

# Committee Agenda



**Epping Forest  
District Council**

## ***DISTRICT DEVELOPMENT CONTROL COMMITTEE Tuesday, 7th March, 2006***

**Place:** Civic Offices, High Street, Epping  
**Room:** Council Chamber  
**Time:** 7.30 pm  
**Democratic Services Officer** Simon Hill, Research and Democratic Services  
Tel: 01992 564249 Email: shill@eppingforestdc.gov.uk

### **Members:**

Councillors Mrs A Grigg (Chairman), Mrs M Boatman (Vice-Chairman), Mrs D Borton, M Colling, Mrs R Gadsby, A Green, D Kelly, A Lee, F Maclaine, L Martin, Mrs P Richardson, B Sandler, Mrs P Smith, Ms S Stavrou and K Wright

**PLEASE NOTE THAT A CHAIRMANS BRIEFING FOR THIS MEETING WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE EVENING OF THE MEETING – GROUP REPRESENTATIVES ARE INVITED TO ATTEND THIS MEETING**

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### **1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

### **2. MINUTES (Pages 7 - 18)**

To confirm the minutes of the last meeting of the Committee held on 17 January 2006 (attached).

### **3. APOLOGIES FOR ABSENCE**

### **4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Head of Research and Democratic Services) To report the appointment of any substitute members for the meeting.

**5. DECLARATIONS OF INTEREST**

(Head of Research and Democratic Services) To declare interests in any item on this agenda.

**6. WYLDWOODS, WOODGREEN ROAD, WALTHAM ABBEY - DEMOLITION OF EXISTING 'COACH HOUSE' AND ERECTION OF NEW DWELLING ON SAME FOOTPRINT (EPF/2208/05) (Pages 19 - 24)**

To consider the attached report.

**7. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**8. EXCLUSION OF PUBLIC AND PRESS**

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

<b>Agenda Item No</b>	<b>Subject</b>
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.

- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

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## **Advice to Public and Speakers at Council Planning Subcommittees**

### **Are the meetings open to the public?**

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee. A map showing the venue will be attached to the agenda.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### **What can I say?**

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **Can I give the Councillors more information about my application or my objection?**

**Yes you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website [www.eppingforesdc.gov.uk](http://www.eppingforesdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers presentations. The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** District Development Control **Date:** 17 January 2006  
Committee

**Place:** Council Chamber, Civic Offices, **Time:** 7.30 - 9.55 pm  
High Street, Epping

**Members Present:** Mrs A Grigg (Chairman), Mrs D Borton, M Colling, Mrs R Gadsby, D Kelly, F Maclaine, L Martin, Mrs P Richardson, B Sandler, Mrs P Smith, Ms S Stavrou and K Wright

**Other**

**Councillors:** Mrs D Collins, R Glozier, J Knapman, S Metcalfe, Mrs P K Rush and D Stallan

**Apologies:** Mrs M Boatman, A Green and A Lee

**Officers Present:** J Boreham (Assistant Public Relations and Information Officer), S G Hill (Senior Democratic Services Officer), B Land (Assistant Head of Planning and Economic Development), C Neilan (Conservation Officer), J Preston (Head of Planning and Economic Development) and R Rose (Senior Lawyer)

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### 19. MINUTES

**RESOLVED:**

That the minutes of the Committee held on 1 November 2005 be taken as read and signed by the chairman as a correct record.

### 20. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that no substitutes had be appointed to the meeting.

### 21. DECLARATIONS OF INTEREST

(1) Councillors Colling, Collins, Gadsby, Glozier, Grigg, Metcalfe, Sandler, Smith, Stallan, Stavrou declared a prejudicial interest in item 6 (Planning Application at 5 Avenue Road, Theydon Bois) by virtue of a neighbour being the Conservative Member of Parliament for Epping Forest. The Councillors left the meeting for the consideration of that item.

(2) Councillor D Collins and A Grigg declared personal interests in item 7 by virtue of being members of Theydon Garnon and North Weald Parish Councils respectively. The members indicated that they would remain in the meeting for the discussion and voting on that item.

(3) Councillor S Stavrou declared an Interest in item 8 (Planning Application at 21 Albion Terrace, Waltham Abbey) by virtue of being a representative on the LVRPA. The Councillor indicated that she proposed to leave the meeting for the consideration on that item.

