

Report Item No: 1

APPLICATION No:	EPF/1221/12
SITE ADDRESS:	3 Buttercross Lane Epping Essex CM16 5AA
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Anne Clarke
DESCRIPTION OF PROPOSAL:	TPO/EPF/23/01 Scots Pine - Fell.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=538694

CONDITIONS

- 1 A replacement tulip tree (*Liriodendron tulipifera*) of a size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers

Description of Proposal:

T1. Scots Pine - Fell to ground level, and replace with a tulip tree.

Description of Site:

The tree is mature, around 14 metres tall in the western corner of the applicant's rear garden. It is within the conservation area and backs onto a large public car park. It stands beside a large copper beech and an ash. Together, they form a substantial group of landscape significance and varied character.

Relevant History:

There are no records of pruning to this tree but TRE/EPF/0138/07 approved a 10% crown thin to the neighbouring beech, subject to the same TPO. It appears that unauthorised or emergency pruning, before the current owners' occupancy, has resulted in the tree being "topped". The shape of the crown has been distorted as a result, having a flattened and widely spreading form.

Relevant Policies:

LL9 Felling of preserved trees. (Summary: felling should be both necessary and justified; appropriate replacement planting should be made.)

SUMMARY OF REPRESENTATIONS

2 neighbours were consulted but no responses have been received.

EPPING TOWN COUNCIL had no objection to the proposal, providing the works were supervised by the Council Officer

Issues and Considerations:

Issues

The reasons given for this application are made as follows:

- i) The tree is an unattractive and unsightly specimen following the cutting to it prior to their ownership.
- ii) The action of roots has damaged and disrupted paving
- iii) It stops or lessens proper enjoyment of the garden by the owners and their family, including grandchildren. It causes shadow across the garden, which combined with the beech shades virtually the whole rear garden. The ground beneath the tree supports little growth. Branches and cones fall at regular intervals. The danger to the applicant's grandchildren inhibits their use of the garden.
- iv) There is a precedent, in that a similar tree further down Buttercross Lane was removed some three years ago

In summary, the basis of the application is that removal of the tree would result in a safer, sunnier and more attractive garden. The area would benefit from the removal of an unsightly tree, which no longer has the distinctive crown character of the species. The owners are willing to plant a tall growing tulip tree in the same location, which would be a better complement to the copper beech.

Considerations

i) Form of the tree

The form has been altered by the pruning, making it substantially shorter but also with a more spreading crown than it would otherwise have had. However from the public perspective it is an attractive tree.

ii) Disruption of paving.

The action of large buttress and anchoring roots has probably contributed to the distortions in a path close to the tree. The path needs to be repaired but this would be possible with the tree in place. There is no evidence of any threat to foundations.

iii) Enjoyment of the garden.

There is no doubt that this tree infringes on enjoyment of the garden, but there are no major safety risks. The total garden area is approx. 500 m²

iv) Loss of nearby tree.

It is not known which tree this refers to, but every case is judged on its own merits.

The dominant tree here is the large, well shaped and attractive beech. The pine is subsidiary to it. Because of the past topping the upper crown form is distorted and untypical (although this aspect is less obvious from the public perspective). The applicants have confirmed that they are willing to plant a tulip tree, which would resolve at least some of the issues and from the public perspective would provide a better long term complement to the beech.

Conclusion

Although the tree could be retained, its presence inevitably limits enjoyment of the garden. The defect in its form cannot be corrected. A tulip tree would provide greater amenity in the long term felling is therefore justified according to local plan policy LL9.

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

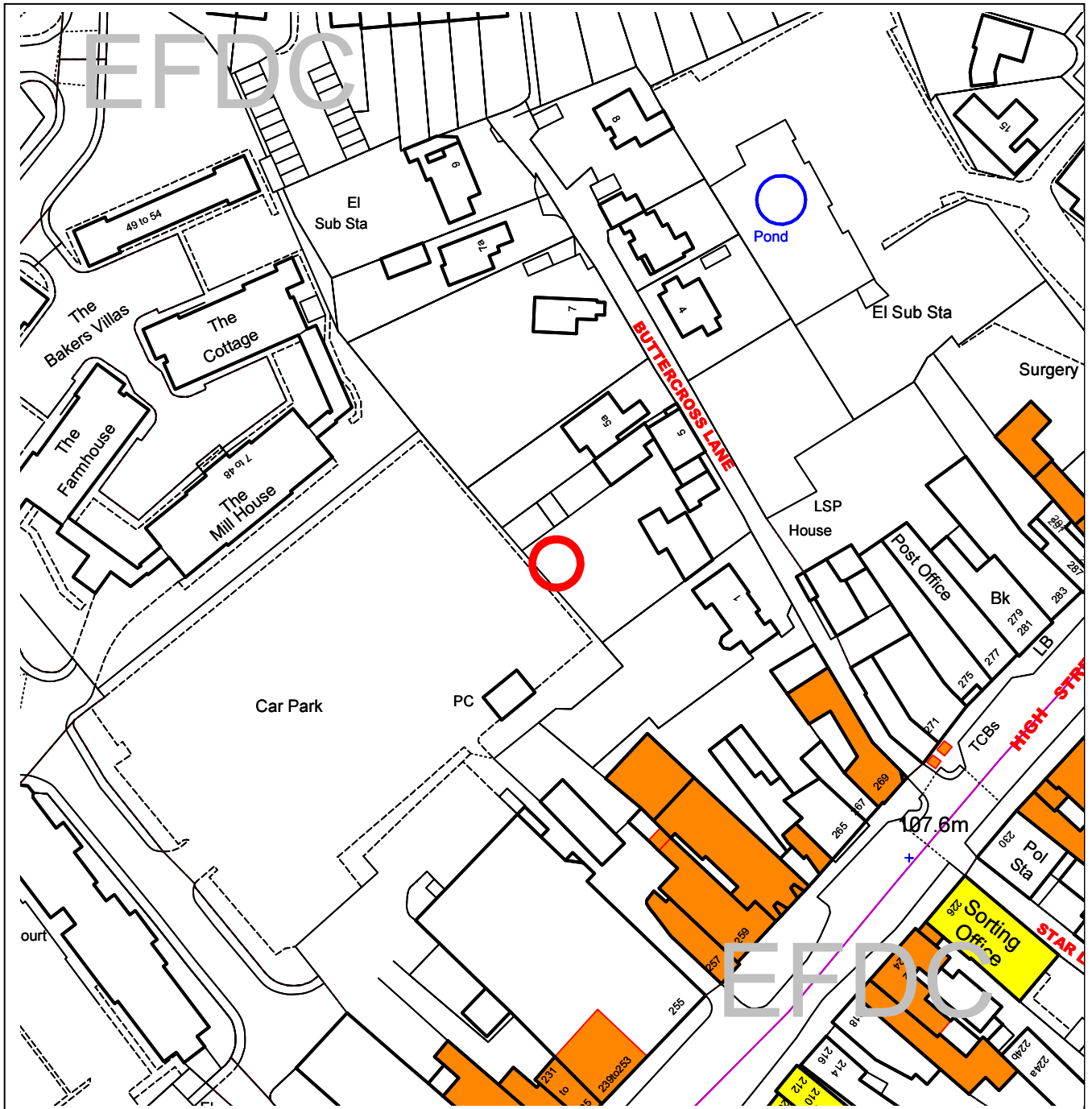
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/1221/12
Site Name:	3 Buttercross Lane, Epping CM16 5AA
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1339/12
SITE ADDRESS:	The Limes Medical Centre The Plain Epping CM16 6TL
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr David Hills
DESCRIPTION OF PROPOSAL:	TPO/EPF/05/07 T56 - Robinia - Fell
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=539297

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.

This application is before Committee since all applications to fell protected trees are outside the scope of delegated powers

Description of Site

This Robinia tree stands within a line of four trees, behind a 3 metre tall plywood boarded boundary fence, in a strip of ground between the medical centre and the new housing development beyond. It is 7 metres tall and almost entirely obscured by two larger multi-stemmed Ash trees which probably, like this tree, have grown up naturally along this boundary line at very close quarters to each other. The tree is only partially visible amongst the other dominant trees and has little general public importance beyond adding to the green screen of the four tree group..

Description of Proposal

T56. Robinia. Fell tree to ground level

Relevant History

The TPO/EPF/05/07 was made in 2007 to protect the most important of the trees on site and this tree was included on grounds of its contribution to the screen along this part of the boundary. It is unlikely that it would have justified protection on its own merits. There is an application currently under consideration to prune back the neighbouring Birch and two Ash trees that grow in this group.

Policies Applied

LL9: Felling of preserved trees.

Summary: The felling of a preserved tree must be both necessary and justified, and any consent is conditional on an appropriate replacement of the tree.

SUMMARY OF REPRESENTATIONS

EPPING TOWN COUNCIL had no objection to the proposal, providing work was supervised by the District Council's tree officer.

2 neighbours were notified.

Issues and Considerations

The reasons given for the application are that the tree is rubbing the trunks of better specimens and damaging their bark.

Robinia, as a species, has attractive small oval leaflets on compound leaves, with deeply ridged bark and wide open framed crown structure, when grown in sufficient space. Here the tree has become very suppressed, growing up amongst and against several stems and boughs of the two larger ashes and not developed well. As a result, the direct contact has rubbed and damaged the stems of the ash trees around it. This problem will worsen as the trees continue to grow and compete. It could be resolved by removing the ash trees but such a solution would be more expensive and considerably more detrimental to the local visual amenity.

Its loss would have minimal public impact, but improve the growing environment for the other trees. A new tree might be planted either a little further along this strip but would be very close to the flank wall of the house immediately on the boundary. In this case, therefore the need for replacement is not recommended.

A verbal response from a neighbouring resident was received that strongly supported the proposal due to the problems experienced with overhanging branches encroaching onto the garden. Furthermore, it was asked to be raised that the trees stand directly over a main sewer and concerns were voiced over the potential for roots to block this waterway.

Conclusion

The application is recommended for approval on the basis that this is not a publicly important tree and that its removal is a reasonable response to the problems caused by the overcrowding of trees of different species in this group. A replacement will be difficult to plant in adequate space and may therefore be waived.

In the event of members agreeing to allow the felling then a condition requiring 5 days written notice prior to the works commencing should be attached to the decision notice.

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

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

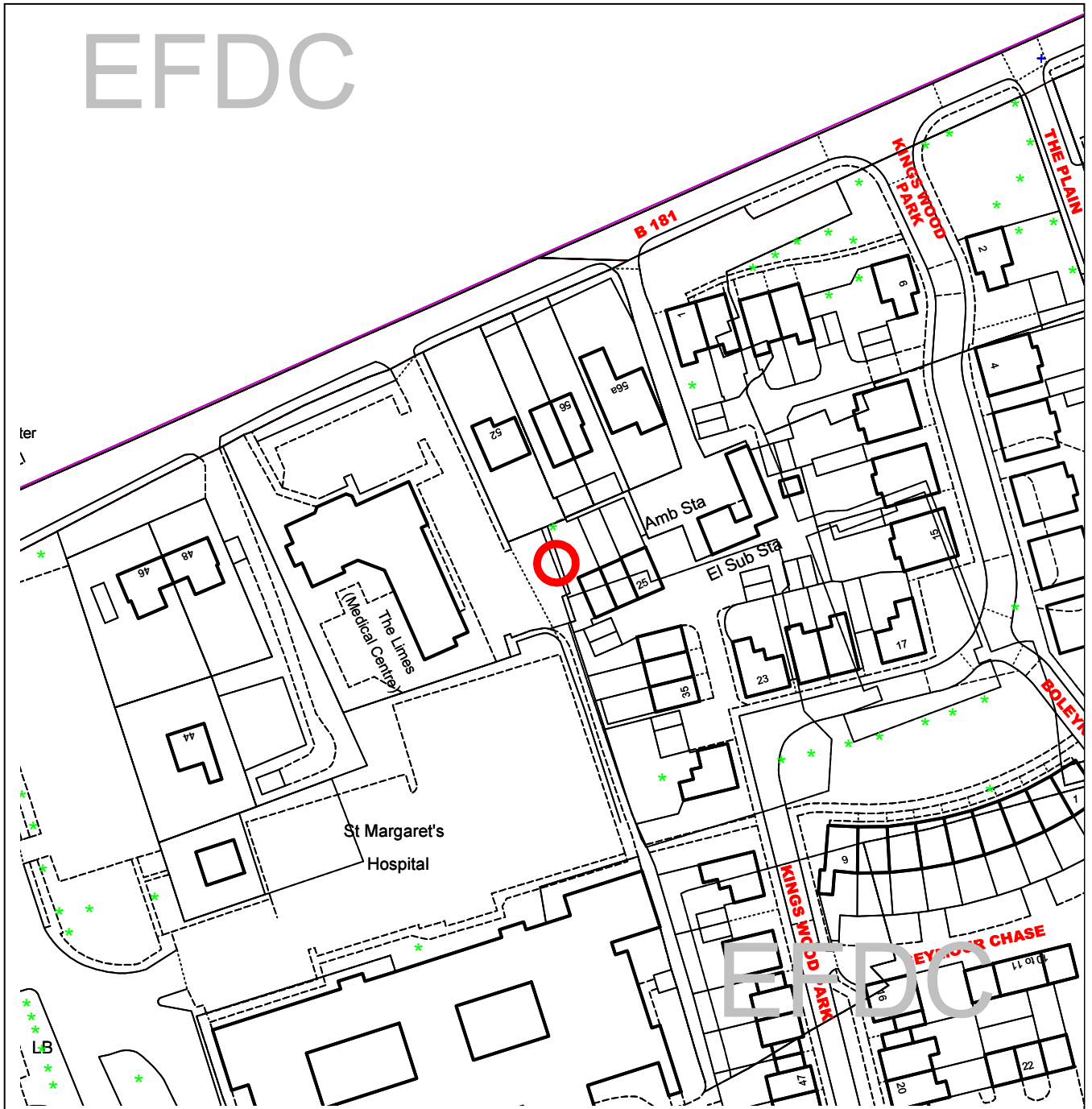
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



