPTION OF PROPOSAL:	Change of use to car wash and valeting facility (Sui Generis). Provision of car wash building and office building, new surfacing and waiting area. New gates, upgraded access and retention of existing access and landscaping.
RECOMMENDED DECISION:	Refuse Permission

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

REASON FOR REFUSAL

- The proposed development is within the Green Belt where development is inappropriate and by definition harmful, the proposed car wash facility and structures are contrary to the aims and objectives of policy GB2A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- The proposed development is located within the functional flood plain in flood zone 3. The proposed development would be at high risk of flooding and would increase flood risk elsewhere due to a reduction in on site drainage and flood water storage, therefore the proposals are contrary to policy U2A of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- The proposal would create a substandard access on a stretch of highway where the main purpose is carrying of traffic between centres (it is a main distributor highway). Vehicles using the access would introduce a further point of traffic conflict to the detriment of highway safety contrary to policies ST2 and ST4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- The access proposed is too close to the adjacent access, which serves an existing car wash and café. The proposed access would appear as a singular wide access, resulting in confusion and conflict between vehicles. Furthermore the access does not allow sufficient room for a vehicle to approach the carriageway at right angles, leading to oblique manoeuvres which will cause confusion and delay on Coopers Hill, creating a hazard to the detriment of highway safety and contrary to policies ST2 and ST4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.

- The proposals fail to demonstrate that the development proposed can take place without harm to protected trees onsite. Therefore the proposals are unacceptable in principle and contrary to policy LL10 of the Adopted Local Plan and Alterations and the objectives of the NPPF.
- The proposed development would result in a use and structures that would appear incongruous and visually intrusive in the street scene to the detriment of the character of the area and contrary to policies CP2, DBE1 and DBE4 of the Adopted Local Plan and Alterations and the objectives of the NPPF.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The site is the former allotment area of Ongar, next to Cripsey Brook, immediately after the bridge over the brook when travelling south. The site is currently vacant, within the Green Belt, the flood plain and immediately next to the Conservation Area. The site contains a number of preserved trees along the boundary with the brook and by the proposed access. The site has been recently cleared and to a degree surfaced. The site is within the open ribbon of land that follows the course of Cripsey Brook through Ongar.

Description of Proposal:

This application seeks planning permission to change the use of the site to a car wash, to provide an access road around the site, with parking area and a car wash building $4m \times 30m$ reaching 3.5m in height and office building $4m \times 3m$ reaching 3m high.

The car wash business is to replace that currently located at Banson's Yard where planning permission has been granted for redevelopment for housing under EPF/0461/12. This permission makes no provision for the relocation of existing businesses.

Officers have referred this application to committee due to the high level of public interest expressed during the application.

Relevant History:

None

Policies Applied:

Adopted Local Plan and Alterations

The following policies have been found to be compliant with the NPPF in respect to this application.

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

DBE1 - Design of new buildings

DBE4 - Design in the Green Belt

ST2 – Accessibility of development

ST4 – Highways Considerations

ST6 - Parking

LL10 – Adequacy of provision for Landscape retention

U2A – Development in Flood Risk Areas

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

6 immediate neighbouring properties were notified and a site notice was erected and the following responses have been received:

ONGAR PARISH COUNCIL: Strongly objects to this application which threatens highway safety. Whilst recognising the value of the applicant's business, the effect on the street scene and the mass of the proposed building together with environmental factors concerning protected species and the Green Belt status of the site mean that this is an unsupportable application.

Letters of **Objection** have been received from the following addresses:

Ongar:

10 Bansons Way, 10 Great Stony Park, 11 Kilnfield, 18 Marks Avenue, 26 Castle Street, 29 Onslow Gardens, 31 Green Walk, 37, 45, 74 Longfields, 38 Landview Gardens, 50, 53 Kettlebury Way, East Lodge Greensted Road, Ongar Bridge Motor Company 24-26 High Street, Victoria Road, Pips Cottage Bushey Lea, 7 Bushey Lea, 10 The Spinney, 88 Moreton Road, Wren Cottage 1 The Elms, 127 Longfields, 28 Marks Ave, 6 Longfields, 60 High Street, 7 Great Lawn, Kettlebury Way, The White House.

Other local areas:

High Ongar: 26 Millfield,

Willingale: 6 Rose Cottages

Fyfield: 59 Fyfield Road, Carisbrooke Ongar Road

Marden Ash: 1 Coopers Hill, 29 Coopers Hill, 57 Coopers Hill, 10 Woodland Way, Splendid Hand Car Wash Limited 1-3 Coopers Hill, 65, 93 Longfields

Out of area:

7 Waverley Lodge, Stratford

The objections received are summarised as follows:

- Green Belt
- Works have already started
- Existing car wash next door and others in locality. New one not needed
- Existing facilities may suffer
- Highway safety
- Poor visibility
- No right of way over access
- Traffic conflict
- Harmful to pedestrian safety
- Damage to trees has already taken place and more may occur

- Contamination, pollution of Cripsey Brook, potential impact on nearby nature reserve and protected species
- Increased flood risk
- Harm to visual amenity

A strong objection has also been received from the owners of the adjacent site, concerned regarding the provision of a car wash next door. They are also concerned that access is not possible without either provision of a new dropped kerb, or crossing land under their ownership, which they will not permit.

Letters of **support** have been received from:

Ongar:

1 High Street, 1, 2, 88 Mill Lane, 1, 21, 24, 31 Rodney Road, 1 St Helens Mews 80 High Street, 10, 33, 34, 35, 52 Great Stony Park, 10, 17 London Road,