(4) Councillor D Stallan declared a personal interest in item 9 (Planning Application for Leisure Complex at Blakes Golf Course, North Weald) by virtue of being a governor of a school (St Andrews Primary School), who had expressed support for the scheme. The Councillor indicated that he had not been involved in the decision of the school to support the scheme and therefore would remain in the meeting during the discussion on this item.

(5) Councillor R Glozier declared a personal interest in item 10 (Blunts Farm, Theydon Bois) by virtue of being the local ward councillor. The member indicated that he proposed to remain in the meeting for the discussion on that item.

**22. APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING**

**RESOLVED:**

That, in the absence of Councillor Mrs M Boatman, Councillor K Wright be appointed as Vice Chairman for the duration of the meeting.

**23. ORDER OF BUSINESS**

**RESOLVED:**

That with the assent of the Committee, Item 10 (Enforcement Action - Blunts Farm, Theydon Bois) be brought forward as the next item of business.

**24. BLUNTS FARM, COOPERSALE LANE, THEYDON BOIS - ENFORCEMENT ACTION**

The Committee considered a report of the Head of Planning Services relating to the development of Blunts Farm, Theydon Bois into a golf course. The report to the Committee set out officers' view that the development had not been carried out in accordance with the approved plans.

The breaches of development control related to the carrying out of an engineering operation that had the effect of raising land across the site in a landform that was materially different to that approved. It was noted that a large amount of material had been imported onto the site by lorry.

The committee were shown contour plans of the site that demonstrated the increase in landform levels across the site. Current volumes on the site were markedly in excess to those agreed even taking account of voids on the site.

It was noted that the Environment Agency had withdrawn the sites exemption from needing a waste licence and that works had therefore currently ceased on the site.

The Committee were asked to consider the issuing of Enforcement Notices and a Stop Notice for the site. The Committee noted that such notices could only enforce the completion of the golf course on the land in accordance with original plans or the restoration of land levels at Blunts Farm to their original levels prior to the commencement of works on the land in 2002.

The Committee agreed that the works on the site were contrary to the original permission and that appropriate Enforcement and Stop Notices be authorised.



The committee asked they be kept informed of progress at the site and that any proposals to withdraw notices have member approval.

**RESOLVED:**

(1) That having regard to the evidence gathered, provisions of the development plan and to all other material considerations the Head of Legal Administration and Estates Services be authorised to issue and serve an appropriate enforcement notice under section 172 of the Town and Country Planning Act 1990;

(2) That the notice referred to in (1) above require:

(a) Within 7 days:

The cessation of the importation of fill material including waste and demolition waste; and

(b) Within 2 years of the notice taking effect:

EITHER the completion of the golf course on the land in accordance with drawing number BLUN.209A approved pursuant to condition 12 of the planning permission dated 23 April 2002, Ref. EPF/765/99 OR the restoration of land levels at Blunts Farm to their original levels prior to the commencement of works on the land in 2002;

(3) That having regard to the evidence gathered, provisions of the development plan and to all other material considerations the Head of Legal Administration and Estates Services be authorised to issue and serve an appropriate enforcement notice under section 172 of the Town and Country Planning Act 1990;

(4) That the notice referred to in (3) above require:

(a) Within 7 days:

The cessation of the importation of fill material including waste and demolition waste; and

(b) Within 2 years of the notice taking effect:

Compliance with the requirements of condition 12 of the planning permission dated 23 April 2002, Ref. EPF/765/99;

(5) That having regard to the evidence gathered, provisions of the development plan and to all other material considerations the Head of Legal Administration and Estates Services be authorised to issue and serve a stop notice under section 183 of the Town and Country Planning Act 1990;

(6) That the stop notice take effect 7 days after it is served and require the cessation of the importation of fill material including waste and demolition waste;

(7) That any proposal for the withdrawal of any such served notice be subject to approval by the District Development Control Committee;

(8) That in the event that either the enforcement notices or the stop notice is not complied with, the Head of Legal, Administration and Estates Services, subject to being satisfied as to the evidence, and the expediency of such action, be authorised to commence or defend criminal and/or civil proceedings in respect of such breach which for the avoidance of doubt shall include Injunction proceedings; and

(9) That all members be kept up to date with proceedings relating to this site via the Members Bulletin.

**25. PLANNING APPLICATION EPF/1643/05 - 5 AVENUE ROAD, THEYDON BOIS**

**Councillor K Wright in the Chair**

The Committee considered an application at 5 Avenue Road, Theydon Bois for a roof extension, two-storey side extension together with a conservatory. Area Planning Subcommittee 'B' had referred the application to the Committee, as that subcommittee had been inquorate for that item.