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Agenda Item Number:	2
Application Number:	EPF/1339/12
Site Name:	The Limes Medical Centre, The Plain Epping, CM16 6TL
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0864/12
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Jim Collins
DESCRIPTION OF PROPOSAL:	Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities.
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=537281

CONDITIONS

- 1 The operating hours and any deliveries associated with the uses hereby approved shall not take place outside the following hours:- 09.00 - 18.00 hours Monday to Saturday and 09.00 - 13.00 on Sundays and Bank Holidays.
- 2 No external storage shall take place in connection with the uses hereby approved unless otherwise agreed by the Local Planning Authority.
- 3 The rating levels of noise emitted from the units hereby approved shall not exceed the existing background level by more than 5dB between the permitted hours of operation. The noise levels shall be determined at the nearest residential premises and measurements shall be taken in accordance with BS4142:1997.
- 4 The uses hereby approved shall be contained within the buildings outlined in red on the submitted location plan and there shall be no further conversions of buildings at the site to non agricultural commercial activities.
- 5 The premises referred to on the approved location plan as Units 1B, 2A and 3A shall be for the stated B2 purposes and for no other purpose in Use Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) and the premises referred to as Units 6, 7A and 7C shall be for B8 use only.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four 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).) and, Since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

The application was deferred from the Area Plans Sub Committee East meeting dated 1st August 2012 so that a Members site visit could take place. No date had been set by the time of producing this agenda, but the visit will have taken place prior to this meeting taking place. The report to the previous meeting is reproduced below.

Description of Site:

New House Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent retrospectively to change the use of a number of farm buildings to commercial uses. These buildings are indicated on the submitted location plan, although it should be noted that a recently approved agricultural building has been omitted from the submitted plan. This building is located to the north of building 6 and was approved in 2008 as an agricultural machinery store (EPF/1549/08). The submitted proposal for retrospective change of use as detailed on the submitted location plan is as follows;

Building 1B – Change of use from former agricultural use to a joinery workshop. A company by the name of Aspect Joinery operates from the site (B2). This building is in the Essex barn style.

Building 2A – Change of use from agriculture to a micro brewery, occupied by Pitfield Brewery (B2). This building is an older style utilitarian agricultural building.

Building 3A – Change of use from agricultural to a joinery workshop, and occupied by Cube Joinery (B2). This building is also an older style utilitarian agricultural building.

Building 6 - Change of use of recently constructed agricultural building measuring 724 sq m and described as “Erection of steel portal framed strawed yard building for cattle (EPF/0024/05)” to a facility to store documents for Tabbers Ltd (B8).

Building 7A – Change of recently constructed lean-to agricultural building measuring 278 sq m and described as “Lean to extensions on existing agricultural grain store to house cattle and farm machinery (EPF/0359/08)” to a facility to store documents for Sagro Capital (B8).

Building 7C - Change of recently constructed agricultural building measuring 278 sq m and described as “Lean to extensions on existing agricultural grain store to house cattle and farm machinery (EPF/0359/08)” to a facility to store documents, Sagro Capital (B8).

A further application has been made separately for a “Grain storage building” under application EPF/2517/11.

Relevant History:

There is an extensive history to the site the most relevant and recent being;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002.

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02.

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08.

EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.

EPF/2517/11 - Erection of an agricultural steel portal framed purpose designed grain storage building. Current application (undecided).

Enforcement

ENF/0064/12 - Use of farm buildings for commercial uses including Micro Brewery, storage (commercial). Current Investigation.

Policies Applied:

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB8A – Change of Use or Adaptation of Buildings

DBE2 – Effect on Neighbouring Properties

DBE9 – Loss of Amenity

RP05A – Potential Adverse Environmental Impacts

HC12 – Development Affecting the Setting of a Listed Building

CP1 – Achieving Sustainable development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

E12A – Farm Diversification

ST4 – Road Safety

ST6 – Vehicle Parking

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

SUMMARY OF REPRESENTATIONS:

2 Neighbours Consulted – 5 replies received.

MORETON HOUSE: Objection. Concern about increase in activity at the site in particular the movement of large lorries which are not suitable for these roads. Concern about noise from bleeping forklift trucks. There is no restriction on delivery hours. The lacquer spraying at building 3A regularly results in pungent fumes being dispensed from the extractor equipment towards this house. The fan is left on for long periods which is disturbing. Had an application been made for these uses we would have objected and we are not in favour of retrospective consent.

FRUIT FARM COTTAGE: Objection. I am constantly disturbed by the sound of large vehicles at the site. Concern about road safety in the area. I believe that the existing buildings could be converted for grain storage as opposed to building a new structure.

SCOTTS FARM: Objection. Concern about the movement of large lorries along country roads.

HILL FARM: Objection. Concern about the commercial activity and the movement of large vehicles along country lanes.

THRESHERS BARN: Objection. Concern about large vehicle movements on the road. The roads such as ours are far too narrow to facilitate frequent use by lorries and other very large vehicles which often have trailers as well. There is nowhere for large lorries to turn. Concern about damage to the water drainage system.

PARISH COUNCIL: Objection. Concern about the increase in large vehicles using the local road network. Concern about chemical smells and air pollution. Whilst the Parish Council usually supports the growth of small businesses and the economic benefits this brings to small rural areas it feels like it cannot in this instance.

Issues and Considerations:

The main issues to consider are the impact of the proposed change of use on the Metropolitan Green Belt, neighbour amenity and the adjacent listed building. The comments of consultees, the planning history of the site and comments received from the general public will also be assessed.

Green Belt Considerations

The existing buildings on the site vary in size and style with some smaller, older farm buildings and other more recently constructed modern pre-fabricated structures. Buildings 6, 7A and 7C were granted consent as buildings to house cattle. The applicant has stated that he has since moved away from organic farming and back to grain production and its subsequent storage for distribution. These buildings are now in use as document storage facilities and the applicant claims that these buildings are unsuitable for grain storage having been constructed as cattle housing. An application has also been received for a further grain store (EPF/2517/11). A supporting statement has been received from an Agricultural Consultant, Mr Richard Allen, which confirms that existing buildings on the site not being used for grain storage are unsuitable for grain storage. The reasoning given is that the structures are "too light to take the thrust of grain" and a need for specialist designed buildings to accommodate the "powerful farm machinery used to load it in and out of the buildings". The need for a new grain building will be assessed under the separately made application but this information is of use as background to this application.

This application for the change of use of the buildings must be judged under current Local Plan policies with regards to the reuse of farm buildings and other relevant policies.

Policy GB8A of the adopted Local Plan outlines the criteria against which the change of use or adaptation of buildings in the Green Belt should be judged. The National Planning Policy Framework (NPPF) which is now adopted and a material planning consideration also makes reference to the change of use or adaptation of buildings in the Green Belt. Paragraph 28 of Section 3, "Supporting a Prosperous Rural Economy", promotes the "sustainable growth and expansion of all types of business and enterprise in rural areas...through conversion of existing buildings". Paragraph 90 of section 9, "Protecting Green Belt Land", states that the re-use of existing buildings is not inappropriate development if they are of permanent and substantial construction. The NPPF also relates an overriding aim of a "presumption in favour of sustainable development" with three strands outlined – economic, social and environmental.

The main issues in this case with regards to the criteria in Policy GB8A are; that the building is of substantial construction capable of conversion and the works were not carried out with the view of securing another use, that the use would not have a materially greater impact on the Green Belt,

associated traffic generation is not excessive and the proposal would not have a detrimental impact on the vitality and viability of local town centres.

Policy GB8A firstly requires that the building is of substantial construction capable of conversion. The buildings have all been constructed in a manner which makes them easily converted to B2 and B8 uses. Although some of these buildings have been constructed in recent years the Local Planning Authority must take the view that they were constructed with a view to progressing the agricultural business at the site and owing to changes in work practices at the site are now no longer suitable.

Policy GB8A also requires that the use would not have a materially greater impact on the Metropolitan Green Belt. The existing site is a working farm which experiences a reasonable level of traffic volume on a daily basis. This use has not ceased with the conversion of these buildings. The issue is whether the change of use would significantly increase the amount of traffic visiting the site. A further consideration is the recent NPPF guidance which confirms the appropriateness of the change of use of agricultural buildings as per local policy GB8A and which promotes sustainable growth in rural areas "in order to create jobs and prosperity". The proposed uses would lead to an increase in traffic visiting the site. However, the advice from Essex County Council Highways Section is that the types of uses would result in a relatively low level of movement especially when compared to a fully functioning farm. There are no recorded instances of accidents in the immediate vicinity. There is some sympathy for local residents with regards to traffic movements along quiet country lanes. However this must be balanced against whatever economic benefits such changes of use bring.

The joinery workshops are both employing people from the locality and in this regard are making a positive contribution to sustainable economic growth in a small rural area. Movements to and from the site for this reason would not be excessive. The micro brewery makes a similar contribution and has evidently been in existence for a number of years without any cause for concern. It is considered that such a use is appropriate at a working farm and although no supporting statement has been provided with regards to farm diversification; such a use is a popular example of farm diversification owing to the type of grains grown at certain farms. Therefore these uses, notwithstanding the issue of increased traffic, would make a positive contribution to the immediate locale. These subject buildings (1B, 2A, 3A on the submitted plan) have seemingly been in existence for some time and do not appear to be appropriate for modern grain storage. Taken within the context of the site external parking would not be excessively intrusive within the Green Belt and outside storage could be controlled by condition. Therefore having regard to all relevant considerations in both local and national policy, on balance, these uses are deemed an appropriate reuse of agricultural buildings.

Three of the buildings (6, 7A and 7C) are being used for document storage. As stated the applicant claims that these buildings are not suitable for grain storage owing to the fact that they were designed for other purposes. A separate application has been made for a new grain store at the site. The suitability of existing buildings should be judged as part of this application, however these buildings must be judged in line with Policy GB8A in that an applicant has applied for another use for buildings which, from his farming perspective, had become obsolete. In this regard storage of materials is highlighted in Policy GB8A as one of the more appropriate uses of redundant agricultural buildings and that there is an increased demand to store such things as legal documents. The use can be clearly contained within the agricultural buildings and would not therefore result in open storage. Such long term storage would not result in excessively frequent trips to the site. It is therefore considered that, notwithstanding their potential suitability for grain storage, which will be dealt with under application EPF/2517/11, the current use of these buildings is an appropriate one.

Amenity

The proposed uses are located in a relatively isolated location although there are two neighbouring properties on the opposite side of the road and the main listed farmhouse to the south. The issue of road safety has already been addressed in this report and concerns noted. These uses for the most part would not seriously infringe on amenity. Noise from a working farm would generally be expected. A condition controlling the level of noise emitting from the individual uses at the site and one controlling hours of operation is deemed appropriate. The adjacent neighbour at Moreton House has raised concern about pungent smells from building 3A and the noise from reversing forklifts is infringing on his general amenity and in particular on his enjoyment of his garden area. Many modern farm vehicles have similar reversing mechanisms and it is not considered that such disturbance is totally uncommon in a rural area. The disturbance that this brings is recognised, however the condition controlling noise levels and hours of operation should reduce this to an acceptable level. Such disturbance would be more reasonably classed as a minor irritation as opposed to having such an impact on amenity to warrant a refusal of this scheme.

It is conceivable the fumes from unit 3A would be drifting towards the garden area of Moreton House. There are no records with the Environmental Health section of the Council of this having previously caused a serious nuisance. It is recognised that the use of the site would result in some loss of amenity from fumes. However the property is served by a relatively large garden area and the main house is some 45.0m from the workshop. It is therefore considered that the use of the site is acceptable, however if the nuisance level is sufficiently high occupants of the neighbouring property have recourse through separate legislation covering environmental nuisance and contact with the Environmental Health section of the Council would be advised.

Listed Building

The main farmhouse on the site is a listed building. However the conversion of existing buildings would have no material impact on the setting of this building.

