



# Epping Forest District Council

## ***Area Plans Subcommittee D Wednesday, 20th April, 2005***

**Place:** Waltham Abbey Town Hall, Waltham Abbey  
**Room:** Main Hall  
**Time:** 7.30 pm  
**Democratic Services Officer** Adrian Hendry, Research and Democratic Services  
Tel: 01992 564246 email: ahendry@eppingforestdc.gov.uk

### **Members:**

Councillors Mrs D Borton (Chairman), Ms S Stavrou (Vice-Chairman), P Brooks, R Chidley, R D'Souza, J Demetriou, Mrs R Gadsby, R Haines, J Lea, L McKnight, P McMillan, Mrs M Sartin, Mrs P Smith and D Spinks

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**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND  
APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. ON  
THE DAY OF THE SUB-COMMITTEE.**

**A plan showing the location of Waltham Abbey Town Hall is  
attached to this agenda**

**1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING  
SUBCOMMITTEES (Pages 5 - 8)**

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

**2. MINUTES (Pages 9 - 14)**

To confirm the minutes of the last meeting of the Sub-Committee held on 23 March 2005 as a correct record (attached).

**3. APOLOGIES FOR ABSENCE**

**4. SUBSITUTE 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. 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.

## 7. DEVELOPMENT CONTROL (Pages 15 - 40)

(Head of Planning and Economic Development) To consider planning applications as set out in the attached schedule

**Background Papers:** (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

## 8. DELEGATED DECISIONS

(Head of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

## 9. 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:

Agenda Item No	Subject	Exempt Paragraph Number	Information
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:

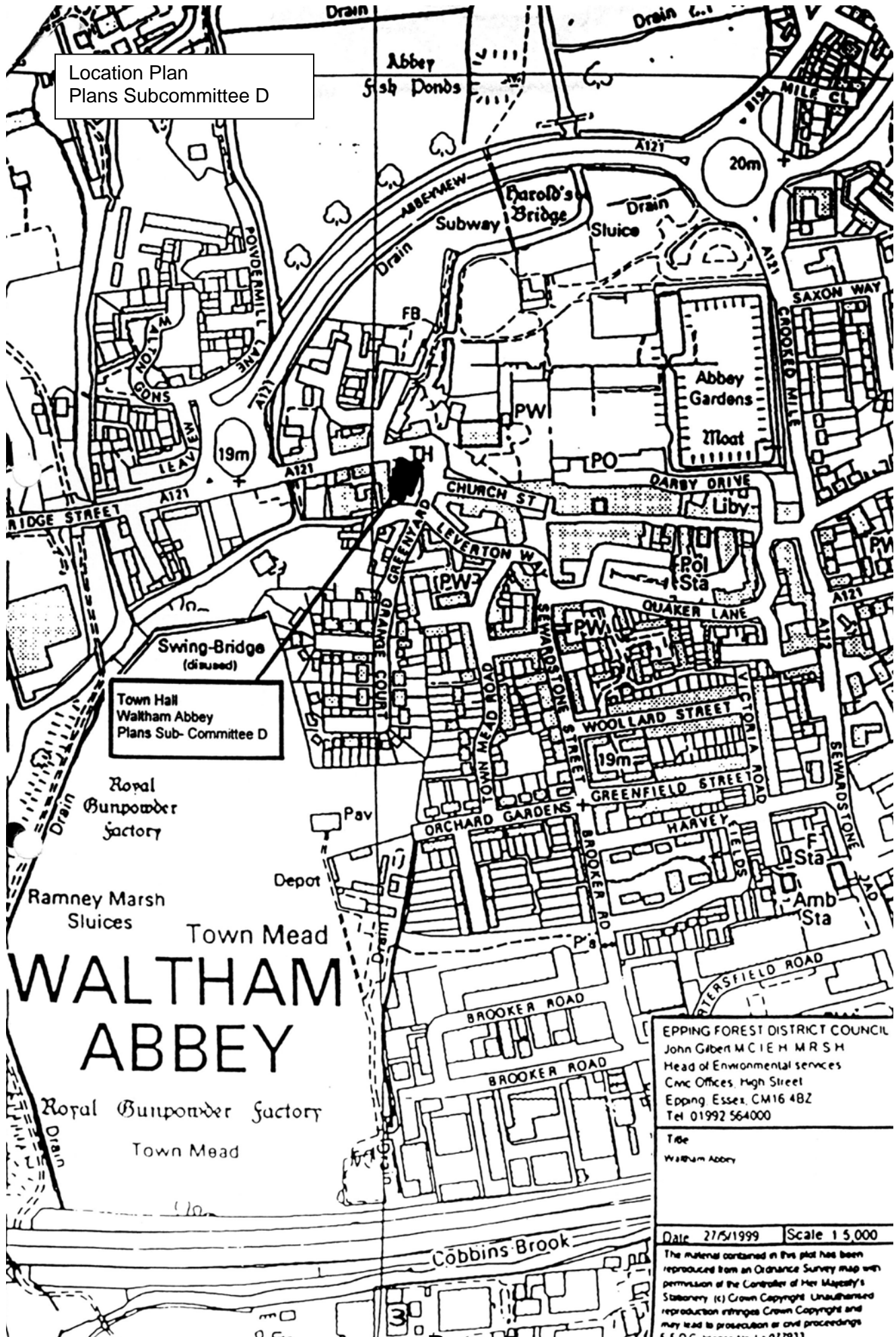
- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion,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