**RESOLVED:**

That planning application EPF/1643/05 (5 Avenue Road, Theydon Bois) be granted subject to the following 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) Prior to first occupation of the building hereby approved the proposed window openings in the flank roof slopes of the development hereby approved shall be fitted with obscured glass, and shall be permanently retained in that condition.

(3) Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

(3) Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.

**26. ROUGHTALLEYS WOOD, THEYDON GARNON - PLANNING APPLICATION FOR WOODLAND BURIAL SITE - EPF/1900/05**

The Committee were asked to consider an application for a woodland burial site at Roughtalleys Wood, Theydon Garnon. The application had been referred to the

Committee as the proposals affected two parish areas which were the responsibility of two Area Planning Subcommittees.

The Committee supported the application subject to amendment of the gate construction to timber and works to improve surface water runoff on the approach road to the site.

**RESOLVED:**

That planning application EPF/1900/05 (Roughtalleys Wood, Theydon Garnon - planning application for woodland burial site) be granted subject to the following 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) Prior to the commencement of development details of screen walls, fences, access gates or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the first use of the site hereby approved and maintained in the agreed positions;
- (3) The burial use hereby permitted shall not be open outside the hours of 08.00am to 16.30pm on any day of the week;
- (4) Prior to the commencement of the development details of the proposed surface materials for the access, driveway, and footpaths shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development;
- (5) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of staff and visitors vehicles;
- (6) A 5-metre buffer zone shall be provided alongside the full length of the watercourse that runs along the western and southwestern boundary of the site. This buffer zone shall be measured from the top of the watercourse bank, and shall be free of cemeteries, structures, hard standing and fences. Formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be left as a natural area for wildlife;
- (7) Burials shall not take place within 10m of any watercourse, within 10m of any field or land drains and there should be at least 1m unsaturated zone;
- (8) The development hereby approved shall take place in accordance with the timings, working practises, and mitigation measures contained within the Ecological Assessment for the site as carried out by ECCOS dated 28 Oct 2005;
- (9) No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the LPA and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the LPA has given its prior written consent to and variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The AMS shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendation for Tree Works (BS.3998: 1989).

The AMS shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the LPA has been given in writing.

(10) No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation;

(11) No development shall take place, including site clearance or other preparatory work, until all details relevant to the implementation of hard and soft landscape works and tree planting, hereafter called the Landscape Method Statement, have been submitted to the LPA, and the development shall not commence until the Landscape Method Statement has been approved by the LPA in writing. All landscape works shall be undertaken in accordance with the approved details, unless the LPA has given its prior written consent to any variation;

The Landscape Method Statement shall include as appropriate, protection of the planting areas, where appropriate by fencing, during construction; preparation of the whole planting environment, particularly to provide adequate drainage; and the

provision which is to be made for weed control, plant handling and protection, watering, mulching, and the staking, tying and protection of trees. The Landscape Method Statement shall also normally include provision for maintenance for the period of establishment, including weeding, watering and formative pruning, and the removal of stakes and ties. Provision shall be made for replacement of any plant, including replacements, that are removed, are uprooted, or which die or fail to thrive, for a period of five years from their planting, in the first available season and at the same place, with an equivalent plant, unless the LPA has given its prior written consent to any variation.

All hard and soft landscape works shall be completed prior to the occupation or use of any part of the development, unless the LPA has given its prior written consent to a programme of implementation. The hard and soft landscape works, including tree planting, shall be carried out strictly in accordance with any approved timetable.

The Landscape Method Statement shall state the provision which is to be made for supervision of the full programme of works, including site preparation, planting, subsequent management and replacement of failed plants.

(12) No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule;

(13) No marker, headstone or other monument shall be erected unless made entirely out of biodegradable materials.

(14) The development authorised by this permission shall not begin until the Local Planning Authority has approved in writing a full scheme of works for improvement to:

The highway from the railway bridge to the new access to the site; and

Installation of a new footway from the access to the site to the existing one in Kiln Road with appropriate works for surface water runoff;

The occupation of the development shall not begin until those works have been completed in accordance with the Local Planning Authority's approval and have been certified in writing as complete by or on behalf of the Local Planning Authority.

(15) There shall be no importation of materials for the purpose earth filling from outside the application site before or during the development hereby approved.