Conclusion:

The proposed use of these buildings when considered against local and national policy, which makes provision for the reuse of agricultural buildings in the Green Belt, is deemed appropriate. The application for a further building at the site will be considered under the separate application. The concern of local residents and the Parish Council is duly noted but it is considered these concerns can be mitigated with appropriate conditions. These uses are however deemed acceptable and therefore recommended for approval with conditions.

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

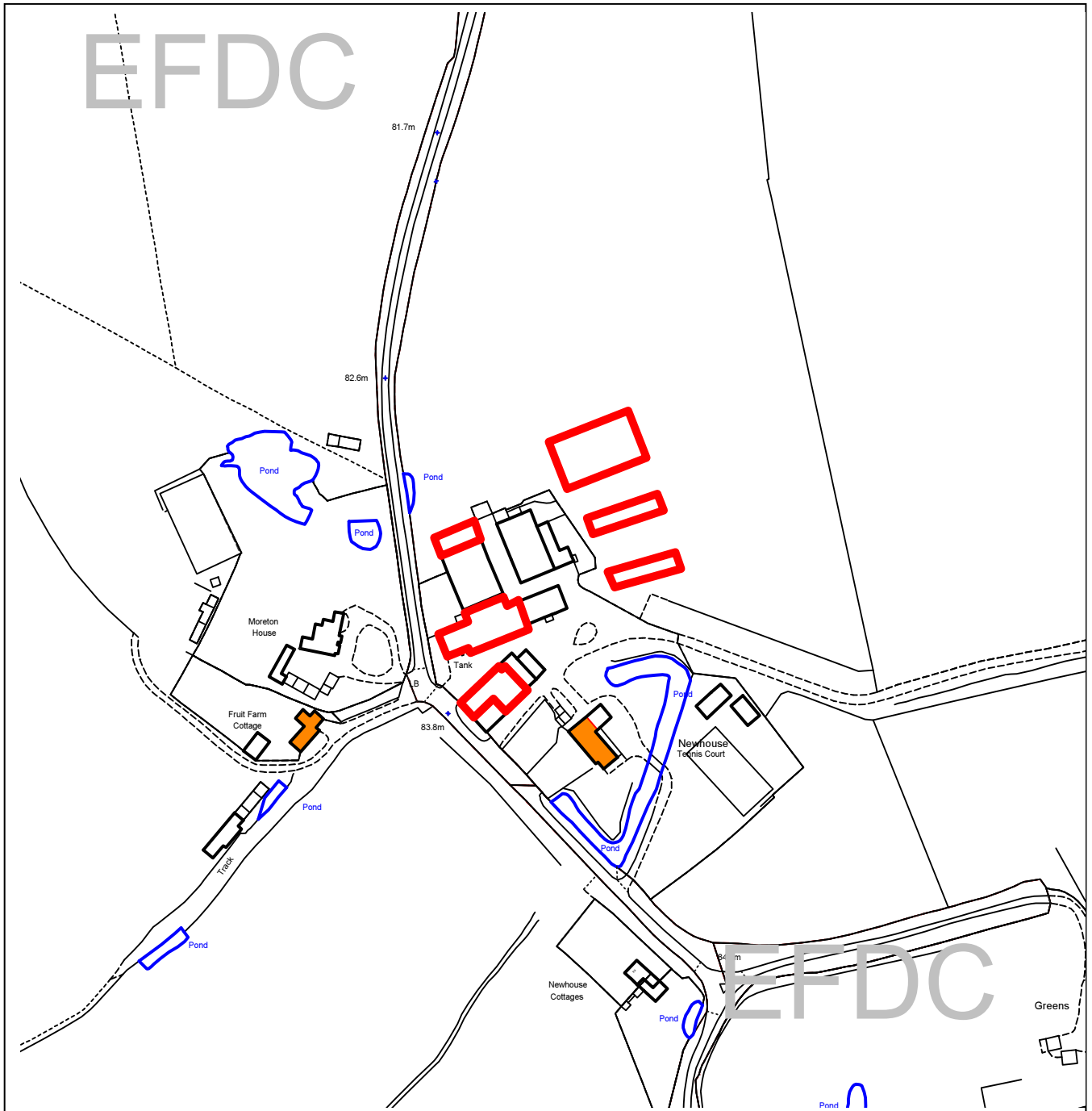
***Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 564336***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0864/12
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/2517/11
SITE ADDRESS:	New House Farm Little Laver Road Moreton Ongar Essex CM5 0JE
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	W W J Collins
DESCRIPTION OF PROPOSAL:	Erection of an agricultural steel portal framed purpose designed grain storage building.
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=533534

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 be as detailed on the submitted plan, unless otherwise agreed in writing by the Local Planning Authority.
- 3 A flood risk assessment and management and maintenance plan 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 best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 4 The building hereby approved shall only be used for agricultural purposes and for no other purpose including non agricultural commercial activities.

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))

The application was deferred from the Area Plans Sub Committee East meeting dated 1st August 2012 so that a Members site visit could take place. No date had been set by the time

of producing this agenda, but the visit will have taken place prior to this meeting taking place. The report to the previous meeting is reproduced below.

Description of Site:

New House Farm occupies a substantial site on the eastern side of Little Laver Road which is within the boundaries of the Metropolitan Green Belt. The site includes a large number of utilitarian farm buildings set in a farmyard setting. The farmhouse building is a Grade II listed house. The immediate area is sparsely populated but there are some residential properties on the opposite side of the road adjacent to the farm. The immediate area is typically rural in nature characterized by narrow laneways and open swathes of arable farmland.

Description of Proposal:

The applicant seeks consent to construct an agricultural grain store at the farm and at the rear of the existing group of farm buildings in an open field. The structure would have a floorspace of 36.5m x 20m, an eaves height of 7.5m and a ridge height of 10.2m. The finished materials would be plastisol coated steel with a precast concrete wall for the first 3.0m from ground level.

Relevant History:

There is an extensive history to the site the most relevant and recent being;

EPF/1765/02 - Erection of agricultural grain store. Grant Permission - 21/10/2002.

EPF/0024/05 - Erection of steel portal framed strawed yard building for cattle and reorient proposed grain store previously approved on 21.10.02 under ref EPF/1765/02.

EPF/0359/08 - Lean to extensions on existing agricultural grain store to house cattle and farm machinery. Grant Permission (With Conditions) – 01/04/08.

EPF/1549/08 - Erection of a steel portal framed agricultural machinery store. Grant permission (with conditions) – 24/09/08.

EPF/0864/12 - Retrospective application for the change of use of redundant agricultural buildings for commercial activities including brewery, carpentry workshops and commercial storage facilities – Current application (undecided).

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

GB11 – Agricultural Buildings

DBE9 – Loss of Amenity

HC12 – Development Affecting the Setting of a Listed Building

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

SUMMARY OF REPRESENTATIONS:

SITE NOTICE DISPLAYED: No objections received for this application.

PARISH COUNCIL: No Objection.

Issues and Considerations:

The main issues regarding this development relate to any impacts the proposal may have given its location within the Metropolitan Green Belt. Impact on neighbour amenity will also be assessed. The planning history of the site is another material planning consideration.

Green Belt Considerations

The planning history of the site outlines that a number of agricultural buildings have been constructed at the site in recent years. The applicant has stated that a reversion to conventional farming from organic will result in a greater yield and thus a need for greater storage space. The need for greater storage space is accepted, however the concern is that buildings currently being used for commercial purposes may be suitable for grain storage thus removing the need for more buildings and rendering the building not demonstrably necessary for the purposes of agriculture within the unit in line with Policy GB11.

The main building on the site currently being used for grain storage was approved in 2002 under application EPF/1785/02. This building had an eaves height of 6.0m and a ridge level of 8.6m. The plans indicate "grain walling" as part of the make up of the building. A cattle building was approved in 2005 (EPF/0024/05) with an eaves height of 5.5m. This building was open sided originally and is now enclosed. Two open side extensions were approved on the side elevations of the existing store (EPF/0359/08) and these have subsequently been infilled. These have an eaves height of approximately 4.5m. The three latter additions at the site are currently being used for document storage. The issue is whether these buildings are suitable for grain storage.

The applicant and his agent, Mr John Allen, indicate that these buildings are not suitable for grain storage as they were not designed for this purpose. It is clear that these buildings were approved with open sides and the only approved grain store at the site has pre-cast concrete walls designed for this purpose. Although two side extensions have been added to this building the pre-cast concrete walls are still clearly visible. The cattle building approved in 2005 and the extensions approved to the grain store in 2008 can clearly be seen on aerial photographs as having open sides. This adds credence to the applicant's claim that these buildings were not suitable for grain storage. They have since been adapted by filling in the sides but not with pre-cast concrete which would seemingly make them suitable for grain storage but with a plastisol finish. There is an argument that these buildings could have been adapted for grain storage, however the reversion to conventional farming and its increased yield seems to have been a fairly recent decision at the farm when these buildings had already been adapted. It would now appear unreasonable to have these buildings converted for grain storage if indeed they would be useable for this purpose. Consequently it is accepted that the existing buildings on the site are not wholly suitable for grain storage in their current state.

It has therefore been sufficiently demonstrated that the new grain store is demonstrably necessary for the purposes of agriculture within the unit, in line with policy GB11, and having regard to the submitted letters by the applicant and his agent. It is further accepted that other buildings at the site, in non agricultural use, are not wholly acceptable for grain storage.

Policy GB11 also requires that the building would not have a detrimental impact on the appearance of the locality or nearby residents. The proposed building is similar in bulk and scale to the other agricultural buildings on the site. Taken in this context it would have no serious impact on the appearance of the area and with no immediate neighbour, no impact on amenity. The building would be viewed as one of a cluster of large structures and the submitted plans show an intention of grouping the buildings together as opposed to allowing unnecessary spread into the surrounding Green Belt. The proposed development would have no impact on highway safety and would not affect any sites of importance thus complying with Policy GB11. Overall the proposal is in general compliance with this policy.

Conclusion:

It is considered that it has been demonstrated by the applicant that this building is demonstrably necessary for the purposes of agriculture within this unit and that existing buildings are not appropriate for grain storage. The development would have no impact on amenity and is generally compliant with local policy and national guidance contained in the NPPF. It is therefore recommended that the application is approved with conditions.

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

Planning Application Case Officer: Mr Dominic Duffin

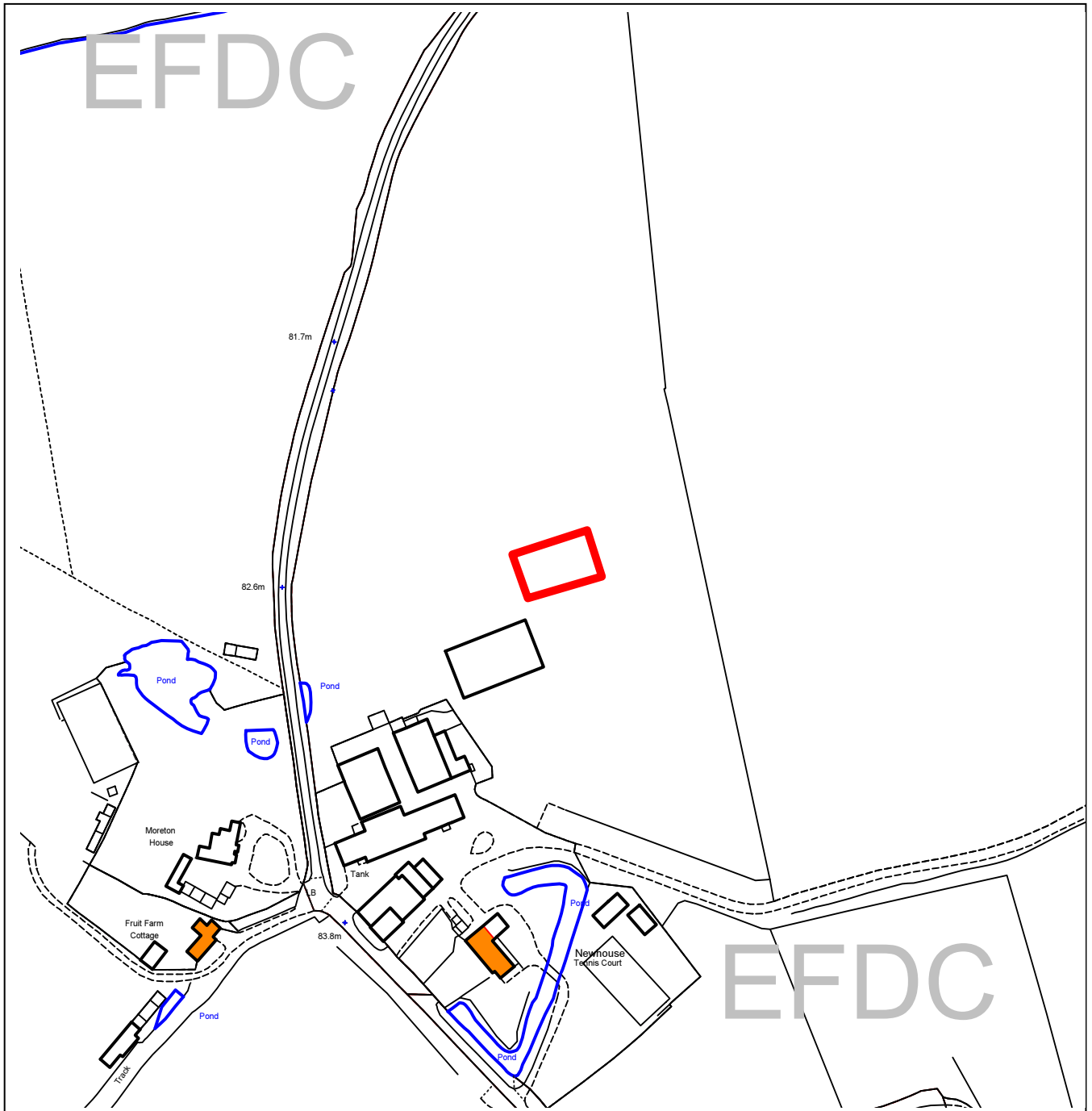
Direct Line Telephone Number: (01992) 564336

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/2517/11
Site Name:	New House Farm, Little Laver Road Moreton, CM5 0JE
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/0991/12
SITE ADDRESS:	34 Great Stony Park High Street Ongar Essex CM5 0TH
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Scott Jarvis
DESCRIPTION OF PROPOSAL:	Single storey rear extension and extending the existing decking area. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537747

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the details shown on the submitted plans, additional drawings that show details of the proposed new window and door openings at scales between 1:20 and 1:1 as appropriate, shall be submitted and approved by the Local Planning Authority prior to the commencement of works.