37, 57, 101, 283 High Street, 6, 8, 14, 107, 120 Queensway, 12 St James Avenue, 9, 58, 122 Longfields, 13, 36 Springfield Close, 13 St Peters Avenue, 59, 69 (2 letters), 83, 119 Cripsey Avenue, 14, 28 Bowes Drive, 14 The Spinney, 15 Shakletons 17 Mill Grove (2) letters), 5, 17 Shelley Close, 19 The Gables, 2 Bowes House, 2 King Street (3 letters), 20 Stanley Place, 22 Millfield, 25 Fyfield Road, 28 Castle Street, 28 Onslow Gardens, 3 Fyfield Road, 3 (2 letters), 43Moreton Road, 33 Green Walk (2 letters), 33 Landview Gardens, 35, 49 Acres Avenue, 35 Shortlands Avenue (2 letters), 4 Barrons Close, 4 Fairfield Road, 4 Queens Terrace, 5 Carters Yard, 5 Kettlebury Way, 5 Milton Crescent, 8, 577 Walter Mead Close, 29 Frank Bretton House Bansons Way, 5 Station Court Bansons Way, 6 King Street, 56, 66, 69 The Gables, 7 Betjeman Way, 74 Moreton Road. 3d Bansons Yard, 8 Hunters Chase, 8 Brookfields, 9 Woodland Way, C of London Four Wantz Corner, Ellensmead Stondon Road, The Leys Chelmsford Road, Oak House Toot Hill Road, Property Support Services 3 Bansons Yard, Rod Foster Vehicle Repairs Unit 2 Bansons Yard, Roka Brentwood Road, Studio 1 Photography High Street (2) letters), Sunnyview High Ongar Road, Millar Europe Ltd 3a Bansons Yard, Anchor Fish Bar, Auckingford House

Other local areas:

Fyfield: 22 Forest Drive, 36 Walker Avenue; Beaumans, Fozyats Ongar Road; Little Witney Green; Meadow View, Mill Lodge, Queen Street

Abridge: 51 Pancroft,

Marden Ash: 57 Woodland Way,

Willingale: 7 Wood Lane, The Barn Silver Lane, The Lodge Nether House Bassetts Lane; Ingatestone: 6 South Court, 71 Roman Road, 72 Orchard Piece, Ashridge Nine Ashes Road, Blewgates Farm, Norton Heath Equestrian Centre, The Toll House, The Old

Rectory; 251, 265 Nine Ashes Road Stapleford Abbotts: Belvoir Oak Hill Road

Leaden Roding: 32 Lordswood View

Stanford Rivers: Ashbury Cottage, Clarks Farm, The Rectory Church Road

Stapleford Tawney: Bons Farm

Toot Hill: Clunes House

Pedlars End: Little Laver Road, Horseshoe Cottage, The Owls

Moreton: Greens Farm, Wood Farm, 1 Corner Cottages Bobbingworth: New House Farm New House Lane

Out of Area:

Brentwood: 41 Great Fox Meadow, 43 Gloucester Road, 58 Robin Hood Road, 82 Hutton Road, 88 London Road, 16 Reeves Close, 25 Hawksmoor Green, 3 Spalt Close, Mulberry House, 29 Tower Hill

Kelvedon Hatch: 6 Shortcroft, 13 The Finchingfields 2 Kelvedon Hall Lodge

Doddinghurst: Brookside Cottage, Oakleigh, 31 Parsonage Field

Chelmsford: 49 Ratcliffe Gate, Blows Barn, 2 Waibond Place, 3 Gepps Close

47 High Street Wanstead; 7a Whitehall Close Cambridge; The Spinney

High Easter; Walls Willows Walls Green; 10 Cedar Avenue Upminster; 102 Glengall Road Woodford Green; 11 Elizabeth Road Bishops Stortford; 114 Wingletye Lane RM11 3AU; 2 Keepers Cottages Does Hill; 21 Henrys Terrace Ongar Road Stondon Massey; 21 Roslyn Gardens Gidea Park; 3 Ivy Cottages Mill End Little Easton

135 Aire Road Wetherby, Yorkshire; 18 Mead Drive Thurlestone, Devon;

Reasons given for support are summarised as follows:

- Established business provides a quality and competitive service for the local community
- Alternative business is 50% more expensive
- Will remove choice of facility from residents
- Result in loss of jobs
- Proposed site is undeveloped and looks undesirable since former use ceased
- Would allow established business to relocate in the area to currently vacant site
- Council should protect existing businesses
- Buildings are small and simple in design
- Proposals would not affect traffic
- Should be allowed as brownfield regeneration scheme
- Council should support businesses as well as providing housing

Issues and Considerations:

The main issues to be considered are:

- the principle of the change of use
- the structures in the Green Belt,
- the impact to openness,
- conservation area,
- highway,
- contamination,
- flood plain,
- trees and landscape,
- street scene and neighbouring amenity, and
- the economics of the retention of an established business should also be considered.

Green Belt

In principle the provision of development in the Green Belt is unacceptable, the use of the site as a car wash is not identified under any exemptions in policy GB2A. Furthermore, the provision of a 30m long building, associated access road, parking and other structures, on a previously vacant site would have significant impacts on openness and irrespective of topography would detract from existing views into present green wedge running through Ongar along Cripsey Brook. The site is not previously developed land.

Conservation Area

In respect of the Conservation Area, the advice received by officers is that a lot of green space is retained on site between the built development and the boundary to the conservation area to the north, which when coupled with the retention of the tree screen will mean that the proposals will not have a significant adverse impact on the setting of the Conservation Area.

Highways

The access proposed for use is off an existing bend, in an area used by an existing car wash. The red line of the site is within the applicant's ownership, the existing crossover is outside of the application site. The crossover is used by the adjacent existing car wash, they have submitted copies of deeds indicating they have control over the crossover and would not permit additional access. Highways have also objected to increased use of this access on the bend in a location where the thoroughfare of traffic is a priority and as the access is not suitable to serve two conflicting entry/egress points. These are considered serious highway safety issues and beyond possible mitigation by condition. The evident conflict over land ownership is also a concern as, were the use to be permitted, notwithstanding other issues, it may be that access cannot be provided as indicated. A differing access may conflict with the existing bridge over Crispey Brook or cause further Green Belt or Conservation Area issues as due to site topography, ground level changes would likely be required for a new access.

Existing Contamination

The site may be contaminated from previous allotment use, however any issues could be overcome by the use of standard conditions.

Flooding and drainage

The site is part of the functional flood plain, for this reason there is an objection from the Environment Agency and land drainage. There is concern that due to the use proposed, in event of a flood, detergents associated with the use could inadvertently find their way into Cripsey Brook. It would be possible to attach drainage conditions requiring approval of details of suitable drainage systems and storage of associated detergents and chemicals to prevent incidents, but it is not possible to mitigate flooding in this location by condition. The additional hardsurfacing and buildings in addition, reduce the drainage and storage capacity of this part of the flood plain, increasing risk of flooding beyond the site itself, contrary to policy U2A of the Local Plan and Alterations and the objectives of the NPPF.