(16) No means of external lighting shall be installed on the land or buildings without the prior written consent of the Local Planning Authority.

**27. PLANNING APPLICATION EPF/1801/05 - LAND ADJACENT TO 21 ALBION TERRACE, SEWARDSTONE ROAD, WALTHAM ABBEY**

The Committee considered an application for the erection of six terraced houses on metropolitan green belt land adjacent to Albion Terrace, Sewardstone Road near the boundary of the district with the London Borough of Waltham Forest.

The application had been referred to the Committee by the local Area Planning Subcommittee who had considered that there were very special circumstances that outweighed any harm to the green belt, namely that there was a need for affordable

housing in the district and that the proposed dwellings were a continuation of the adjacent style of property.

The Committee was advised that since the Area Planning Subcommittee meeting the applicants revised their application to provide 100% affordable housing (i.e. Housing for rent). It was also noted that the Highways Authority had concerns about the access to and from the site but that a condition to control the height of front boundary walls would improve sight lines on the classified road.

The Committee concurred with the view of the Subcommittee in that there were very special circumstances in this instance and that planning permission should be granted. They requested that the Section 106 agreement should include the Council's right of nomination to the tenancies of the houses.

The Lee Valley Regional Park Authority had maintained an objection on the grounds that the houses would have an adverse effect on the areas amenity. If not withdrawn the application would stand referred to the Secretary of State for determination.

**RESOLVED:**

That subject to the prior completion of a satisfactory agreement under Section 106 of the Town and Country Planning Act 1990, within the next 12 months, requiring that:

(i) before commencement of the development the applicant shall be willing to sell the six properties to a Housing Association for rent with the price paid by the Housing Association for the six properties at open market value less 40% of the open market value of the land; and

(ii) housing tenant nomination rights be afforded to the Council for the properties;

planning permission be granted subject to:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;

(2) The development shall be carried out in accordance with amended plans received on 24/10/05;

(3) Materials of construction to be agreed

(4) Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the first use of the site hereby approved and maintained in the agreed positions;

(5) Hours of construction 7:30 to 18:30 Mon to Fri, 08:00 to 13:00 Saturday and at no time on Sundays or bank Holidays unless otherwise agreed in writing by the LPA;

(6) Drainage details to be agreed;

(7) Wheel Washing equipment to be installed;

(8) Submission of landscape details;

(9) The front and side boundary walls to all dwellings shall be no higher than 500mm in order to provide the maximum sight lines across the site;

(10) Where the surface finish of a private access is intended to remain in unbound materials, the first 6m as measured from the highway boundary, should be treated with an approved bound material to prevent any loose material from entering the highway; and

(11) Gates shall not be erected.

**28. BLAKES GOLF COURSE, EPPING ROAD, BOBBINGWORTH - PLANNING APPLICATION FOR HEALTH AND LEISURE COMPLEX (EPF/1510/05)**

The Committee considered an application that had been called to committee at the request of Councillor John Knapman and placed before the District Development Control Committee as the development had a potential impact on two parishes (Bobbingworth and North Weald) that were within different Area Plans Sub Committees.

The proposal was for the erection of a two storey building measuring 25.4m wide by 49.2m wide, brick built with a sloping roof and a ridge height of 7m comprising a 9m x 19m swimming pool, spa, sauna, gym, crèche area and changing rooms at lower ground floor with 4 studios, a salon, sales area and admin area within the roof.

The building incorporated a single storey element to the side measuring 15m x 7m for storage in connection with the use. A car park for 250 cars was also proposed, set down 2m below the current ground level.

The Committee noted that such indoor sport facilities were contrary to Metropolitan Green Belt Policy and therefore inappropriate by definition. The building was proposed to be placed on the highest part of the course and would be clearly visible from a wide area. A number of objections had been made to the application.

The Committee heard from both objectors and the applicants.

The Committee were of the view that whilst facilities were needed, in this instance the location was inappropriate and clearly contrary to policy and not of the right design. There were no very special circumstances that existed to mitigate the harm to the green belt caused by the application. The committee resolved to refuse the application.

**RESOLVED:**

That planning application EPF/1510/05 at Blakes Golf Course, Epping Road, Bobbingworth be refused for the following reasons:

(1) The site is within the Metropolitan Green Belt wherein only certain types of development are deemed appropriate. The proposed development is inappropriate and by definition harmful to the Green Belt. No very special circumstances, sufficient to overcome the harm to the Green Belt that would result from the development exist. The proposed building, extensive parking area and level of activity that would result from their use would have a significant and detrimental impact on the openness, character and amenity of the Green Belt. The proposal is therefore contrary to Government guidance

and to Policy C2 of the Essex and Southend on Sea Replacement Structure Plan and Policies GB2 and GB3 of the adopted Local Plan.