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

The application was deferred from the Area Plans Sub Committee East meeting dated 1st August 2012 so that a Members site visit could take place. No date had been set by the time of producing this agenda, but the visit will have taken place prior to this meeting taking place. The report to the previous meeting is reproduced below.

Description of Proposal:

It should be noted that the proposed application is a revised application as the most recent application, EPF/0014/12, was refused. This application was for a single storey side and rear extension that wrapped around the corner of the building. The application was refused for the following reason:

The proposed development, by reason of its design, height in relation to existing architectural features, proposed materials and projection to the side, detracts from the character and appearance of the existing building, the conservation area and street scene contrary to policies CP2, HC6, HC7, DBE4 and DBE10 of the Adopted Local Plan and Alterations and Government guidance contained in PPS5. Furthermore, due to the nature of the conservation area, the proposal would lead to an unwanted precedent further eroding the group value of this conservation area.

The applicant has now revised the design of the proposed extension by removing the side element of the extension. The applicant now seeks planning permission to remove the existing conservatory to the rear of the dwelling and replacing it with a single storey rear extension. The proposed extension would more or less have the same building footprint as the existing conservatory although the ridgeline of the extension would be slightly higher than that of the conservatory. Materials for the extension are to consist of facing brickwork and plain tiles to match those of the existing dwelling.

It is also proposed to extend the existing decking area to the side of the building. Approximately an additional 20 square metres would be proposed. The decking area would be extended right up to the side boundary of the property.

Description of Site:

The site accommodates a three-storey dwelling that forms part of a block that has been divided into 5 dwellings. Great Stony Park is a gated development, situated around an open grassed area, which forms the Great Stony Park Conservation Area. The site was originally an orphanage school with each block a dormitory set around the circular green. The buildings were converted to domestic residential use in the late 1990's and the Conservation Area as a whole is a very well preserved example of its type with the group of buildings being complete and largely unaltered. The application site backs on to the Arts centre and has an existing timber conservatory to the rear, which is to be replaced. The application site is within the Metropolitan Green Belt. To preserve the buildings as a group, at the time of conversion restrictive conditions were added to the permission, which removed permitted development rights for Class A, B, C, D, E, F and H of Part 1 and Class A of Part 2.

Relevant History:

EPF/1594/04 - Erection of rear conservatory (approved)

EPF/0012/12 - Single storey side and rear extension (refused)

Policies Applied:

Local Plan policies relevant to this application are:

- CP2 – Protecting the Quality of the Rural and Built Environment
- DBE9 – Impact on amenity
- DBE10 – Design of Residential Extensions
- DBE4 – Design within the Green Belt
- HC6 – Character, Appearance and Setting of Conservation Areas
- HC7 – Development within Conservation Areas

GB2A – Development within the Green Belt

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

Summary of Representations

ONGAR TOWN COUNCIL: Objects

Ongar Town Council appreciates the revisions in this amended application but remains very concerned about this important site where the unity of style is of great value. At this time when heritage asset review is being completed and the new local plan is in preparation the Council is concerned about any application that might be construed as setting a precedent.

NEIGHBOURS:

The application was advertised to adjoining property occupiers and a site notice was placed on site. Three representations were received from the following occupiers:

13 GREAT STONEY PARK – Objects

The site is located within the Great Stony Park Conservation area and the proposed development would be at odds with the Edwardian architecture in this area. If allowed, there would be a flood of similar developments proposed and as such result in further detriment to the character and appearance of the surrounding locality.

35 GREAT STONEY PARK – Objects

The proposed development would be visually intrusive and would result in a loss of light. The proposed development would be out of character with the Great Stony Park Conservation area and would set a precedent for future proposals. The development could potentially result in further problems in relation to drainage within the surrounding locality.

38 GREAT STONY PARK – Objects

The proposed development would change the character and appearance of the surrounding locality. The proposed development, if allowed would result in setting a precedent for other similar applications. The development would result in being visually intrusive and result in a loss of light.

Issues and Considerations:

The main issues with this proposal relate to impact on amenity, the Green Belt, appropriateness of the design in the Great Stony Park Conservation Area and whether the revised application has overcome the Council's previous refusal.

Amenity:

The proposal is for a single storey extension and this will be sited some distance from No. 35 Great Stony Park. The rearwards element of the extension replaces the present glazed conservatory. It follows a similar footprint at the boundary with No. 35 as with the existing

conservatory. Although the roof is slightly higher and it would be finished in brick, a degree of separation is retained from the boundary and this is considered generally acceptable in terms of neighbouring occupier's outlook and amenity.

Green Belt:

The proposal results in a floor area increase of some 13m². Given the relatively modest floor size of the proposal and the location of the proposal within a built up enclave on the edge of a settlement, it is considered that the proposal is a limited extension to the property and does not harm the openness and character of the Green Belt in this location.

Conservation Area and Design/ appearance:

This private residential estate is a very well preserved example of its type with the group of similar buildings being complete and largely unaltered. The character of this Conservation Area derives from the quality of the built environment and the uniformity of the design and materials used in the buildings.

The main reason why the previous application was refused was that it incorporated a side extension. It was concluded that a side extension in this location would be clearly visible within the Conservation Area and that it would erode both the original appearance of the front elevation and the vertical proportions of the building by splaying the footprint to the side.

Any additions to the buildings should remain at the rear of the properties in order to maintain the uniform appearance of the buildings, which is very important to their group value.

It should be noted that rear extensions and conservatories have been granted planning permission in the past on other properties within the Great Stony Park area. So the proposed development would not result in causing a precedent within the surrounding locality due to being the first of its kind. However in saying this, each application is judged on its own planning merits.

Now that the applicant has revised the application to remove the single storey side element of the extension, it is considered that the proposed development has overcome Council's previous reason of refusal. The proposed single storey rear extension is of a simple design and sympathetic to the form and appearance of the original building. As it is now limited to the rear of the building, does not project beyond the side elevation and that it occupies a similar building footprint to the conservatory, it is considered that it would not have an adverse impact to the Great Stony Park Conservation Area. Council's Conservation Officer has no objections to the proposed development subject to conditions requiring further details in relation to window and door openings and materials.

Its size, scale and siting are appropriate in that it would not result in an excessive amount of bulk or massing to the original building. It would appear subservient and form an integral part to the building.

The proposed extension to the decking area is also considered appropriate in relation to its size, scale and siting. It would not be seen from the highway due to existing screening on the boundaries and it would not result in a detrimental impact to the character and appearance of the surrounding locality and the street scene.

Other issues:

It was suggested within one of the neighbour's objections, that all applications within the Great Stony Park Area should be automatically consulted to all freeholders as specified within the Section 106 Agreement when the buildings were converted into residential dwellings back in 1998.

This is not a material planning consideration in the assessment of this application but rather is a procedural matter. However to clarify this situation, both the Council's Conservation Officer and Legal Officer have looked at the Section 106 Agreement and there is no requirement within this agreement for the Council to consult all freeholders within the Great Stony Park Area.

Conclusion

In conclusion, the proposed development has overcome the previous reason of refusal under application EPF/0014/12. The design and appearance of the proposed rear extension along with the new decking area is now appropriate in that it would now be sympathetic with the Great Stony Park Conservation Area and the architectural rhythm of the original building. It would not result in a detrimental impact to the openness of the Green Belt or result in a harmful impact to the amenities of adjoining occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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

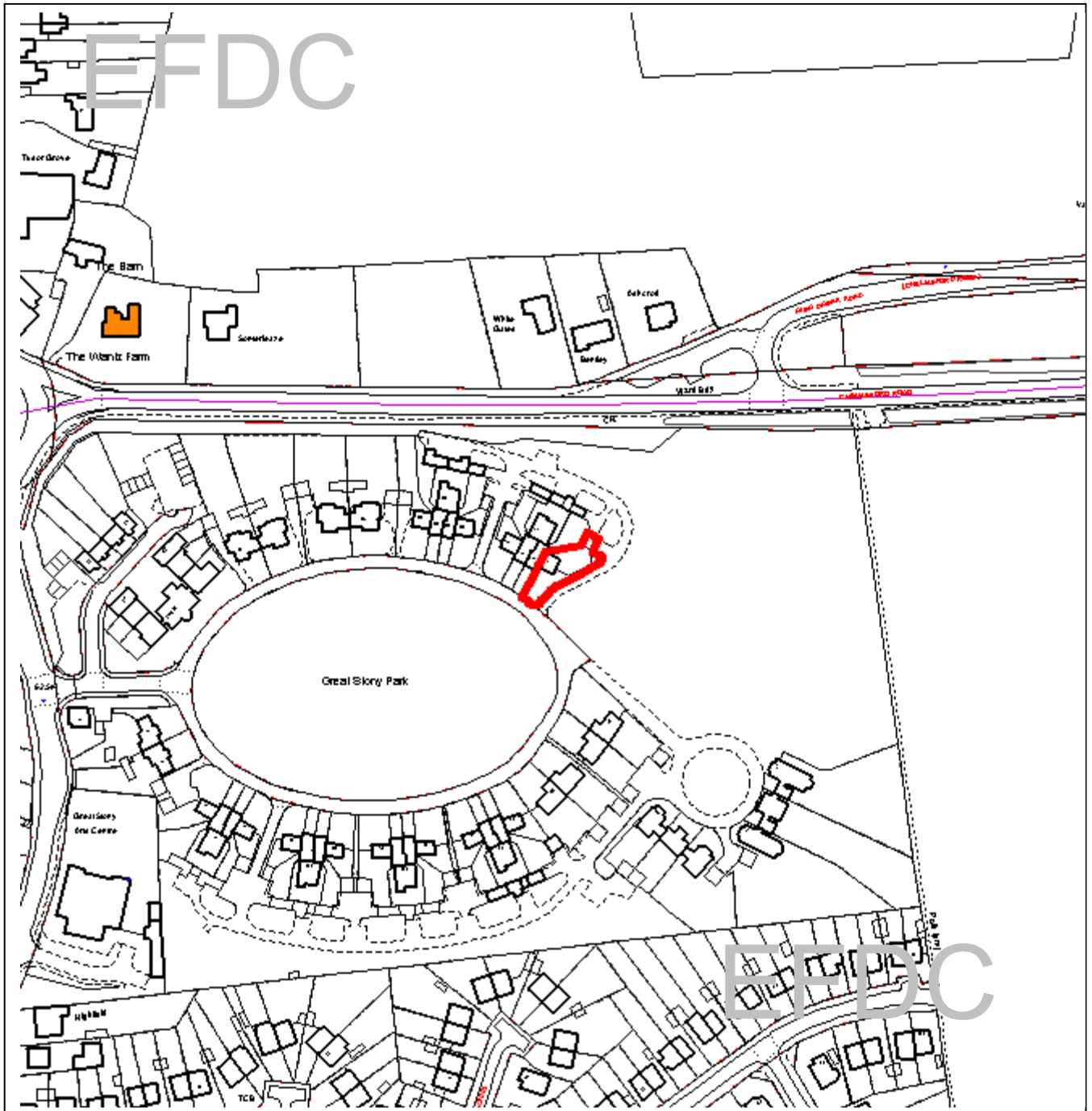
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	5
Application Number:	EPF/0991/12
Site Name:	34 Great Stony Park, High Street Ongar, CM5 0TH
Scale of Plot:	1/2500

Report Item No: 6

APPLICATION No:	EPF/2577/11
SITE ADDRESS:	Sparks Farm 185 Nine Ashes Road High Ongar Ongar Essex
PARISH:	High Ongar
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mrs Pauline Bearman
DESCRIPTION OF PROPOSAL:	Erection of a two storey detached dwelling and Community Nature Reserve.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533837

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1268 01A, 1268 04B and 956/03, 956/04, 956/05, 956/06, 956/07, 956/08, 956/09, 956/10 and 956/11.
- 3 The development hereby approved shall not be commenced until a detailed methodology for amphibian and reptile mitigation including capture effort and removal together with a relevant plan in respect of the application site and adjoining land in the applicant's ownership as indicated on drawing number 1268 01A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved methodology.
- 4 The development hereby approved shall not be commenced until a detailed description of "appropriate measures" that should be adopted if bats are found in trees, as referred to in section 6.8 of the ecological survey included with the application, have been submitted to and approved in writing by the Local Planning Authority in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A . The development shall be carried out in accordance with the approved measures.
- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in

accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule) in respect of the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A, have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. 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 in writing.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the application site and adjoining land in the applicants ownership as indicated on drawing number 1268 01A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 11 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 No work to construct the house hereby approved shall take place until all the buildings shown on drawing number 956/10 have been demolished and all resulting debris removed from the application site and adjoining land in the applicants ownership, as identified on drawing number 1268 01A.
- 14 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 15 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 extensions, roof enlargements, buildings and means of enclosure generally permitted by virtue of Classes A, B and E of Part 1, Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Subject to the completion, within 6 months, of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the formation of a Community Nature Reserve accessible by members of the public and maintained by the owners of the proposed house in accordance with a Nature Conservation Management Plan.