Location Plan  
Plans Subcommittee D

Town Hall  
Waltham Abbey  
Plans Sub- Committee D

# WALTHAM ABBEY

EPHING FOREST DISTRICT COUNCIL  
John Gibert M.C.I.E.H. M.R.S.H.  
Head of Environmental services  
Cmc Offices, High Street  
Epping Essex, CM16 4BZ  
Tel 01992 564000

Title  
Waltham Abbey

Date 27/5/1999 Scale 1:5,000

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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:** Area Plans Sub-Committee 'D' **Date:** 23 March 2005

**Place:** Civic Offices, High Street, Epping **Time:** 7.30 – 9:10 p.m.

**Members Present:** Councillors Mrs D Borton (Chairman), Ms S-A Stavrou (Vice-Chairman), Mrs P Brooks, R Chidley, J Demetriou, R D'Souza, Mrs R Gadsby, R Haines, Mrs J Lea, L McKnight, P McMillan, Mrs M Sartin, Mrs P Smith, D Spinks

**Other Councillors:**

**Apologies:**

**Officers Present:** N Richardson (Planning Services), A Hendry (Research and Democratic Services)

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### 68. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting. She then outlined the procedures and arrangements agreed by the Council to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

### 69. MINUTES

#### RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 26 January 2005 be taken as read and signed by the Chairman as a correct record subject to the following amendment.

That in the schedule for 23 February 2005, under item 2, the Parish should read Waltham Abbey and not Roydon.

### 70. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor R Haines declared a personal interest in agenda item 6(2) (RES/EPF/2321/04 – Former Police Station, 64-66 North Street, Nazeing), by having his wife employed by Epping Forest PCT. Councillor Mr R Haines had determined that his interests were not prejudicial and indicated that he would remain in the meeting for the duration and consideration of the applications and the debate and voting thereon.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Borton declared a personal interest in agenda items 6(1, 2 & 3) (EPF/1509/04 – Maplecroft, Maplecroft Lane, Nazeing; RES/EPF/2321/04 – Former Police Station, 64-66 North Street, Nazeing; EPF/2427/04 – Oakleigh Nursery, Paynes Lane, Nazeing), by being the ward member for that area and for EPF/2427/04 – Oakleigh Nursery, Paynes Lane, Nazeing as she is also a member of the Lea Valley Regional Park Authority.

Councillor Mrs D Borton had determined that her interests were not prejudicial and indicated that she would remain in the meeting for the duration and consideration of the applications and the debate and voting thereon.

**71. ANY OTHER BUSINESS**

It was noted that there was no urgent business as defined in the Council's Procedure Rules for consideration at this meeting.

**72. DEVELOPMENT CONTROL**

The Sub-Committee considered a schedule of planning applications.

**RESOLVED:**

That the applications 1 to 6 be determined as set out in Annex 1 to these minutes.

**73. DELEGATED DECISIONS - INFORMATION ITEMS**

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning Services under delegated powers since the last meeting of an Area Plans Sub-Committee could be inspected in the Members' Room or at Planning Services.

**CHAIRMAN**

1. **APPLICATION NO:** EPF/1509/04 **PARISH** Nazeing

**SITE ADDRESS:**

Maplecroft, Maplecroft Lane, Nazeing

**DESCRIPTION OF PROPOSAL:**

Erection of stable block (resubmission).

**DEFERRED for members of the Committee to carry out a site visit**

2. **APPLICATION NO:** RES/EPF/2321/04 **PARISH** Nazeing

**SITE ADDRESS:**

Former Police Station, 64-66 North Street, Nazeing

**DESCRIPTION OF PROPOSAL:**

Reserved matters application for the demolition of police station and houses, and erection of GP surgery.

**GRANTED SUBJECT TO:**

1. Materials of construction to be agreed.
2. Prior to first occupation of the building hereby approved the proposed window openings in the northern elevation shall be obscured glazed and permanently retained in that condition.
3. No further side windows without approval.
4. Balcony not to be formed.
5. Submission of a landscape scheme.
6. Submission of details of earthworks.
7. Prior to the commencement of the development, details of the proposed surface materials for the car parking area shall be submitted to and approved by the Local Planning authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
8. No planting within the sight line across the site shall occur.
9. The door opening in the northern flank shall only be used as a means of emergency escape and not as a general entrance/exit.
10. The hours of operation for the surgery shall be:  
Monday to Friday 07.30 – 19.00  
Saturday 09.00 – 14.00

Sunday and Bank Holidays – not open.