(2) The proposal would increase the use of an existing access off the A414 Epping Road. The A 414 in this location is a Primary One Strategic Route. The proposal would be accessed via the existing “temporary “ golf course access off the A414 Epping Road. The “temporary” access does not meet the current highway design standards and specifications set by the Highway Authority. The proposal is therefore contrary to Policy T17 of the adopted Local Plan.

(3) The proposal is in an unsustainable location therefore would lead to trips being made using the private car rather than more sustainable modes of transport such as public transport, cycling and walking, Contrary to policies CS1, CS4 and T3 of the Structure Plan.

(4) The proposed building and car park, due to their size and design and their position within the open countryside/golf course landscape, present an unattractive and intrusive feature in the landscape, harmful to the visual amenity of the area and contrary to policies LL2 DBE4 of the adopted Local Plan.

## 29. TREE PRESERVATION ORDERS, APPLICATIONS TO FELL TREES AND ENFORCEMENT - PROCEDURAL CHANGES AND DELEGATED AUTHORITIES

The Committee considered procedural changes and delegated authorities to officers and Committees in relation to Tree Preservation Orders, Applications to Fell Trees and Enforcement required following a recent review by officers.

### RESOLVED:

#### Tree Preservation Orders (TPOs) – Procedure and Confirmation

(1) That a report be submitted to the Council recommending that item (8) (page C12 of the Constitution) of the terms of reference of the four Area Plans Sub Committees be amended to read as follows: “To determine the confirmation of those tree preservation orders which are opposed”;

(2) That the delegated authority exercised by the Head of Planning & Economic Development in respect of TPOs (Ref T12 – page D58 of the Constitution) be amended to read:“ To authorise, serve and execute all unopposed Tree Preservation Orders in accordance with Section 197 of the Town & Country Planning Act 1990 (as amended) and any subsequent legislation and to notify action taken in the Members’ Information Bulletin.”

#### Applications to Fell Trees – New Government Advice on Valid Applications

(3) That the Protocol and Guidance agreed in April 2005 be amended to take account of the Secretary of State’s advice that only the minimum requirements in the model TPO need be met in order to validate an application, provided that the decision taker is provided with adequate information to decide whether the proposed tree works are justified;

#### TPOs – Potential Compensation Cases



(4) That a report be submitted to the council recommending that item (2) of the terms of reference of the District Development Control Committee be amended to read as follows:

“ To determine any recommendation of an Area Plans Sub Committee which relates to potential decisions liable to give rise to claims for costs or compensation including development control matters and enforcement of planning requirements (including recommendations of no action) but excluding works in relation to tree preservation orders.”;

Enforcement Action & High Hedges– Additional Delegation to Head of Planning & Economic Development etc

(5) That the existing delegation to the Head of Planning & Economic Development (item E9 – page D18 of the constitution) be amended by the addition of:

(a) temporary stop notices to paragraph 1;

(b) the additional words “(and any subsequent legislation or regulations)”being added to paragraph 1;

(c) the addition of a new paragraph 6 as follows:

“ 6. Authority to determine complaints and issue relevant notices in relation to High Hedges provision of Part V of the Anti Social Behaviour Act 2003, to determine that such notifications are valid and to respond to any relevant appeals.”

(d) the delegation being held jointly with the Head of Legal, Administration and Estates;

(6) That the delegated powers for the Head of Planning & Economic Development (paragraph P5 – page D45 of the Constitution) be amended to provide for entry in pursuance to Part VII of the Anti- Social Behaviour Act 2003.

TPOs Under the Supervision of Essex County Council

(7) To note the revised arrangements to come into effect from 1 January 2006 in respect of applications under Essex County Council TPOs; and

(8) That the Head of Planning & Economic Development clarify the extent of consultation on and notification of action taken by the County Council under the new arrangements and to express the Committees concern and the need for greater consultation.

### 30. FIRST MEETING OF THE NEW YEAR

In closing the meeting the Chairman wished members a happy new year.