This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(a))

Description of Site:

The site is to the southwest of Nine Ashes within the Metropolitan Green Belt. It comprises some 1.5 hectares of land that are dominated by redundant agricultural buildings. The site is within a landholding of some 7 hectares. Immediately to the north of the site and within the applicant's ownership is a recently adopted Essex Local Wildlife site. The Local Wildlife site together with the application site is covered by an Area Tree Preservation Order. The site is not in a conservation area and is not within the setting of any listed building.

The site is accessed from a narrow unmade road west of Nine Ashes. There is open countryside to the north, west, and south of the application site. The existing buildings at the farm can be seen from a number of public places along Nine Ashes Road, but at other points the site does benefit from natural screening.

The ground level is undulating but dips considerably towards the northern end where it leads on to the Local Wildlife site. A drain runs to the north side of the buildings and a public footpath crosses land to the south of the site. The Local Wildlife site is presently accessed at its northern end via the local rights of way network.

The character of the wider area of Nine Ashes is a pattern of ribbon development that is rural in appearance. The street scene is made up mostly of detached bungalows and one and a half storey buildings.

Description of Proposal:

Permission is sought to erect a new detached two-storey dwelling with associated car parking area and to change the use of land from agricultural into residential. To enable this, all existing buildings within the site would be removed or demolished. The plans also show an extensive landscape plan for the site.

The proposed 5-bedroom dwelling will be 21.4 metres at its widest point by 11.3 metres at its deepest point. The highest ridge point will be 8.4 metres and to the top of the chimney stack 9.8m. Its external appearance will be mock Tudor with decorative gable projections on all four elevations. It provides kitchen, dining, study, TV/ living room at ground floor level with 5 bedrooms at the first floor level. The new dwelling will be sited some 200 metres from the edge of Nine Ashes Road.

For the purposes of the application, the statement describes the new dwelling as an 'Eco house'. The applicant has offered to create a community nature reserve on the Essex Local Wildlife site. The nature reserve would be managed in accordance with a nature conservation management plan at the applicant's cost. There would be free public access to the proposed nature reserve.

Relevant History:

- EPF/1488/02 Outline application for the erection of four detached houses and affordable housing (numbers to be agreed). Refused
- EFP/0485/04 Outline application for single detached dwelling in connection with holding. Refused and subsequent appeal dismissed on the basis that there was no agricultural justification for the dwelling
- EPF/0401/09 and EPF/0634/09 Raising of ground levels to north of site and re-routing footpath to south of site. Withdrawn
- EPF/685/10 Raising of ground levels to north of site, re-routing public footpath to south of site (Revised application) Refused.
- EPF/0701/10 Use of land for stationing of a mobile home with agricultural tie, and provision of associated gravel access road. Refused
- EPF/0684/10 Change of use of land to residential and erection of two-storey detached dwelling. Refused on the basis of harm to the green belt and poor sustainability.

Policies Applied:

- CP2 – Protecting the quality of the built environment
- CP3 – New development
- GB2A – Development in the green belt
- GB7A – Conspicuous development
- DBE 1 - Impact on new buildings on surroundings
- DBE4 – Development within the green belt
- DBE6 - Parking for new residential developments
- DBE8 – Private amenity
- DBE 9 - Neighbour Amenity
- ST1, ST2, ST4 and ST6 – Highway safety and car parking
- LL2 and LL10 – Landscaping
- NC4 – Protection of established habitats

Summary of Representations

The occupants of 10 neighbouring properties were consulted and a site notice displayed. The following responses were received:

PETITION IN SUPPORT – Letter signed by 10 neighbours in support of the application.
(Berry farm, 202, 206, 208, 199, 236, 189, 212, 214, 210 Nine Ashes Road)

236 NINE ASHES ROAD - Proposal will complement the area and improve the site. The site is presently an eyesore. Nine Ashes is a rural community, as such affordable housing is not supported. The proposal is in full sympathy to the wildlife and nature in the locality.

HIGH ONGAR PARISH COUNCIL Supports – Support this application, provided the house is in keeping with the neighbourhood and that no further development of the site be permitted in the future.

Issues and Considerations:

Main Issues:

The proposed house is inappropriate development in the Green Belt and as such is contrary to Local Plan policy GB2A. Unlike national planning policy as set out in the National Planning Policy Framework, policy GB2A makes no allowance for the demonstration of very special circumstances. The house proposed is the same as that proposed under application

EPF/0684/10. The main matters to consider are the consequences for the openness of the Green Belt and the degree of weight to be attached to the proposal to create a community nature reserve on a recently designated Essex Local Wildlife site.

The proposal involves the erection of a large detached two-storey dwelling on a site where there is presently no residential use. The proposal would also result in one fifth of the approximately 7 hectare landholding becoming residential curtilage. The house would clearly be harmful to the interests of openness but as a consequence of the demolition of considerable existing buildings, some of which are very large, the development would overall result in a significant improvement in the openness of the application site. That improvement in openness would be apparent from publically accessible vantage points. However, whilst the present buildings are very large, since they are agricultural buildings they are appropriate within the rural context of the site. Notwithstanding their appropriate appearance, the improvement in openness and visual amenity arising from this proposal is a material consideration of significant weight. The rationale for reaching that conclusion is supported by the fact that the buildings have not been used for agriculture for many years and there is no realistic prospect of them being reused for that purpose.

In addition to the benefits to openness, which would have been secured by the previously refused proposal, the current proposal also includes the formation of a community nature reserve at no public cost to which the public would have free access. This can be secured by a planning obligation and this has been offered by the applicant. The Council's Tree and Landscape officer advises this proposal is of benefit since it would secure a management plan in order to conserve and allow access to an area important for wildlife. That position is reflected in the advice of the Countrycare manager and reference is made to the presence of veteran trees, bats, GC newts, grass snakes, and diverse meadow/ grassland habitats. Having regard to expert advice on the proposal to create a community nature reserve, this new dimension to the proposal is also a material consideration of significant weight.

Other Matters:

Design and appearance

The design and the appearance of the proposed new dwelling is a large and imposing building. It adopts a number of projecting gables and a mock-Tudor facade. It would be much larger in scale than houses typically found in Nine Ashes but its siting is to some degree remote from established residential development and consequently its scale would not form a sharp visual contrast with such development. Of itself the design is not unattractive and although inappropriate in Green Belt terms, would overall respect the character of the locality.

Neighbours amenity

The new dwelling will be sited some 200 metres from the edge of the road, this is a generous distance from any of the immediate neighbouring dwellings. Due to its siting the proposed new dwelling would not result in any overlooking, loss of light or other harm to the amenities of neighbouring occupiers.

Sustainability

As with any house situated in a rural location it will be car dependant. However, it is well related to existing residential development in Nine Ashes and would be no less sustainable in terms of its location.

The applicant makes the case that the proposal is for an eco-house. While the proposal would no doubt be constructed to a high standard, insufficient information has been submitted to demonstrate the house would be any more sustainable than any other house constructed in

accordance with the present Building Regulations. Consequently little turns on the applicant's claim.

Road safety

The Highway Authority are satisfied that the applicant has demonstrated the proposed traffic generation will be less than the permitted use of the site and does not object to the proposal because it does not result in any highway safety concerns. The parking arrangement for the proposal is acceptable.

Conclusion:

The proposed development would have an acceptable appearance, would cause no harm to the interests of amenity and would be no less sustainable than any other modern house constructed within the built up enclave of Nine Ashes. It is inappropriate development in the Green Belt and by definition harmful to it. However, the significance of the improvement in the openness of the Green Belt that would arise from the proposal together with the nature conservation and landscape benefits offered is very great. Moreover, the benefits to the interests of nature conservation can only be secured in connection with this proposal since the Essex Local Wildlife site on which the proposed community nature reserve would be created is entirely within land in the applicant's ownership. It could not be secured anywhere else. This set of circumstances is sufficiently unique that they would not readily be repeated on any other Green Belt site.

Having balanced all the material considerations the benefits to openness and nature conservation arising from this particular proposal amount to very special circumstances that outweigh the harm it would cause by reason of inappropriateness. It is therefore recommended that planning permission be granted subject to appropriate conditions and the completion of a planning obligation to secure the nature conservation benefits of the proposal.

Since adopted planning policy does not allow for very special circumstances the grant of planning permission would be contrary to policy. Therefore, if the Sub-Committee accepts the recommendation to grant planning permission it will be necessary to refer the application to the District Development Control Committee for its consideration.

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:

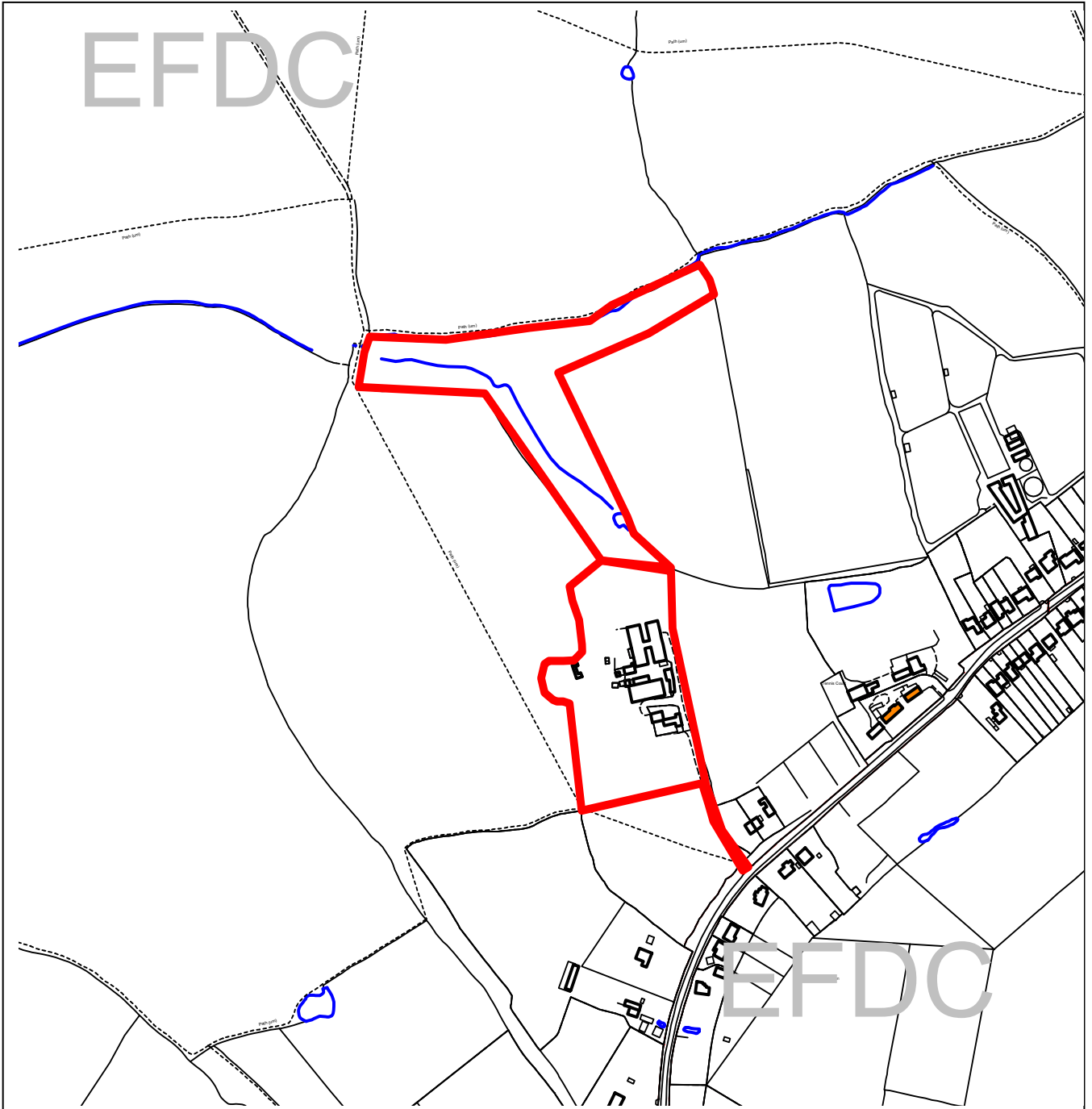
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	6
Application Number:	EPF/2577/11
Site Name:	Sparks Farm, 185 Nine Ashes Road High Ongar,
Scale of Plot:	1/5000