Trees, landscaping and ecology

Prior to the submission of this application the site has been partly cleared. Clearance works were stopped at the request of the Council and this application submitted. The Trees team are concerned that there has not been an adequate assessment of the trees onsite and the implications of the proposals on remaining trees has not been fully considered as part of this application. The proposals could potentially result in further harm or loss to protected trees which is unacceptable and contrary to Council policies.

<u>Streetsce</u>ne

The exiting site is disused and neglected, but is green and treed, the proposed use of the site including the buildings, hardstanding and parking areas, would be,functional in character and do little to enhance the character and appearance of the street in this sensitive location near to the Conservation Area and Town Centre. The site level falls away into the site towards the brook, however this would do little to obscure structures parking and activity on site. There is additional concern that the use would require signage which would add to the visual intrusion, althjough these could be restricted by condition.

Neighbouring amenity

The site is separated from residential properties and the structures and use are such that no significant adverse impacts would arise to neighbouring living conditions.

The neighbouring business is noted to be a car wash, however this is not an amenity consideration and is dealt with under economic considerations below.

Economic considerations

Many of the letters of objection that have been received were concerned with the provision of a car wash next door to a site that is already a car wash. Officers are unable to prohibit a business locating to premises next to or near competitors as this is not a planning consideration.

Officers are aware that the business seeking to relocate is already established in Ongar, currently located in Banson's Yard and that a recent planning permission results in the loss of their business premises. A large number of letters of support are keen to see the business retained in the Ongar area. The Council is keen to support local businesses but whilst the absence of an arranged alternate location for the present car wash in Banson's Yard is regrettable, that does not justify the use of an inappropriate site with poor access.

The current application has been submitted without pre-application discussions with the Council, however Officers would be happy to discuss alternate sites for a car wash. The circumstances of this application are regrettable, but in this instance the site chosen by the applicant is simply not suitable.

Conclusion:

In light of the above appraisal, it is recommended that permission be refused due to the location of the site and inappropriate use in the Green Belt and in the Flood Plain. Furthermore the proposals result in unacceptable impacts to highway safety, preserved trees and street scene contrary to the aims and objectives of the Local Plan and Alterations and the NPPF.

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

Planning Application Case Officer: Jenny Cordell Direct Line Telephone Number: (01992) 564481

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



Epping Forest District Council

AGENDA ITEM NUMBER 2



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Application Number:	EPF/1613/13
Site Name:	19B Forest Drive, Theydon Bois CM16 7EX
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1613/13
SITE ADDRESS:	19B Forest Drive Theydon Bois Epping Essex CM16 7EX
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Luigi Funedda
DESCRIPTION OF PROPOSAL:	(i) Retention of new shopfront and entrance doors. (ii) Retention of raised external paving for disabled access and outside customer seating area.
RECOMMENDED DECISION:	Grant Permission (with conditions)

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

http://planpub.eppingforestdc.gov.uk/AnitelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=552330

CONDITIONS

Details of the types and colours of the external finishes for the low level wall and railings shall be submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the works for the wall and railings. The wall and railings shall be implemented in accordance with such approved details.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is a two-storey building located at the junction of Buxton Road and Forest Drive. It comprises of a restaurant at ground floor and flat above. Planning permission has been given to carry out alterations to the building to provide a further flat in an enlarged roof space, but that has not been implemented.

The building is within the Theydon Bois Local Centre as designated in the Local Plan Alterations. It is at the end of a short parade of 6 shop premises, which include one restaurant and one takeaway. The adjacent two shops are a beauty salon and a newsagent. Flats are above the shops.

To the east and north on Buxton Road is a mix of flats and houses, the immediate neighbour being flats at Buxton Court. Entrances to the flats are in the flank elevations, one of which looks to the application site. Opposite the site on Forest Drive is a further parade of shops, while to the north on Forest Drive are houses.

Description of Proposal:

Retrospective planning permission is sought for (i) Retention of new shopfront and entrance doors. (ii) Retention of raised external paving for disabled access and outside customer seating area.

Given that the unit occupies a plot with a return frontage, the shopfront consists of two sets of 5 bi folding doors with the entrance door sited centrally.

The raised external paving area extends from the boundary with No. 19 Forest Drive to the south levelling off at the corner of Forest Drive and Buxton Road as ground levels even out at this point to meet existing pavement level. The approximate dimensions of the raised area area are 5m x 3.2m and raised up to a maximum height of approximately 300mm above adjacent pavement level and the external level at No.19 Forest Drive.

The submitted drawings annotate that a low level wall is proposed adjacent to No.19 Forest Drive projecting out for 3.2m and across for 3.8m against the back edge of the pavement.

In its previous use as an A1 retail unit, Council photographs show the difference between internal and external level as between approximately 100-200mm due to the slope from north to south.

The raised platform provides an area for external seating and has a gentle incline in order for wheelchair users to access the restaurant more easily.

Although no seating has been shown on the drawings there appears to be sufficient space for tables and chairs

The raised platform is not public land as it is within the curtilage of the shop.

Relevant History:

- EPF/1381/08 Change of use from an off licence (A1) to a Restaurant (A3) **Refused** EPF/0499/09 New shutter box and shutter **Approved**
- EPF/1792/12 Addition of second floor flat above existing first floor, together with rear first floor extension, provision of side entrance to Buxton Road, and alterations to elevations **Approved**
- EPF/2433/12 Change of use from purposes within Use Class A1 (shops) to use as a restaurant (Use Class A3) and non-material amendment to planning permission EPF/1792/12 (Addition of second floor flat above existing first floor, together with rear first floor extension, provision of side entrance to Buxton Road and alterations to elevations) comprising of the insertion of an additional ground floor window to the Buxton Road elevation **Approved**
- EPF/1463/13 Application for approval of details reserved by condition 4 'Details of equipment' and condition 6 'Ceiling/party wall installation' of planning permission EPF/2433/12 (Change of use from purposes within Use Class A1 (shops) to use as a restaurant (Use Class A3) and non-material amendment to planning permission EPF/1792/12 (Addition of second floor flat above existing first floor, together with rear first floor extension, provision of side entrance to Buxton Road and alterations to elevations) comprising of the insertion of an additional ground floor window to the Buxton Road elevation **No decision at time of report**

EPF/1464/13 Two externally illuminated fascia signs and two non illuminated retractable canopies - **Approved**

Policies Applied:

CP2 Quality of Rural and Built Environment

DBE1 Design of New Buildings

DBE9 Loss of Amenity
DBE12 Shopfronts
ST4 Road Safety
ST6 Vehicle Parking

NPPF

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 36 Site notice posted: Yes – 29.10.13

Responses received:

Four objections have been received from:

28 FOREST DRIVE (2 letters), Flats in FOREST DRIVE (full address not given)

The grounds are summarised below.