**CHAIRMAN**

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## **Report to District Development Control Committee**

**Date of meeting: 7 March 2006**

**Subject:** Wyldwoods, Woodgreen Road, Waltham Abbey - Demolition of Existing 'Coach House' and Erection of New Dwelling on Same Footprint (EPF/2208/05)



**Epping Forest  
District Council**

**Officer contact for further information: B land  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation**

**That the committee considers the recommendation of Area Plans Subcommittee D that permission be granted for the erection of a new dwelling.**

### **Report Detail**

#### **Background**

1. This application has been referred to this committee by Area Plans Subcommittee D with the recommendation that permission be granted, since to grant permission would be contrary to the Council's adopted policy. The application was reported to that committee at its meeting on 22 February 2006 with an officer recommendation for refusal and a copy of that report is appended.

#### **Planning Issues**

2. The main issue in determining this application concerns Green Belt policy and whether very special circumstances exist to allow an exception to be made to the normal presumption against the erection of new dwellings.
3. Planning permission was granted in 2003 for the conversion of this dilapidated outbuilding to form a two bedroomed dwelling. The application was accompanied by a structural engineer's report confirming that the existing structure was capable of conversion and permission was granted in the light of the assurances given. To convert an existing building to an alternative use is appropriate development within the Green Belt since the impact upon the openness of the Green Belt is unaltered.
4. This application proposes the demolition of the outbuilding and its replacement with a brand new dwelling. Such development is inappropriate in the Green Belt and, by definition, harmful. The application is, this time, accompanied by a further report from another structural engineer stating that the costs of conversion would be disproportionately large and that "rebuild would be more sensible both economically and practically".
5. The proposal is to build the new dwelling to the same dimensions and to the same appearance as the 2003 conversion scheme. The Area Plans Subcommittee were of the view that in practical terms the impact on the

openness of the Green Belt would be unaltered by this alternative proposal and that a rebuild is likely to be more energy-efficient than the conversion. Consequently the committee considered that permission could be granted, though wished the proposal to receive wider debate at this forum.

6. Whilst the end result may, on the face of it, appear similar, the process of achieving the new dwelling is widely different. This application is for the erection of a new dwelling in the Green Belt that is contrary to long-established local and national policies. If the conversion is not preferred only because of cost, that is no reason to justify building a new dwelling. Converting old buildings for new uses has never been a cheap option. However, if the conversion is not possible because it is practically impossible then the permission for the conversion was obtained by providing misleading information to the Council and a separate dwelling should not be seen to be inevitable.
7. It is the officer's view that the structural engineer's comments do not comprise very special circumstances (that could not be argued in relation to many outbuildings in similar circumstances) and are not sufficient to set aside Green Belt policy.
8. A secondary issue is the reopening of the northern access to the site to provide an exclusive access to the coach house. The conversion permission included a condition requiring this access to be closed and two subsequent applications to remove this condition have been refused. The use of this access is most hazardous because of its geometry, levels, proximity to the motorway bridge and since the verge is controlled by the Corporation of London. Its use cannot be permitted.

## **Conclusions**

9. Should the committee be mindful to grant permission, it should be subject to conditions relating to:
  - a) time limit for commencement
  - b) use of reclaimed materials from the demolition of the coach house and matching, second-hand materials
  - c) development carried out strictly in accordance with drawing nos. 301c and 302c
  - d) notwithstanding the previous condition, the northern access shall be closed, and
  - e) no removal of trees or shrubs without prior consent.
10. In addition, there is a suggestion from the applicant that the dwelling is only required for as long as she continues to occupy the building, but that once her occupation ceases the dwelling could revert to part of the curtilage of Wyldwoods and be used only as an annex to that house. If the committee were minded to have regard to this offer, that would have to be controlled by a section 106 agreement. Its value is limited however, since one would hope the applicant's occupation would exceed 5 years and after that time, application can be made to release the dwelling from such an agreement.
11. The officer's recommendation continues to be one for refusal.

*Original report to Planning Subcommittee D*

<b>APPLICATION No:</b>	EPF/2208/05
<b>SITE ADDRESS:</b>	The Coach House Wyldwoods Woodgreen Road Waltham Abbey Essex EN9 3SB
<b>PARISH:</b>	Waltham Abbey
<b>APPLICANT:</b>	Beverley Curtis
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing 'Coach House' and erection of new dwelling in same footprint.
<b>RECOMMENDED DECISION:</b>	<b>REFUSE</b>

**CONDITIONS:**

- 1 The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policies GB2 and GB8 of the adopted Local Plan and Policies RE2 of the adopted Replacement Structure Plan for Essex and Southend on Sea because the use of the building for residential purposes cannot be accomplished without major or complete reconstruction.
- 2 The proposed reinstatement of the northern access does not provide adequate sight lines, its use would therefore prejudice highway safety contrary to Policy T17 of the adopted Local Plan and policy T8 of the adopted replacement structure plan for Essex and Southend on Sea.