Report Item No: 7

APPLICATION No:	EPF/0834/12
SITE ADDRESS:	New House Farm Vicarage Lane North Weald Essex CM16 6AP
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr A Kerr
DESCRIPTION OF PROPOSAL:	Erection of 50kW microgeneration wind turbine with a tower height of 25m and blade diameter of 19m.
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=537159

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: ASP-001. ASP-002, E-3120-50 kW Monopole Rev: A
- 3 The development hereby approved shall be undertaken in accordance with the 'Precautionary Management and Mitigation' measures recommended in Section 8 of The Ecological Appraisal and Assessment provided by Envirogauge on 09/07/12.
- 5 No development shall take place until construction details have been submitted to, and approved in writing by, the Local Planning Authority. These details shall be adhered to throughout the construction period and should provide the following:
 1. The parking of vehicles of site operatives and visitors
 2. Construction vehicle access arrangements to the site
 3. Storage of plant and materials used in constructing the development

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)) and 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 located within an agricultural field within New House Farm, approximately 380m north of the farm complex. The proposed wind turbine would be located approximately 450m from the A414, 770m from Weald Bridge Road and 500m from the closest residential property. Some 980m to the southwest is North Weald Airfield. The site is located within the Metropolitan Green Belt and served by existing farm access tracks.

Description of Proposal:

Consent is being sought for the erection of a 50kW microgeneration wind turbine with a tower height of 25m and blade diameter of 19m. As such, the proposed wind turbine would reach a maximum height of some 34.2m. The site would be accessed by existing farm tracks and access points, and there is no proposal to upgrade these. However a cable run would need to be laid between the proposed wind turbine and New House Farm complex.

Relevant History:

There is a large history to the farm, however none of these previous applications are relevant to this proposal.

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP10 – Renewable Energy Schemes
GB2A – Development in the Green Belt
GB7A – Conspicuous development
NC4 – Protection of established habitat
RP5A – Adverse environmental impacts
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL1 – Rural landscape
LL2 – Inappropriate rural development
LL3 – Edge of settlement
LL10 – Adequacy of provision for landscape retention
RST27 – North Weald Airfield Leisure Centre
ST1 – Location of development

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

Consultation Carried Out and Summary of Representations Received:

Given the distance from any surrounding houses only 1 neighbouring property was consulted, however a Site Notice was displayed in Vicarage Lane on the 18th May and a Press Advert was placed in the local paper.

PARISH COUNCIL – Objects due to the size of the wind turbine tower and blade and due to its close proximity to the North Weald Airfield.

NORTH WEALD AIRFIELD GENERAL MANAGER – Object due to the detrimental impact this would have on the safe use of the airfield (summarised in more detail below).

SAXON MICROLIGHTS, HANGAR 4, NORTH WEALD AIRFIELD – Object due to the potential impact on aircrafts due to turbulence (summarised in more detail below).

ESSEX AREA RAMBLERS – Object due to the visual impact of the structure and as this would set a dangerous precedence.

NORTH WEALD BASSETT RURAL PRESERVATION SOCIETY – Object due to the noise in the countryside and to local residents, the excessive height of the development, damage to wildlife and particularly birds, proximity to North Weald Airfield and the problems this may cause, and as this is inappropriate development that is detrimental to the Green Belt.

39 LINDSEY STREET, EPPING – Concerned as this is within 3km of a working airfield, due to the visual impact, and as it would be contrary to Green Belt policy.

7 HOWS MEAD, NORTH WEALD – Object as this would be visually detrimental to the surrounding area, would cause a noise nuisance to the local community, and due to the proximity with North Weald Airfield.

BRAMBLES TYE, VICARAGE LANE EAST, NORTH WEALD – Object as the turbine would spoil the natural beauty of the surrounding area and given the lack of efficiency of wind turbines would not be outweighed by any real benefit.

Issues and Considerations:

The provision of renewable energy generation equipment is broadly in line with wider sustainability objectives both nationally and locally, therefore it remains at a more detailed level to be considered whether the broad sustainability merits of the proposals are acceptable in terms of location in the Green Belt, visual amenities in the area, neighbour amenity, and ecology. Given that the proposed development is located less than 1km from North Weald Airfield, the potential impact on this site is also a material consideration.

Green Belt:

In terms of Green Belt, the provision of renewable energy facilities are not defined as appropriate, in principle, within the National Planning Policy Framework, and therefore constitute inappropriate development harmful to the openness of the Green Belt. However, inappropriate development can be considered acceptable if sufficient very special circumstances exist to outweigh the harm from inappropriateness, and any other harm.

The Planning Supporting Statement submitted with this application includes a copy of an appeal decision for two wind turbines in Ravenshead, Nottingham, which was allowed in December 2011. Within this appeal decision the Planning Inspector supports this view that it is inappropriate development, in principle, in the Green Belt, commenting as follows:- *“the two turbines would be over 24m high to the tips of their blades. The presence of such tall, man made structures would harm the open, undeveloped nature of the Green Belt and would result in encroachment of development into the countryside. These turbines would, therefore, be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt”*.

Visual amenity:

The proposal would be located in an otherwise undeveloped former farmland area located a considerable distance from any public land. Whilst the proposed turbine would reach a maximum

height of almost 35m, it would be a distance of at least 450m from the A414, which is heavily screened along the northern boundary at this location, and over 700m from Weald Bridge Road, which whilst less heavily screened still benefits from vegetated boundaries along much of its length. Whilst long views of the turbine would be available, this would be a considerable distance and, as can be seen from the submitted visualisations, the development would not appear imposing or visually dominant within this location. The area of land to which the turbine would be situated is relatively flat and therefore the development would not be located on any elevated position, and conditions could be added to restrict the colour of the proposal (for example to be finished in black or dark green), which could further soften the impact of the proposal.

There are Public Footpaths that run to the south of the site, approximately 430m distant, and two further Footpaths to the north and west of the site, some 550m and 580m distant. Whilst the turbine would be viewed from these footpaths, this would be at a considerable distance and would not dominate the rural views. Furthermore, the turbine would be relatively slim and unobtrusive, and whilst proposed to be white in colour, could be conditioned to be finished in a darker colour if required. This has been put forward by the applicant and therefore can be easily conditioned.

Neighbouring amenity:

Neighbour objections have been received with regards to potential noise nuisance from the development. The applicant has highlighted paragraph 25 of ETSU-R-97 'The assessment and rating of noise from wind farms', which is the 1997 report by ETSU for the Department of Trade and Industry, and this states:

"For single turbines or wind farms with very large separation distances between the turbines and the nearest properties a simplified noise condition may be suitable. We are of the opinion that, if noise is limited to an LA90,10min of 35 dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary. We feel that, even in sheltered areas when the wind speed exceeds 10m/s on the wind farm, some additional noise will be generated which will increase background levels at the property".

Essentially this translates that a wind turbine can reach a noise level of 35 dB LA90,10min at wind speeds of up to 10m/s when measured at nearby residential properties without causing undue noise nuisance. At wind speeds over 10m/s then the background noise (i.e. the noise of the wind itself) would increase comparably with the increase in noise from the wind turbine, and would therefore suitably mask the increased noise levels. Whilst the ETSU-R-97 has been challenged as being unrealistic, it was previously stated within PPS22 (now replaced by the NPPF) that this report "should be used to assess and rate noise from wind energy development".

Noise data has been submitted with this application that confirms that the proposed turbine would not exceed 35 dB LA90,10min at the nearest residential property when measured at wind speeds of up to 10m/s. Given that the closest residential property is located some 500m away it is considered that there would be little impact from noise as a result of this single wind turbine.

Ecology:

A Phase 1 Ecological Report was submitted with regards to the proposed development, which was assessed by the Council's Countryside Manager. This Appraisal and Assessment is considered sufficient to show that there would not be any detrimental impact on existing habitats or species, provided that the 'Precautionary Management and Mitigation' recommendations contained within the report are carried out both before and during construction. These are that:

- A precautionary check for ground nesting birds is undertaken prior to construction of the development if this is to commence during the main breeding season (March-August).

- A means of egress must be placed over any holes or trenches excavated during construction if left unfilled overnight to allow for badgers and other wildlife to safely cross without becoming trapped.
- No agricultural manure should be stored within 100m of the turbine as this may attract bats and birds that prey on the resulting concentrations of flying invertebrate.

Impact on North Weald Airfield:

A number of objections have been received with regards to the potential impact on North Weald Airfield. The most comprehensive and significant of these are from the North Weald Airfield General Manager, who has based his objection on comments he received from an experienced commercial pilot, and from the Chief Flying Instructor for Saxon Microlights, which is based at Hangar 4 of North Weald Airfield. Below are a more in-depth summary of these objections and the response from the applicant to each of these:

- North Weald Airfield Manager comments:

The comments from the North Weald Airfield General Manager refer to the fact that the proposed wind turbine would be approximately 142 feet above the Runway 20 threshold and 97 feet above the Runway 31 threshold. The comments quote the following CAA (Civil Aviation Authority) Policy and Guidelines on Wind Turbines (Jan 2012):

“Aerodromes. Whilst not definitive, it should be anticipated that any wind turbine development within the following criteria might have an impact upon civil aerodrome related operations:

(e) Within 4km of a non-radar equipped unlicensed aerodrome with a runway of more than 800m;

(f) Within 3km of a non-radar equipped unlicensed aerodrome with a runway of less than 800m”.

They also quote:

“Aeronautical Navigation Aids and Communications Systems –

A wide range of systems, including aids such as ILS, VOR/DME, and Direction Finders, together with air-ground communications facilities, could potentially be affected by wind turbine developments. Wind turbines can affect the propagation of the radiated signal from these navigation and communication facilities because of their physical characteristics such as their situation and orientation in relation to the facility. As a result, the integrity and performance of these systems can, potentially, be degraded. Further research is required to fully understand the potential issues; therefore, a cautious approach and case-by-case analysis is required”.

The comments go on to state that aircraft flying an approach to Runway 31 usually fly a base leg track that would take them directly over the proposed wind turbine.

The applicant’s response to this quotes from the same CAA guidance and highlights the following:

*“A wide range of systems, including aids such as ILS, VOR/DME, and Direction Finders, together with air-ground communications facilities, **could potentially be affected** by wind turbine developments”.*

*“The CAA has been made aware of research that indicates **the possibility** of wind turbines adversely affecting the quality of radio communications between Air Traffic Controllers and aircraft under their control. **Significant further work is required** to establish the extent,*

likelihood and severity of the issue. Until further information is available, issues concerning wind turbines and VHF communications should be dealt with on a case-by-case basis and reference made to the guidance contained in Section GEN-01 of CAP 670” (applicant’s emphasis).

The highlighting of these quotes is to indicate the uncertainty surrounding the subject of interference by turbines with air-to-ground communication systems. The applicant further responds to this objection by stating that:

“For all flying conducted at North Weald pilots are entirely responsible for ensuring safe separation from other aircraft and from terrain”.

It goes on to state, with reference to aircraft flying directly over the turbine, that:

“If the turbine is beneath the turn point onto the base leg, aircraft will still be over 650ft above it – well above the minimum height pilots may legally fly (500ft). If pilots can fly legally and safely at 500ft they will be safe at 650ft.

It is difficult to reconcile the Objector’s statement regarding the position of the turbine at the end of the downwind leg. If however, the downwind leg were closer to Runway 31 then aircraft would fly over less of the noise avoidance area, The turbine would then be c1km away from aircraft in the circuit for Runway 31.

If the turbine is located at the end of the downwind leg then aircraft will be well above it before starting the descent, and laterally will be displaced from it before reaching even the 500ft plane above it.

The turbine’s position has no detrimental impact on circuits or safety at Runway 31 at North Weald”.

It goes on to state that:

“There is limited availability of Runway 31 and often ‘take-off’s ONLY may be permitted’ – not circuits. It is used ONLY when the crosswind (strong winds) precludes operations off Runway 20/12, and there have been no occasions in the past year when that has happened. Even then, the circumstances must be ‘exceptional’ for Runway 31 to be used.

A turbine on the end of the Runway 31 downwind leg will have no impact at all on operations at North Weal Airfield”.