- Increased noise and disturbance from external seating and from inside due to shopfront design
- Increase in parking
- Cars parked without consideration to parking controls and residents
- Food waste left outside encouraging vermin

One representation has been received from 30 BUXTON ROAD stating no objection subject to:

- The external area being made safe
- Automatic entrance door for wheelchair users

One letter of support has been received. The grounds are summarised below.

• This unit has been empty for over three years. The renovation has been completed in a tasteful and unobtrusive fashion.

THEYDON BOIS PARISH COUNCIL: Objection

We have serious concerns about the potential for unacceptable noise levels to emanate from the premises and the adverse effect this is likely to have upon the amenity of local residents. We have considered the noise impact carefully taking into account factors such as the number of available covers, extent of possible opening hours and type of (hard) flooring which has been installed – all factors which increase the likelihood of noise nuisance occurring.

We would point out that the premises are situated not on the main thoroughfare through the village but within a side road comprising a parade of mixed use retail and residential properties. There are flats above, adjacent and opposite the retails units and owing to the heights of the properties noise tends to reverberate within the immediate environs. There are also freehold properties in very close proximity which are likely to adversely affected.

Main Issues and Considerations:

The main issues and considerations relating to this proposal are:

- 1. The design of the installed shopfront in terms of its impact on the character and appearance of both the host building and the surrounding area
- 2. The potential noise and disturbance due to both the design of the shopfront and the external seating area.
- 3. Highways considerations including parking issues and highway safety

Character and Appearance

Shopfront

Policy DBE12 requires new shopfronts to be in keeping with the character and appearance of the upper elevations of the buildings on which they are to be situated and should not result in the concealment of features that contribute to the character of the building.

The two sets of bi-folding doors and entrance door would not appear at odds with the first floor elevation and would not conceal any features that contribute to the character of the building.

Notwithstanding the potential for noise escaping from inside the restaurant which will be addressed later in the report, the design, although different to the other shopfront designs within the parade, would not in itself appear as an incongruous addition within the streetscene. There is no uniformity to the design of the shopfronts so a design such as this is considered acceptable and would comply with policy DBE12 of the adopted Local Plan and Alterations(2006).

Raised Platform

Given the size and height of the raised platform this would not appear out of character with the host building nor when viewed from the street. A low level wall and railings are proposed to enclose the area, and would not appear so conspicuous as to detract from the appearance of the area. A condition relating to the submission of details of materials could be attached to any permission to ensure the wall and railings are of a satisfactory appearance.

However, it is noted that a screen approximately 1.2m high x 1m wide has been erected on the boundary with No.19 Forest Drive. As it is not above 2m in height this panel can be erected without planning permission.

The proposal in terms of its design is considered to comply with policies DBE1 and DBE12 of the adopted Local Plan (1998) and Alterations (2006).

Noise and Disturbance

Policy DBE9 of the Local Plan requires that an intensification of a use, extension or new development does not result in an excessive loss of amenity for neighbouring properties. Four factors are included and these are visual impact, overlooking, loss of daylight/sunlight and noise, smell or other disturbance.

It is not considered that either the shopfront or the raised platform would result in a material level of impact relating to the first three factors, however both may have the potential to impact on neighbours in terms of noise.

Appreciating the concerns of both neighbours and the Parish Council, this issue has been discussed at length with the Council's Environment and Neighbourhoods Team that deal with, amongst other things, potential noise and disturbance from a particular use on the occupiers of neighbouring properties. The team is also aware of the objections on noise grounds.

Both the issues of the raised platform, which would accommodate seating and the design of the shopfront with capacity to open all the doors allowing noise to spill from inside the restaurant externally were discussed. Furthermore, the Planning Service is aware that seating can also be accommodated along a narrow strip of land under the ownership of the applicant along the Buxton Road frontage.

Taking all concerns into consideration the Environmental and Neighbourhoods Officer did not object to the proposal, arguing that:

"Whilst I share concerns that an outside eating area and installation of entrance doors that allow the whole front of the property to opened up will allow noise to escape, I don't think that the installation of the doors and raised area can really be said to be the cause of any potential noise in this case, and allow a justified objection in planning terms.

I understand that the existing outside area is already included in the approved use and therefore could already be used by customers without this application. I understand that the levelling and raising of the land accommodates the use but as the use is already there, I don't think we can object even if we were satisfied that the use of this area would lead to a loss of amenity. Clearly there is a risk that the use outside could lead to loss of amenity or nuisance e.g. particularly rowdy, drunk customers that are not controlled, but equally it is possible that the area will not cause any significant noise if just used for an eating area.

On a similar basis, whilst I share concerns that the new entrance doors provide potential for loss of amenity, I do not think that this is an inevitable consequence of them being installed and I am unable to support an objection on noise grounds."

Therefore in light of the above and taking into account the nature of the other uses in the parade, it is not considered inevitable that the noise and disturbance emanating from the premises would be at such a level to result in significant harm to the amenities of the occupiers of the neighbouring properties, and on balance is considered to comply with policy DBE9 of the adopted Local Plan and Alterations (2006)

Highway Considerations

This proposal does not include any change of use or clear intensification over the authorised use.

Whilst objections have been raised from neighbours relating to the inconsiderate parking of diners, this is not something controlled by the Council's Planning Service. These are matters for the North Essex Parking Partnership or the Police and sit outside of the remit of planning.

Whilst the argument from neighbours is that by allowing the raised platform this would increase the number of covers thereby increasing the number of vehicles to the area, the fact remains, as mentioned above, that the existing outside area falls within the ownership of the applicant and this area prior to the installation of the raised platform could still be used lawfully as an external seating area.

Therefore the proposal is considered to comply with the relevant highways policies, namely ST6 and ST8 of the adopted Local Plan and Alterations (2006) and it should be noted that the Highway Authority raised no objections.

Other issues

The potential to not clear up food waste from the outside eating areas is recognised however this is not a reason for withholding planning permission. The onus is on the applicant to keep his premises clean and tidy and any potential issues arising from this would more likely be considered by the Council's Environment and Neighbourhood Team than the Planning Service.