**Description of Proposal:**

Consent is being sought for the demolition of the existing 'Coach House' and erection of a new dwelling in the same footprint. The 'Coach House' is an outbuilding within the grounds of the property known as Wyldwoods. The principle behind this application is that approval was granted for the conversion of the Coach House in 2003 however since that application was approved it has come to light that the building could not be converted and would need to be replaced as economically and practically underpinning the building would result in disproportionately high costs.

The north access is proposed to be reinstated to serve the new dwelling. The design would match that of the previously approved.

**Description of Site:**

Three storey detached house dating from the 1840's on an extensive plot within the Metropolitan Green Belt. The site is bounded by the M25 to the north, which is on an embankment at this point. There is a two storey coach house 30m to the north of the main house, which forms the subject of this application. The ground falls away to the west, and there is extensive foliage on the site, consisting of mature trees and shrubs.

**Relevant History:**

EPF/1168/03 – Conversion of existing coach house to two bedroomed house - Approved  
EPF/1031/04 – Continued use of north entrance to site after reinstatement of clear sight lines and entrance improvements and removing condition 7 of EPF/1168/03 – Refused  
EPF/1669/04 - Continued use of north entrance to site after reinstatement of clear sight lines and entrance improvements and removing condition 7 of EPF/1168/03 (resubmission) – Refused

**Policies Applied:**

Structure Plan

C2 – Development in the Green Belt  
RE2 – Re-use of rural buildings  
T8 – Rural Transport

Local Plan

DBE1, DBE2, DBE4, DBE9, DBE10 – Residential Development Policies  
GB2, GB8 – Green Belt Policies  
T17 – Highway safety

**Issues and Considerations:**

The main issue here relates to whether or not the demolition of a non-dwellinghouse in the Green Belt could be replaced with a dwelling along with the use of a substandard access to serve this building.

Introduction

The history here is that the consent was granted for the conversion of the building as it was considered to comply with Policy GB8 of the adopted Local Plan, as it did not constitute major or complete reconstruction. Furthermore, although as part of that application it was proposed to re-instate the northern access to serve the property, this access was considered to be substandard, so the approval included a condition to close this access off and improve and share the southern access with the main dwelling.

Two applications were subsequently received, proposing to use the northern access. They were both refused on the grounds that the access does not provide adequate sightlines that in turn prejudiced highway safety.

Green Belt

In order to allow the change of use of a building in the Green Belt Policy GB8 of the Local Plan states amongst other things that the building is:

- (a) Of permanent and substantial construction
- (b) Capable of conversion without major or complete reconstruction
- (c) In keeping with its surroundings by way of form, bulk and general design.

The crux of the application here, is (b) as shown above. As mentioned above, although approval was granted for conversion of this building it has come to light that the building is not capable of being converted without major reconstruction and large financial implications. Therefore the demolition of this building to be replaced with a new dwelling is the only viable option.

However Policy GB8 clearly states that buildings capable of conversion without major or **complete** reconstruction, amongst other things, would be allowed.

This application fails to comply with one of the fundamental aims of the policy and is therefore contrary to it. Whilst the applicant put forward the argument that a replacement would look no different than the approved conversion, to approve this would set a dangerous precedent, opening the floodgates for similar applications in the future. The applicant puts forward personal reasons to why this could be approved but these circumstances are not considered very special to overcome the aims of the policy.

#### Highway Safety

There are currently two access to the site from Woodgreen Road. The northern access is currently unused and sub standard in terms of sight lines and highway safety. It is about 1m lower than the existing road level. Part of the approved application in 2003 centred on highways issues and it was considered that this access be permanently closed.

This application shows that the northern access is proposed to be used. Two applications have been submitted proposing to reinstate this access for use and both times have been refused. This proposal does not differ from the previously refused and therefore the Highways Authority still maintain their objection, citing inadequate sight lines as sight lines of 120m, 2m back from the carriage way cannot be achieved. This therefore is contrary to policies T8 of the structure plan and T17 of the adopted local plan.

#### Amenity

These issues were looked at in the 2003 conversion application and were considered acceptable.