The applicant also quotes the CAA Air Traffic Services Safety Requirements, which should be referred to when calculating safe distance from the main aerial tower. This states:

“Ground level safeguarding of circle radius 91m centred on the base of the main aerial tower (or equivalent structure). Additionally, from an elevation of 9m on this circle a 2% (1:50) slope out to a radius of 610m”.

The turbine is stated as over 1100m from the nearest part of the runway and 2km from the Air Traffic Control tower (where the transmitter is likely to be located). As such the applicant concludes that *“the location of the turbine greatly exceeds the VHF air-to-ground radio system safeguarding distance required by the CAA”*. It is also concluded that, due to the nature of signal propagation and the level of obstruction between the turbine and the airfield, the turbine would need to be a further 50m in height to result in a 60% clear Fresnel Zone (the ‘wavelet’ travel area of an electro-magnetic signal propagation).

The final rebuttal offered by the applicant is that the RAF/MoD has conducted a number of trials against wind turbines (all referenced within the document). The applicant states that “on no occasion on any of the trials is there any record of any impact on air-to-ground communications” and concludes that “given the fierceness with which the MoD guards its capabilities and the extent of its trials into the effects of large wind turbines and wind farms, had any ill-effects on radio communications been noticed they would have been reported – none have”. It is also pointed out that a CAA Mandatory Occurrence Reporting Scheme is in place “to contribute to the improvement of flight safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability”. The applicant claims that there are a “number of turbines large and small around the UK (and near airfields)” yet no incidents or reports of ‘interference’ with air-to-ground communications from or near wind turbines.

- Saxon Microlights comments:

The Chief Flying Instructor for Saxon Microlights states:

“The downstream wake of an operating wind turbine creates significant turbulence effects within the general wind. This eventually dissipates but the rate at which it dissipates is difficult to predict. Indeed, there is very little research done on the matter beyond the ranges required for windfarm designers to predict the impact of one wind turbine on the efficiency of another within the same cluster. There is very little research into the effects of a single turbine beyond these short ranges – specifically the CAA Policy and Guidelines on Wind Turbines states ‘the effects of these wakes on aircraft are not yet known’ (Chap 2, para 8.4). After further discussion of the subject, CAP 764 concludes the chapter with ‘Very light aircraft such as gliders, microlights, gyroplanes, [etc] are particularly susceptible to turbulence. In certain circumstances turbulence can cause loss of control that is impossible to recover from’.”

The objector considered other academic studies and, based on these, states:

“The wake turbulence which would be generated by the proposed turbine will tend to flow for some considerable distance downwind from the turbine at about the same height as the blades. This means that turbulence effects can be expected at the northern end of North Weald Airfield in any wind between North East and South East and at a height of between ground level and at least 1½ times the turbine height, so in this case more than 60 metres (ie nearly 200 feet). Aircraft approaching the runway from the north or taking off towards the north will therefore encounter this turbulence at a critical stage of flight and close enough to the ground that any disturbance from stable flight may be difficult, or impossible, to recover from.

The same study referred to above indicates that the strength of turbulence at a particular location downstream of the turbine cannot be predicted solely as a function of wind speed (conditions can arise in which a reduction in wind speed might create an increase in downstream wake turbulence) nor as a direct function of wind direction (the wake from a turbine is known to vary in a manner referred to as ‘meandering’).

As the current state of research indicates that it is difficult to predict the weather conditions (other than general wind direction) when such turbulence will occur and how strong it will be on any particular occasion, it follows that practicable flight procedures cannot be developed to avoid the turbulence.

It is not reasonable to expect all light aircraft and microlight aircraft operations to cease whenever there is an Easterly wind, so the proposal should not be approved until the

developer is able to demonstrate by appropriate study that the turbine will not adversely affect flight operations at the northern end of the airfield”.

The applicant’s response points out that the CAA Policy and Guidelines on Wind Turbines claims that *“published research shows measurements at 16 rotor diameters downstream of the wind turbine indicating that turbulence effects are still noticeable”*. This means that with a diameter of 19m, the turbulence effects are noticeable up to 306m (1000ft) behind the turbine. It is also stressed that the turbulence would be noticeable, but not necessarily hazardous. Notwithstanding this, the proposed wind turbine would be located significantly further from the airfield than 306m, and therefore it is concluded by the applicant that *“under CAA guidelines North Weald Airfield microlight operations are entirely safe from the effects of this turbine”*. Furthermore, the CAA Air Navigation: The Order and the Regulations document states:

“The 500 feet rule – Except with the written permission of the CAA, and aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure”.

As such, under the CAA Regulations no microlight should be flown within the 306m radius of the turbine unless given express permission to do so.

A theoretical model has been calculated by the applicant stating that, even if a microlight were to start its take off at the end of the runway nearest the wind turbine and could take off directly towards the turbine (neither of which would be possible), then by the time it was 480m distance from the turbine it would have climbed to 639m and would therefore be well above any height that turbulence effects could be experienced. Whilst there is anecdotal evidence (both positive and negative) about impacts from wind turbines on turbulence, there appears to be no actual evidence available. Despite the CAA Mandatory Occurrence Reporting Scheme, which specifically states that *“pilots of any air vehicle who firmly believe that they have encountered significant turbulence, which they believe to have been caused by a wind turbine, are strongly encouraged to report this through the existing Mandatory Occurrence Reporting scheme”*. As of July 2011 the CAA stated in the Policy and Guidelines on Wind Turbines that *“there are no Mandatory Occurrence Reports or aircraft accident reports related to wind turbines in the UK”*, and a search undertaken by the applicant uncovered no reports in the year since then.

The full rebuttal documents from the applicant are available to view online under the application reference number, or can be copied by request should the full details wish to be assessed. These two documents also contain copies of the full objections received.

- *LPA Conclusion:*

The issue of impact from wind turbines on aviation is very unclear and theoretical at present, however there does appear at this time to be very little data to suggest that wind turbines have a significant impact on aviation authorities. The introduction of the CAA Policy and Guidelines on Wind Turbines states that:

“Both wind energy and aviation are important to UK national interests and both industries have legitimate interests that must be balanced carefully. Therefore it is important that the aviation community recognises the Government aspiration for wind turbine developments to play an increasing role in the national economy. As such, the aviation community must engage positively in the process of developing solutions to potential conflicts of interest between wind energy and aviation operations. In a similar vein, wind turbine developers must understand the potential impact of developments on aviation, both at a local and a national level, and to fully engage with the aviation industry to develop suitable mitigation solutions”.

It is the responsibility of the applicant to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances. The applicant has referred to the relevant guidance and has given full justification as to why it is considered that the proposal would not detrimentally impact on North weald Airfield. The application was sent to the CAA, MoD, and the safeguarding department of Stansted Airport. The only response received was from the CAA, which read *“there is currently a high demand for CAA comment on wind turbine applications which exceeds the capacity of the available resource to respond to requests”* and states what other authorities should be consulted (all of which were with no response received). The only other comments made by the CAA are:

- *Any structure of 150m or more must be lit in accordance with the Air Navigation Order and should be appropriately marked. Smaller structures may also be required to be lit by aviation stakeholders particularly if they fall under Section 47 of the Aviation Act.*
- *Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.*

Very Special Circumstances:

It is not challenged by the applicant that the proposed wind turbine constitutes inappropriate development within the Green Belt, however they consider that there are sufficient very special circumstances in this instance to clearly outweigh this, and any other, harm. These are the following:

- The proposed wind turbine would provide renewable energy to meet the needs of New House Farm. This turbine is stated to provide an annual production of approximately 124,00kWh, which would reduce the carbon footprint of the farm business by some 64 tonnes per year. The turbine would also allow for the existing diesel powered grain dryer to be replaced by an electric powered dryer, which would be served by the proposed turbine. This would therefore reduce the farms reliance on fossil fuels.
- The proposed wind turbine would also assist in meeting the local and national climate change objectives as set out in the Climate Change Act 2008.

Within the Ravenshead appeal, the Inspector states that *“when considering applications for development in the Green Belt a balancing exercise has to be carried out. In this instance, on the one side of the balance is the harm caused by reason of inappropriateness – something to which substantial weight is attached – and the modest harm that would be caused to the character and appearance of the Green Belt to which limited weight will be given. On the other side of the balance are the wider economic and social benefits of the proposal to which significant weight is given”*. Based on the balance of consideration in the Ravenshead case, the Planning Inspectorate concluded that *“in this instance, bearing in mind the role that these turbines will play in reducing the carbon emissions of an established rural enterprise, the wider social and economic benefits of the proposed turbines would clearly outweigh the harm that they would cause to the Green Belt and, looking at the case as a whole, very special circumstances exist which justify the development”*.

Given the narrow design and overall setting of the development, and as the site is fairly well screened from several key public viewpoints, it is considered that the visual impact would not be unduly detrimental to the area. Furthermore, due to the limited nature of the application, it is considered that it would have a minimal impact on the openness of the Green Belt. Therefore, similar to the conclusion of the Ravenshead appeal, the environmental benefits of the proposal in this instance are considered sufficient to outweigh the limited harm from this inappropriate development.

Other Considerations:

- Highways and transportation:

The proposals involve very little highway works assuming the existing dirt track around the site is utilised. It is not demonstrated that this is sufficient for construction purposes, however this could be dealt with by way of condition or a further application.

It appears this internal road takes access from Green Lane, however with no significant maintenance identified it appears the proposals would result in little increase in vehicular traffic and as such Essex County Council Highways have raised no objection to the development.

Conclusions

Whilst the proposed wind turbine constitutes inappropriate development within the Green Belt, the very special circumstances by way of the renewable energy produced would outweigh the relatively small harm to the openness and character that would result from this development. The applicant has provided full justification as to why the proposed wind turbine would not harm the operation of North Weald Airfield and there has been no response from any aviation authorities stating otherwise. It is considered that this single wind turbine would have little impact on the appearance and views of this rural area and would not be detrimental to neighbours amenities, local ecology, or highway safety. As such it is considered that the development would be in line with the NPPF and Local Plan policies and is therefore recommended for approval.

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

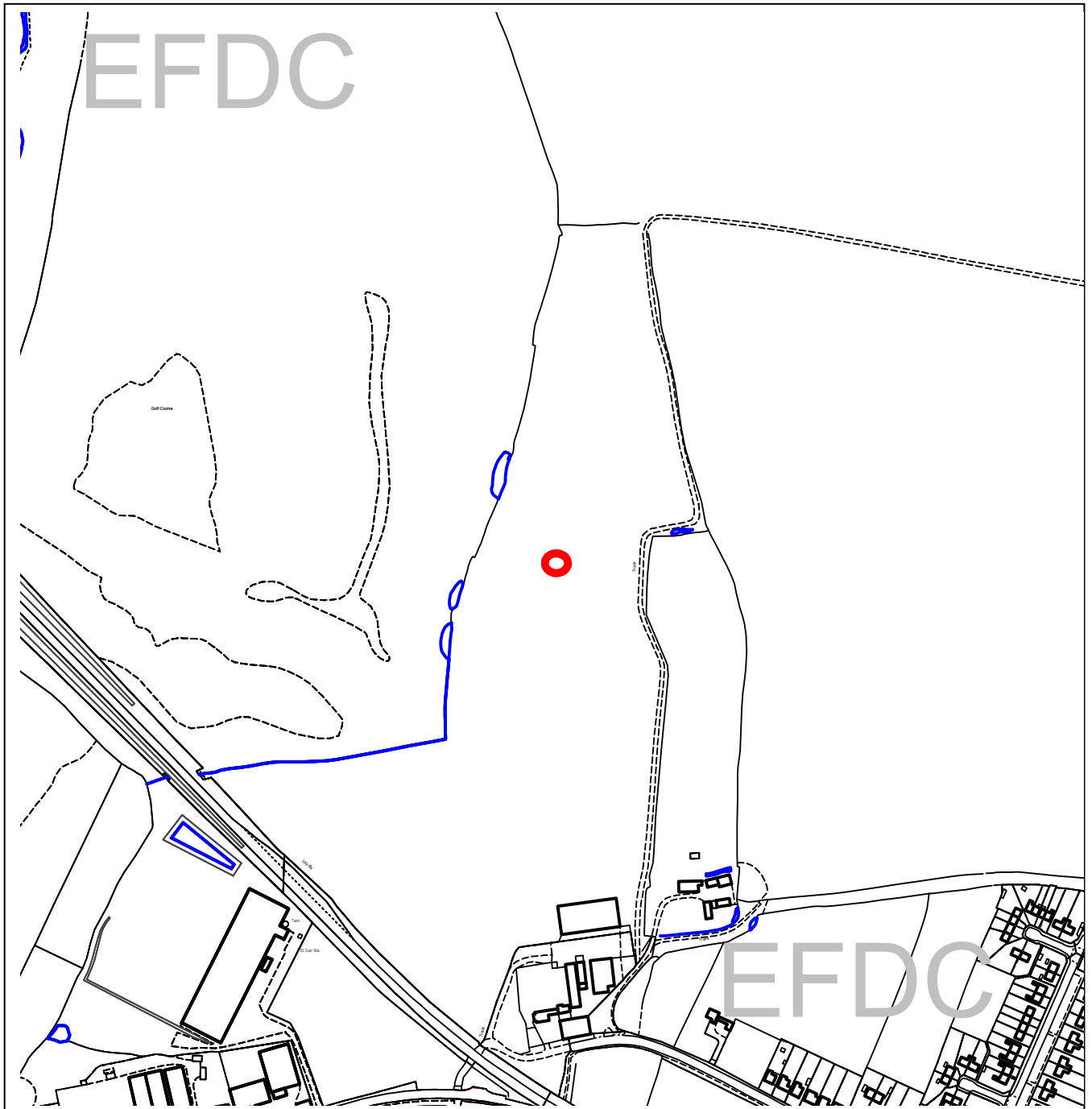
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	7
Application Number:	EPF/0834/12
Site Name:	New House Farm, Vicarage Lane North Weald, CM16 6AP
Scale of Plot:	1/5000

Report Item No: 8

APPLICATION No:	EPF/0836/12
SITE ADDRESS:	Forest Gate Bell Common Epping Essex CM16 4DZ
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Robin Stokes
DESCRIPTION OF PROPOSAL:	Conversion and extension of existing function room and outbuildings into a restaurant area including basement and front extension and increase parking area. (Revised application)
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=537176

REASON FOR REFUSAL

- 1 The proposed development, by reason of its design, and overall scale detracts from the character and appearance of the existing building, the conservation area and streetscene contrary to policies CP2, HC6, HC7, DBE4 and HC13A of the Adopted Local Plan and Alterations and national guidance contained in the NPPF at Paragraphs 17, 58, 126, 131 and 137.