Whilst it is appreciated that, for wheelchair users, an automatic entrance door would be preferable to the one installed that is opened by a handle, again this is not a reason for withholding planning permission. It is an improvement on the previous situation where only stepped access was available. There is no statutory requirement to install an automatic entrance door.

Conclusion:

Notwithstanding the objections received, the proposal is not considered to result in a material loss of amenity in either noise or highways terms. The design is considered acceptable and other issues raised have been considered within the report.

Therefore, the proposal complies with relevant planning policy and it is recommended that planning permission be granted

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

Planning Application Case Officer: Steve Andrews Direct Line Telephone Number: 01992 564109

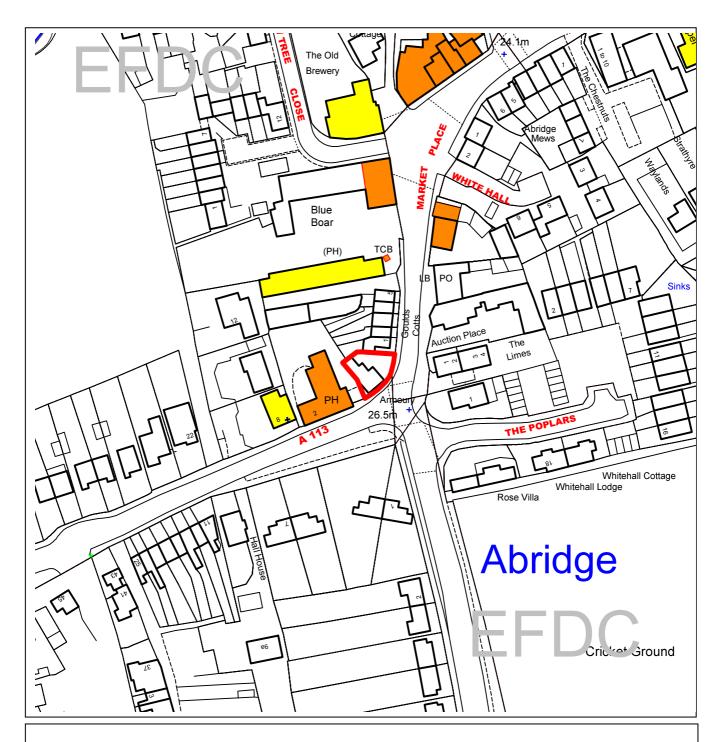
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk





Epping Forest District Council

AGENDA ITEM NUMBER 3



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Application Number:	EPF/1949/13
Site Name:	MSK Stores Ltd, The White House Market Place, Abridge, RM4 1UA
Scale of Plot:	1/1250

Report Item No:3

APPLICATION No:	EPF/1949/13
SITE ADDRESS:	MSK Stores Ltd The White House Market Place Abridge Essex RM4 1UA
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Muilvahanam Mathialagan
DESCRIPTION OF PROPOSAL:	Retrospective application for retention of new side entrance to shop, including steps and ramped access.
RECOMMENDED DECISION:	Grant Permission

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

ttp://planpub.eppingforestdc.gov.uk/AnitelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554113

CONDITIONS

NONE

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

Description of proposal:

Retrospective application for retention of new side entrance to shop, including steps and ramped access.

The side entrance has replaced a three paned lead glass window with dimension of approximately 1.025m high by 1.79m wide.

The entrance consists of a set of double doors with approximate dimensions of 1.98m high by 1.79m wide. The doors are above external ground floor level as internal levels are higher. In front of the doors is a small level decking with stepped access to one side and ramp down to the other. A handrail with banisters to a height of approximately 1.3m above external ground level has also been erected. The overall width of the wooden structure is approximately 3.45m.

Description of Site:

The property is a three storey detached building with its current use as A1 retail ground floor with accommodation above. It is within the Abridge local shopping area. The surrounding area is

predominately mixed residential and commercial with the Maltsters Arms (a Grade II Listed Building) public house to the west and residential properties to the immediate east and south.

Relevant History:

EPF/0945/77 - Alterations and Extensions - Refused

EPF/1314/77 - Rebuilding and renovation of dilapidated house - Approved

EPF/1322/78 - Rebuilding and renovation to a height of 25'10" - Refused

EPF/0281/79 - Reconstruction of building to an overall height of 25ft. 4ins above DPC - Approved

EPF/1532/08 - Conversion of ground floor A1 use to A5 take away - home deliveries - Withdrawn

EPF/2341/08 - Conversion of ground floor A1 use to A5 take away - home deliveries. (Revised

application) - Refused and appeal dismissed.

Polices Applied:

HC6 Character, Appearance and setting of Conservation Areas

HC7 Development within Conservation Areas

DBE9 Loss of Amenity ST4 Road Safety

ST6 Vehicle Parking

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 16

Site notice posted: Yes – erected on 30.09.13

Responses received: 3 neighbour objections received from:

THE POPLARS, 1 GOULD COTTAGES and 3 THE LIMES

The objections received are summarised as follows:

- Entrance has always been at the front
- Intrusion on neighbour increased disturbance
- Loss of privacy
- Access gate being open blocks light to garden
- Out of character with Conservation Area
- Out of scale and overbearing
- Wheelchair access does not comply with regulations
- Side access encourages parking on a more regular basis. Would be detrimental to highway safety
- Refrigeration units do not comply with regulations
- Detrimental to highway safety

PARISH COUNCIL: Objection on the grounds that:

- This new side entrance is facing a residential property and is obtrusive for residents. The opening times are from 6am to 11pm and would be very disruptive
- The new entrance is close to the bend on London Road. This would mean that customers will leave the shop and attempt to cross the road at the bend and would be a health and safety hazard
- This shop is in a conservation area and it is not in keeping. The previous door was that of a house.

Issues and Considerations:

The main issues are the impact of this proposal on the character and appearance of the building and the Conservation Area, impact on neighbouring occupiers living conditions and issues of highway safety and parking.

Effect on Character and Appearance

A three paned window has been replaced with the double doors and ramped access described above. The site lies within a Conservation Area but the building itself is neither listed nor locally listed.

In terms of the impact on the Conservation Area, the Council's Conservation Officer, consulted on this application, considers that neither the door nor ramp have a detrimental impact on the character or appearance of the building or the conservation area. The doors are of an appropriate scale for the side elevation of the property, and the ramp is a reversible addition in a suitable material.

The front door remains in situ so the main frontage is unchanged.

Therefore the works would comply with policies HC6 and HC7 of the adopted Local Plan and Alterations.