#### **Conclusion:**

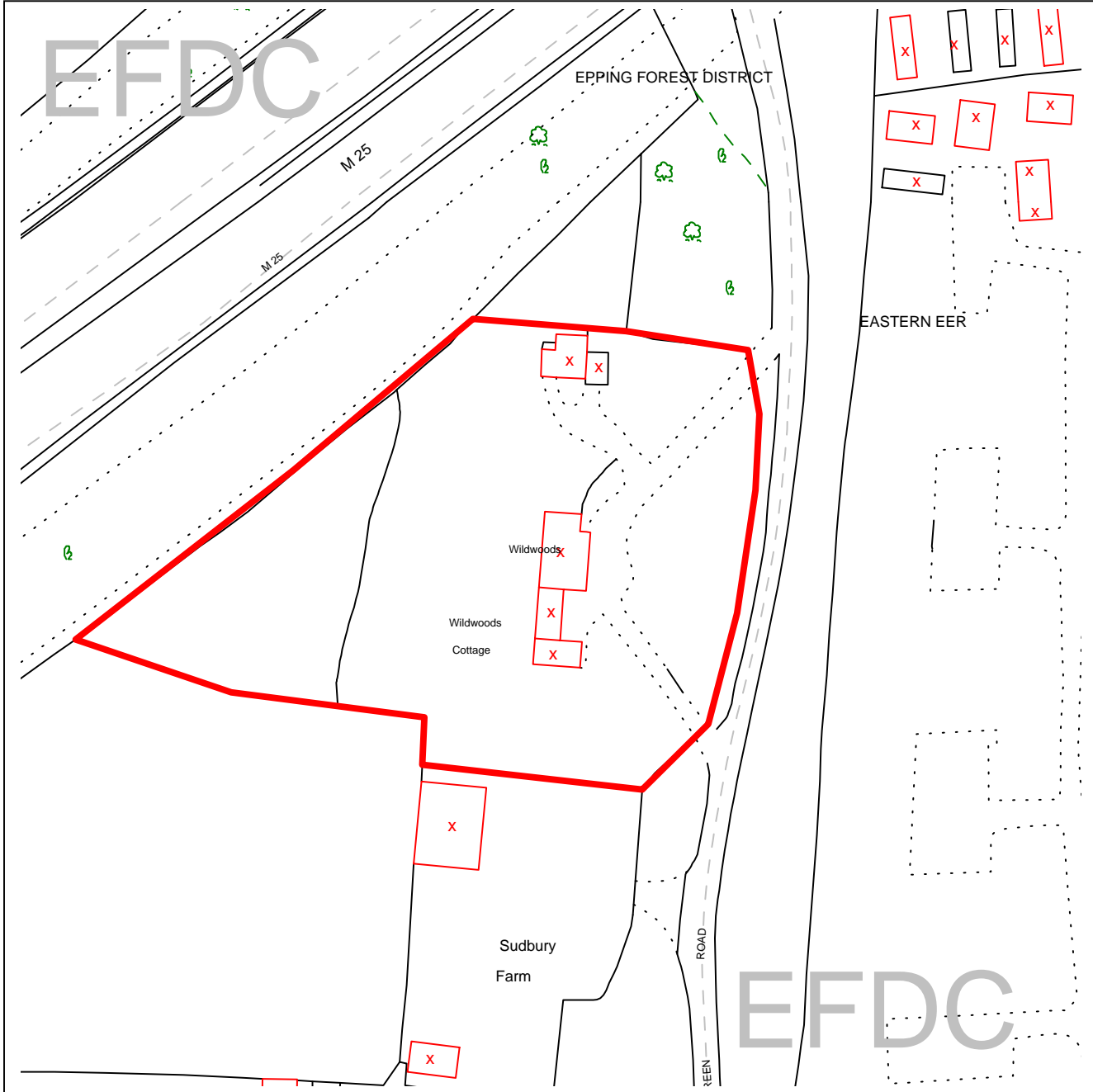
The application is contrary to Structure plan policy RE2 and GB8 of the adopted plan regarding the re-use of buildings and Structure plan T8 and local plan policy T17.

#### **Summary of Representations:**

Waltham Abbey Parish Council – No objections.



# Epping Forest District Council



**Agenda Item Number: 5**

Application Number: EPF/2208/05

Site Name: The Coach House, Wyldwoods, Woodgreen Road, Waltham Abbey

Scale of Plot: 1:1,1250

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