This application is before this Committee since it would otherwise have been refused under delegated powers by the Director of Planning and Economic Development, but there is support from the relevant local Parish/Town Council and (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(l)) and since it has been ‘called in’ by Councillor Whitbread (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The Forest Gate Inn is a detached Public House set within spacious grounds with the outbuilding the subject of this application located in the north east corner of the site forming an ‘L’ shaped building on the boundary of the site to the side of 105 and 103 Bell Common and clearly visible from the road. Part of the outbuilding is occasionally used for functions with the remainder being used for storage purposes. The Public House and the outbuilding are locally listed buildings and both buildings are within the Bell Common Conservation Area. The application site is also within the Metropolitan Green Belt.

Description of Proposal:

The proposal is a revised application following the refusal of consent for a similar scheme (EPF/0019/12). The previous application was for the “*Conversion and extension of existing function room and outbuildings into a restaurant use including basement and front extension and increase in parking area. The extension measures 6m deep and 5m wide with the basement area located under the extension. The parking area is to be extended to the rear of the site*”. This application differs in that hedging is proposed to screen the parking area along its north east and south east boundaries. The existing outbuilding is both within the curtilage of the site and the Licence for the site and therefore can currently be used for functions/events. The proposal is to be used in association with the existing Public House and not as a separate enterprise.

Relevant History:

Various applications the most relevant of which:

EPF/1557/09 – Retention of re-constructed storage area of outbuilding and construction of a new cellar – Approved with conditions – 08/10/09.

EPF/0485/10 – Part ground/part first floor side extension – Approved with conditions – 28/05/10.

EPF/0019/12 - Conversion and extension of existing function room and outbuildings into a restaurant area including basement and front extension and increase parking area. Refuse Permission – 15/03/12.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives

CP2 - Quality of Rural and Built Environment

DBE2 – Neighbouring Amenity

DBE4 – Design in the Green Belt

GB2A – Development within the Green Belt

GB7A – Conspicuous Development in the Green Belt

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

HC13A – Local List of Buildings

ST4 – Road Safety

ST6 – Vehicle Parking

LL1 – Rural Landscape

LL10 – Adequacy for Provision of Landscape Retention

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

SUMMARY OF REPRESENTATIONS:

16 properties consulted and site notice displayed – 3 replies.

93 BELL COMMON: Objection. Concern about noise and fumes from the development, which abuts my property, and hope that a condition can be attached prohibiting further windows and air vents on the boundary wall and that adequate soundproofing is installed. Concern about the amount of parking adjacent to my boundary and feel this could be reduced. I feel the parking area could be hard surfaced to reduce noise and request that adequate visual screening is used. I feel that lighting is unnecessary within a conservation area.

69 HEMNALL STREET: Support. We do not feel this proposal would cause offence to the Green Belt or local traffic levels. We believe it will enhance the town and provide a service which ensures the long term viability of the pub.

34-40 SOMERSET GROVE, LONDON: Support. I do not feel this proposal would cause offence to the Green Belt or local traffic levels. A well run restaurant will enhance this part of the town in and would be in contrast to the many chain restaurants on the high street. Judging by how the public house is managed this would be a well run operation.

EPPING SOCIETY: Support. We support this application. It appears to have no serious impact on the Green Belt or highway safety. A special condition may be the continued existence of this pub. The fact that a large section will be built underground shows consideration of the Conservation Area has taken place.

EPPING TOWN COUNCIL: Support. The proposal would be an improvement of the site without causing unreasonable harm and the parking is commensurate with the use.

Issues and Considerations:

The main issues with this proposal relate to the appropriateness within the Green Belt, design in relation to the Locally Listed Building and Conservation Area, impact on neighbouring amenity and highway safety and parking. The planning history and recently refused scheme is another material consideration. The NPPF has been adopted as national policy since March 2012 and is also relevant to any planning decision.

Green Belt

The application was previously refused consent because of the size of the extension and the incremental impact this, and previous additions, would have on the open character of the Green Belt. Policy GB2A restricts new development in the Green Belt to development considered 'appropriate' within the Green Belt. Extensions to public houses do not fall within an appropriate use within the Green Belt when tested against GB2A. However, the NPPF at Paragraph 89 permits extensions to existing buildings in the Green Belt as long as it does not result in disproportionate additions over and above the size of the original building (Paragraph 89). This extension, coupled with a small extension at the southern end of the building, would result in an approximately 30% increase to the building. This would be even less if additional built form to the outbuilding and public house was considered. It is therefore considered that the proposed extension is now in line with recently adopted national policy and this should take precedence. The proposed extension is therefore now acceptable from a Green Belt perspective whereas before it was not.

This application provides a screen along the north east and south east boundaries of the proposed parking area as part of this proposal. The openness of the parking area and its erosive impact on the character and appearance of the open countryside formed another reason to withhold consent. In this instance it is considered that the planting of a native species hedge would have the desired effect of screening the parking area. Therefore the amended scheme has appropriately overcome this concern and planting can be agreed by condition.

Design, Conservation Area and Locally Listed Building

There are no proposed changes to the original design with this proposal. The Conservation Officer has no objection to the conversion of the building to a restaurant use as it will bring the currently underused building back into use and secure its future maintenance.

However, as previously stated, the Officer was concerned that *“the extension will damage the architectural integrity of the outbuilding which currently forms an ‘L’ shaped range. The outbuilding makes a positive contribution to the Conservation Area and was designated as ‘Locally Listed’ in its own right due to this. The increase in size is considered to obscure the buildings original layout and function which is considered to be to the detriment of the building and the character and appearance of the Conservation Area. The building has already been extended (albeit replacing a modern garage addition) and this coupled with the proposal is considered to have a cumulative adverse impact, eroding the character of the building.*

Notwithstanding the above objection to the principle of an extension, the design of the proposal is also not considered acceptable when taken in isolation. The span of the roof is 6.5m wide, the Essex Design Guide suggests spans should ideally be 5m – due to the large span proposed, the extension appears squat and the roof pitch too slack to complement the existing building and roofslopes”. No attempt has been made to address this concern and it is therefore deemed an inappropriate design contrary to Policies CP2, HC6, HC7, DBE4 and HC13A of the adopted Local Plan and national planning guidance contained at Paragraphs 17, 58, 126, 131 and 137 of the NPPF.

Impact on Amenity

The proposal is not considered to have a significant impact on amenity. Comments have been raised with regards to fumes and noise but it is considered that the proposal could be successfully conditioned to ensure any disturbance to neighbours is kept to a minimum.

Highway Safety and Parking

The proposal provides sufficient parking for the proposed use and Essex County Council Highways has no objection to the proposal.

Tree Issues

It was noted on site that a number of trees to the rear of the site had been removed. These would enjoy protected status by virtue of their location within the Conservation Area. However the Trees Officer of the Council has inspected the site and although the removal of three of the trees would have required consent and their removal was thus a “technical offence” the Trees Section had no concern with their removal. The rest of the trees removed were exempt from special control.

Conclusion:

The inclusion of the screening hedge has overcome one of the previous reasons for refusal and the change in National Green Belt Policy now makes the development appropriate in Green Belt terms, but the design of the scheme has not been amended and the previous concern in this regard remains. It is therefore considered that the proposal does not complement the existing building to the detriment of the character and appearance of the Locally Listed building and the Conservation Area. The proposal is therefore contrary to the adopted policies of the Local Plan and it is therefore recommended that the application is refused.

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

Planning Application Case Officer: Mr Dominic Duffin

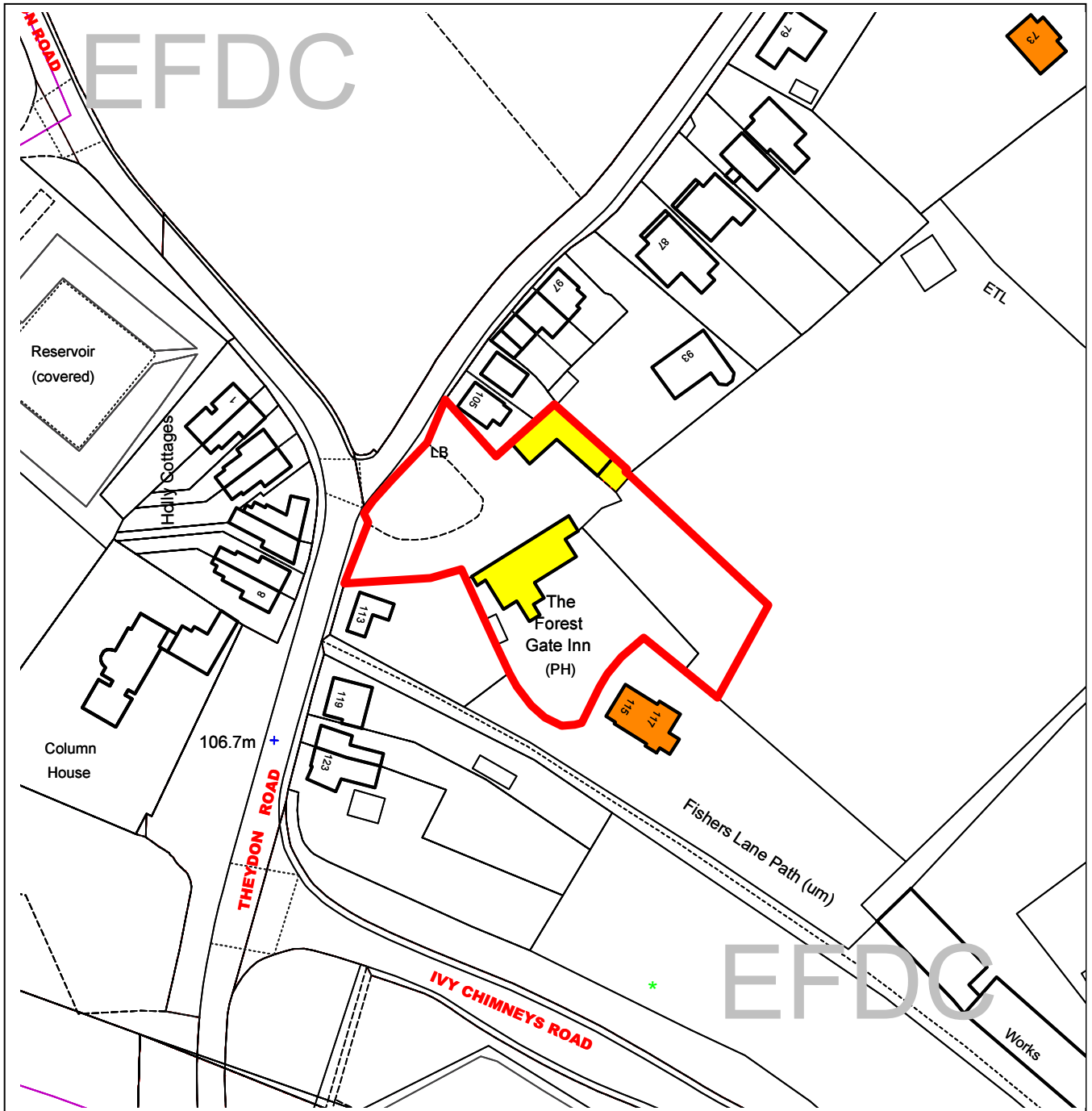
Direct Line Telephone Number: (01992) 564336

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	8
Application Number:	EPF/0836/12
Site Name:	Forest Gate, Bell Common Epping, CM16 4DZ
Scale of Plot:	1/1250