Living Conditions

The use of the unit at ground floor level remains the same, as a retail unit. There are no conditions attached to the use that restricts the opening hours

Turning to the works undertaken, these are to the eastern elevation, which is at an angle between the flank elevation of No. 1 Goulds Cottages and the road. Although the door and raised decking is approximately 400mm above external ground floor level with open views directly towards the side of No. 1 Goulds Cottages, there are no ground floor level flank windows in that property. There is one side window between ground and first floor level; however from Council records this serves the stairs. Therefore it is considered that no material loss of privacy would occur. Views of the front of this property are open so anyone using the pavement on this side of the road would already have clear views of the side of this property. Whilst it is recognised that the use of this side of the building results in more activity in this location, the fact remains that pubic views are currently afforded into this area of the dwelling.

The works cannot be described as overbearing and will not physically impact on the living conditions of neighbours.

With regards to additional noise and disturbance, the Council's Environmental Health Team has been consulted on this application and the proposal was discussed with them.

Whilst they can see that there is some potential for the customers coming and going being more evident to the neighbour, they do not consider this would produce a significant increase in noise compared with the use of the front door, taking into account existing background noise from traffic. On that basis they have no objection.

The use of the yard adjacent to the building for parking is historic and a dropped kerb is in place. This means that vehicles can and have been able to access this area between the nearest dwelling at No. 1 Goulds Cottages and the side of the application building for a number of years. It is not considered that the use of the new side entrance would increase the number of vehicles in and out of the site to a degree that would result in an increase in noise or disturbance which would

materially detract from the neighbours living conditions. The parking area is only large enough for two vehicles.

There has been concern raised by the nearest neighbour that the gate within the application site blocks light into their property. Whilst the 2 metre metal gate is unneighbourly and unsightly when open, it has been on site for well over 4 years and is not part of this application and there is no planning control over whether it is kept open.

Policy DBE9 considers that visual impact; overlooking; loss of daylight/sunlight and impact from noise, smell or other disturbance shall be assessed to ensure that any new development would not result in an excessive loss of amenity for neighbouring properties. These issues have been considered above and whilst there is some minor impact it is not considered that there is excessive harm to amenity. Therefore the proposal is considered to comply with this policy.

Highway Issues

No new access or parking spaces are proposed as the site has space for two cars and the scheme would not preclude the use of the parking space for cars for occupants of the residential flats.

ECC Highways have raised no objection to the use of the existing parking and access for the site notwithstanding its siting adjacent to a busy roundabout and on a bend.

Therefore, notwithstanding the objection from the Parish Council, given that there are no objections from the Highways Authority the proposal would comply with policies ST4 and ST6 of the Local Plan.

Response to Parish Council and Neighbour representations

Many of the objections received have been considered in the main body of the report above however an objection has been received on the grounds that the ramp does not meet planning or building regulations. There are no planning regulations relating to the ramp and upon discussion with the Council's Building Control Team there is nothing to preclude them from providing a ramp at this angle. Whilst arguably a shallower angle may be safer, it is no worse than the concrete stepped entrance to the front door and could be seen as an improvement in accessibility. Refusal based on the angle of the ramp is not considered justified.

The objection relating to the refrigeration unit, this element does not form part of the application however the Council's Planning Enforcement Team and Environmental Health Officers have investigated and there is no breach of regulation.

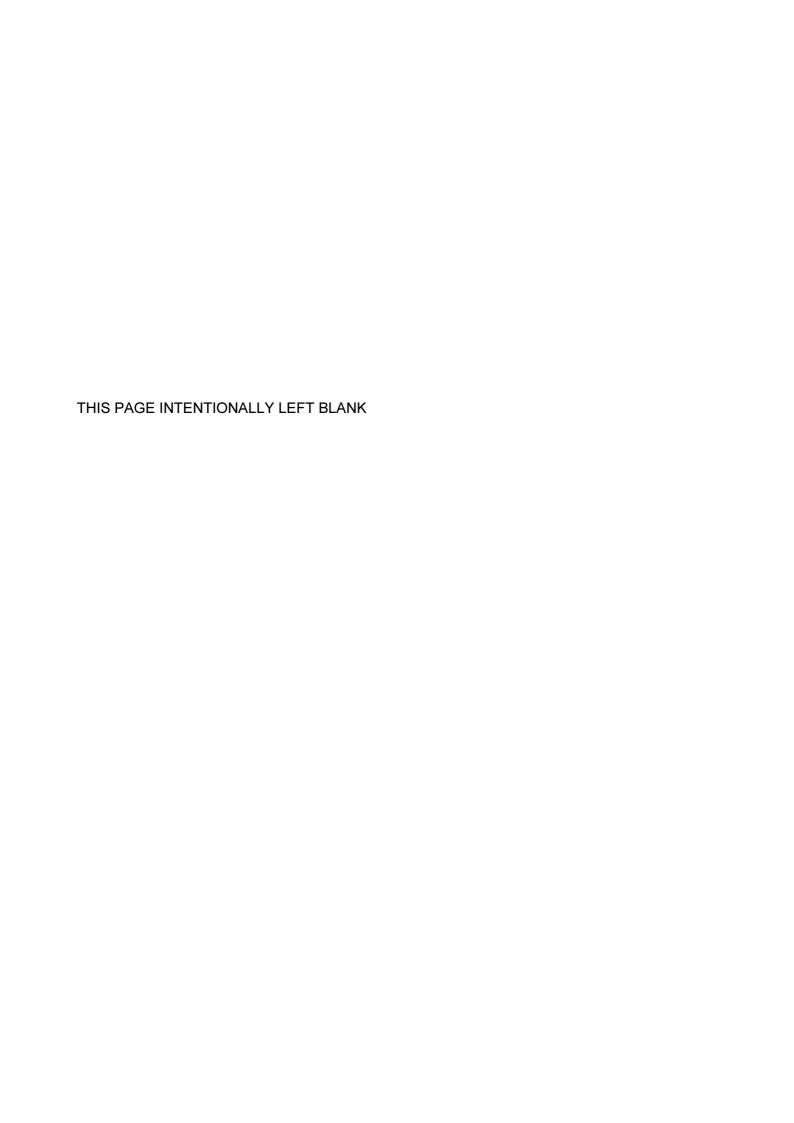
Conclusion

For the reasons above the scheme is recommended for approval.

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

Planning Application Case Officer: Steve Andrews Direct Line Telephone Number: (01992) 564109

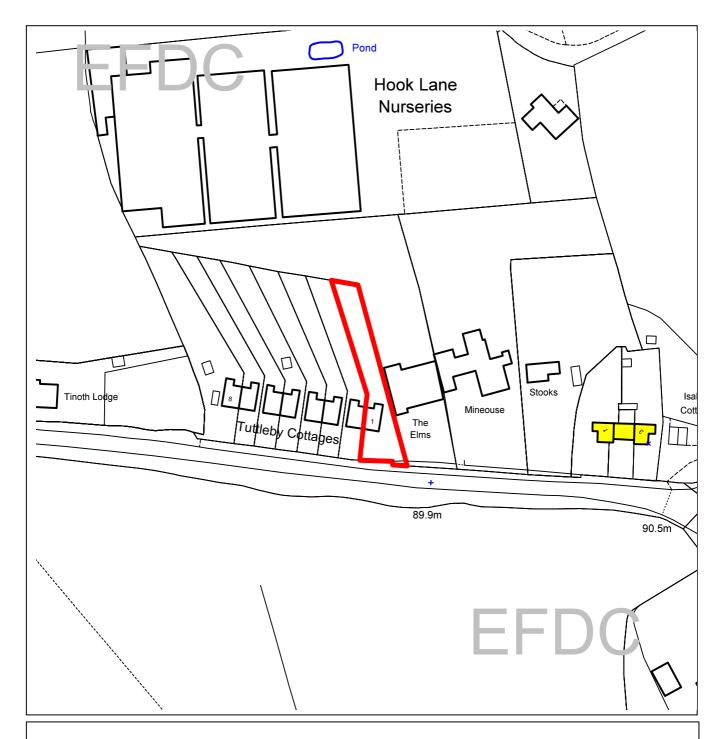
Or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk





Epping Forest District Council

AGENDA ITEM NUMBER 4



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Application Number:	EPF/1953/13
Site Name:	1 Tuttleby Cottages, Manor Road Lambourne End, RM4 1NA
Scale of Plot:	1/1250

Report Item No:4

APPLICATION No:	EPF/1953/13
SITE ADDRESS:	1 Tuttleby Cottages Manor Road Lambourne End Romford Essex RM4 1NA
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Chris Waters
DESCRIPTION OF PROPOSAL:	Proposed single storey side extension and conservatory to rear.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554152

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- The render and roof tile to be used for the external finishes of the proposed extension and conservatory, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- The existing hedge on the east boundary, positioned alongside the proposed side extension, shall be retained (or treated and replanted as necessary after works are completed), and shall be subsequently retained on a permanent basis.

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

Description of Proposal:

Single storey side extension, and conservatory to rear.

Description of Site:

2 storey semi detached dwelling located in the Green Belt but in a built up enclave to the west the junction of Manor Road and Hook Lane. The property is not listed nor does it lie within a Conservation area.

Relevant History:

EPF/0083/08 gave approval to a two storey side extension, and this extension has been built.

Policies Applied:

GB2A - Development in the Green Belt. DBE9 – Loss of amenity DBE10 – Residential extensions

Policies DBE9 and DBE10 are compliant with the NPPF, and policy GB2A is generally compliant.

Summary of Representations:

LAMBOURNE PARISH COUNCIL – do not object to the rear conservatory but it is felt the single storey side extension is detrimental to the street scene. This is a row of terraced cottages and this extension would not be in keeping and would appear overcrowded. There is a gas bottle in the front garden, and blocking the side access would result in people having no escape route to the rear of the property if they were in danger.

NEIGHBOURS - two consulted and one reply received:-

2, TUTTLEBURY COTTAGES - we are concerned about the proposed rear conservatory wall beside our kitchen, as we are afraid it will block light, and for this reason we object to this plan.

Issues and Considerations:

The proposed rear conservatory will project 3m beyond the ground floor rear wall of the application property and the adjoining semi at no.2. It will also be positioned 0.2m away from the boundary thus allowing for the retention of an existing privacy fence panel some 1.6m in height. A depth of 3m is 'allowed' by policy DBE10, and for these reasons the proposed rear conservatory extension will not have an undue affect on the light and outlook to the neighbours kitchen and garden. In this respect therefore the concern of the neighbour at no.2 is not shared.

The proposed side extension will be built up to the side boundary with the other neighbouring house at the Elms, a large bungalow. This side extension is only a ground floor one and a cramped development affect will therefore not be caused. It is acknowledged that this property has been extended at the side before but the fronts of these houses are well recessed from the road – and consequently the additional side extension will have a limited impact on the appearance of the street scene. This side extension will have some impact on the neighbouring bungalow The Elms which lies in a more recessed position. However this neighbouring bungalow lies at an angle facing away from the boundary, and in addition the applicant has confirmed that the existing hedge on this boundary will be retained thus reducing the impact of the side extension.

Policy GB2A requires extensions to houses located in the Green Belt to be 'limited'. The proposed additions, together with the two storey side extension built following the approval of EPF/0083/08, add 45% floor area to the original house. Having regard to the location of this house in a built up enclave, particularly the very large bungalows to the immediate east, and a large commercial nursery to the rear, this 45% increase is not considered excessive, and it will have a minimal impact on the open character of the Green Belt.

Comments on representations received:

The Parish Council's concern about a cramped development and effect on the street scene, together with the neighbour's concern about loss of light, have been addressed above. With regard

to the gas container in the front garden, the applicant, who has just acquired the house, states that this will be removed and a replacement placed below ground in the rear garden.

Conclusion:

The proposed additions are quite modest in size, and for the reasons outlined above, conditional planning permission is recommended.

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

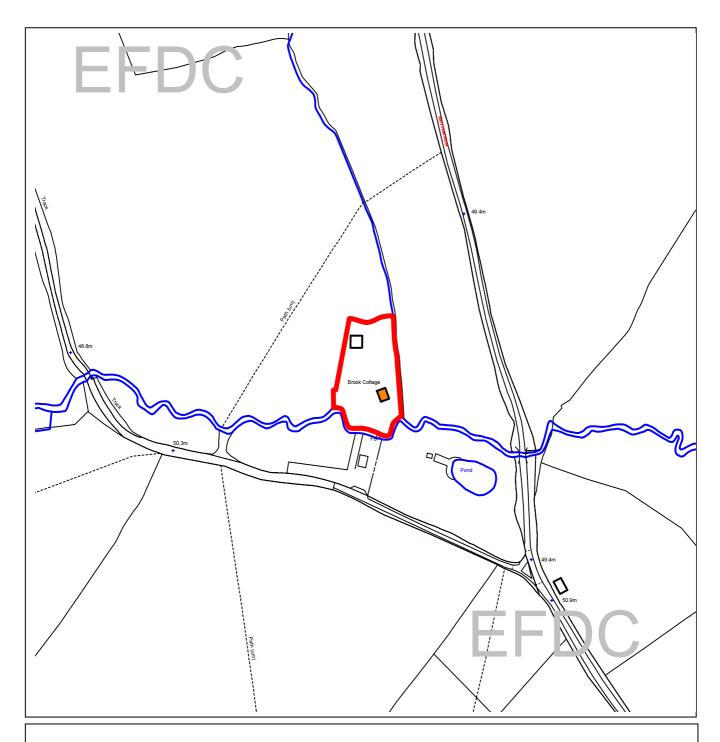
Planning Application Case Officer: David Baker Direct Line Telephone Number: 01992 564514

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



Epping Forest District Council

AGENDA ITEM NUMBER 5



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Application Number:	EPF/2099/13
Site Name:	Brook Cottage, Mutton Row Stanford Rivers,
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/2099/13
SITE ADDRESS:	Brook Cottage Mutton Row Stanford Rivers Ongar Essex
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mr Tim Gray
DESCRIPTION OF PROPOSAL:	Part one and part two storey rear extension, and provision of an enlarged porch at the side. (Revised application to EPF/0223/13)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554854

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 development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- Access to the site shall only be via the existing bridge to the south of the site. Details of any additional access point for any vehicles, whether temporary or permanent, shall be submitted to and approved by the Local Planning Authority prior to being installed or used.

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

Description of Proposal:

Part one and two storey rear extension, and provision of enlarged porch at the side.

Description of Site:

2 storey dwelling located in an isolated and rural location within the Green Belt. It also stands within the curtilage of a listed building which lies to the south. The site is well screened by mature trees.

Relevant History:

EPF/839/93 gave approval to the erection of a dwelling to replace the existing listed dwelling on the site which had been subject to flood damage.

EPF/223/13 was a refusal, on planning officer recommendation, of an application proposing a 2 storey and single storey side extension on grounds, firstly, that the extensions were not limited and would detract from the open character of the Green Belt, and secondly, the side extensions would detract from the setting of the original listed dwelling on the site.

Policies Applied:

GB2A - Development in the Green Belt.

DBE9 - Loss of amenity

DBE10 - Residential extensions

HC12 - Development affecting the setting of listed buildings

LL10 – Adequacy of provision for landscape retention.

Policies DBE9 and DBE01 are compliant with the NPPF, policy GB2A is generally compliant, and policy HC12 is partially compliant - the NPPF states that if *substantial* harm is caused to the setting of a listed then a development should be refused.

Summary of Representations:

STANFORD RIVERS PARISH COUNCIL – Object – the proposal, by reason of its bulk and position, would be a disproportionate enlargement of the dwelling. The proposal therefore represents inappropriate development which would cause harm to the open character of the Green Belt, contrary to policy GB2A of the adopted Local Plan and Alterations, and also contrary to the NPPF. In addition, the proposed extensions, by reason of their bulk and position, would result in a dwelling that would dominate the listed building on the site.

NB. The Parish Council raised no objection to the previous application for longer extensions.

NEIGHBOURS – there are no neighbours and no response to site notice.

EFDC CONSERVATON OFFICER – The replacement Brook Cottage built in the early 1990's occupies the same footprint as the original cottage, and a condition withdrew permitted development rights so as to protect the open character of the Green Belt - and to ensure the new dwelling remained of equal status to the original dwelling and did not dominate its setting. The replacement dwelling was allowed under exceptional circumstances, so any substantial extensions or additions should be viewed critically. In addition a development of this kind would not normally have been allowed in the curtilage of a listed building like Brook Cottage, so its presence on the site should not be accentuated by substantially increasing its volume. Although the size of the proposed extension has been reduced following the previous application, it is believed that the extension will still have a detrimental impact on the setting of the listed cottage by increasing the dominance of the newer building on the site. The bulk of the extension has been moved to the

north, further away from the listed building - however, it will still result in a significant increase in the size of the property. I therefore recommend refusal of this application as supported by policy HC12 of the Local Plan and Alterations.

Issues and Considerations:

In 1993 planning permission was approved for a new dwelling to be erected in the north part of this site to replace a listed cottage in the south of the site. This listed cottage had been extensively damaged by flooding owing to its position close to a stream, and the Council agreed that exceptional circumstances warranted the erection of a new dwelling on higher land further away from the stream. The former cottage was to be retained as an outbuilding for the new dwelling.

The application lodged earlier this year was reported to the Area Plans East Committee in July and it was refused in accordance with officer recommendation for the reasons set out above under 'relevant history'. As is normal practice on refusals the July report contained a 'is there a way forward' section, and this stated that a revised application proposing a smaller side extension and/or a rear extension which would face away from the listed building, would be more likely to be acceptable.

A rear extension on the north side of the house is now proposed. The listed building lies to the south and hence the proposed extension will be largely masked by the existing house, and hence will have a reduced impact on the setting of the listed building. In addition whilst Policy HC12 of the Local Plan states that the Council will not grant planning permission for development which could adversely affect the setting of a listed building, the NPPF states that substantial harm should be caused to warrant refusal. Although the views of the Conservation officer on this application are acknowledged it is not felt that this revised proposal will cause substantial harm to the setting of the listed building.

The previous application was also rejected on grounds that the proposed extensions were not limited additions and would detract from the open character of the Green Belt. A 63% increase in floor space was proposed on the previous application but this has now been reduced to a 48% increase. In addition the proposed extension is now positioned at the rear, it does not widen the front bulk of the house in the way the previous scheme did, and the site is well screened by mature trees. The existing first floor accommodation is also quite small for family occupation with some rooms being restricted in height by a sloping roof. Taking these factors into account the revised proposal is not an excessively large extension which would detract from the open character of the Green Belt, and the views of the Parish Council on this issue are not shared.

Conclusion:

This proposal has been revised sufficiently to address the previous reasons for refusal, and can be regarded as a limited addition, appropriate in the Green Belt, that does not cause substantial harm to the setting of the listed building. Conditional planning permission is now recommended.

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

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

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