11. All construction/demolition works and ancillary operations (which include deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place on site between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
12. No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
13. The rating level of noise (as defined by BS4142: 1997) emitted from the plant room and any other air conditioning, condenser units, mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.
14. The premises shall be used solely as a doctor's surgery and health clinic and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any Statutory Instrument revoking or re-enacting that Order.

3. **APPLICATION NO:** EPF/2427/04 **PARISH** Nazeing

**SITE ADDRESS:**

Oakleigh Nursery, Paynes Lane, Nazeing

**DESCRIPTION OF PROPOSAL:**

Change of use of agricultural buildings to B8 use – storage and distribution.

The Committee's attention was drawn to 2 letters of representations from Langridge Barn, Paynes Lane and Oakleigh, Paynes Lane.

**REFUSED**

1. The proposal would result in excessive traffic generation and movement along a narrow track highway, detrimental to the character of the countryside and the amenities of local residents, contrary to policy GB8, DBE9 and T17 of the adopted Local Plan.

4. **APPLICATION NO:** EPF/125/05 **PARISH** Roydon

**SITE ADDRESS:**

Hailes Farm, Low Hill Road, Roydon

**DESCRIPTION OF PROPOSAL:**

Conversion of existing warehouse into new office space and conversion of existing barn to three bedroomed residential dwelling.

**GRANTED SUBJECT TO:**

1. To be commenced within 5 years.
2. Prior to commencement of development detailed plans and elevations for the conversion of the barn to residential use shall be submitted to and agreed in writing by the Local Planning Authority. Such plans shall omit the porch and chimney shown on the submitted application drawings.
3. Materials of construction to be agreed.
4. Prior to the first use of the barn for residential purposes the wooden storage building shown to be removed on the approved plans shall be demolished and all materials removed from the site.
5. Prior to the first use of the barn for residential purposes the use of the yard and warehouse at the site for warehouse and open storage purposes shall cease, and such use shall not take place thereafter.
6. Submission of Landscape Proposals.
7. Within three months of first occupation of the barn for residential purposes the works to the warehouse to enable its conversion to offices, including its recladding shall be completed.
8. Prior to the commencement of the development, details of the proposed surface materials for the drive and parking area shall be submitted to and approved by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of part 1, Classes A, B and E and Part 3, Class B shall be undertaken without the prior written permission of the Local Planning Authority.
10. The office building shall be used only for uses following within class B1(a) office use and for no other purpose.
11. The office use hereby approved shall operate only between the hours of 08.00 and 18.00 hours Monday to Friday and 09.00 to 13.00 on Saturdays and at no time on Sundays and Bank Holidays.
12. Contamination land study and remediation.
13. Notwithstanding the details shown on the approved plans, the proposed gates at the access shall be recessed into the site to the satisfaction of the Local Planning Authority. Details of the gates shall be submitted and agreed in writing prior to first occupation of the buildings hereby approved.

5. **APPLICATION NO:** EPF/146/05 **PARISH** Waltham Abbey

**SITE ADDRESS:**

46 Highbridge Street, Waltham Abbey

**DESCRIPTION OF PROPOSAL:**

Erection of three storey building with accommodation in the roof to provide 16 No. studio flats. (Revised application.)

**REFUSED**

1. Due to its excessive height in relation to the existing Grade II listed buildings fronting Highbridge Street the proposed block of flats would form an unacceptable contrast with them and would not respect the hierarchy of importance of buildings off Highbridge Street. The proposal would therefore detract from the setting of the listed building fronting Highbridge Street contrary to policies CS2 and HC3 of the Essex and Southend on Sea Replacement Structure Plan (April 2001) and to policies HC12 and D BE1 of the Epping Forest District Local Plan (January 1998).
2. Since the building would cause harm to the setting of adjacent listed buildings and because it would not respect the established hierarchy of buildings in this part of the Waltham Abbey Conservation Area it would fail to preserve or enhance the character or appearance of the Conservation Area. It is therefore contrary to policies CS2 and HC2 of the Essex and Southend on Sea Replacement Structure Plan (April 2001) and to policies HC7 and DBE1 of the Epping Forest District Local Plan (January 1998).

6. **APPLICATION NO:** A/EPF/2265/04 **PARISH** Waltham Abbey

**SITE ADDRESS:**

12A Sun Street, Waltham Abbey

**DESCRIPTION OF PROPOSAL:**

Display of illuminated shop sign.

**GRANTED SUBJECT TO:**

1. The maximum luminance of the sign granted consent by this Notice shall not exceed 1200 candelas per square metre.

## AREA PLANS SUB-COMMITTEE 'D'

20 March 2005

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT

#### CASES

ITEM	REFERENCE	SITE LOCATION	PAGE
1.	EPF/2200/04	Moss Nursery, Sedge Green, Nazeing	17
2.	EPF/612/03	Merryweather Nursery, Reeve lane, Roydon	22
3.	EPF/248/02	Tylers Cross Nursery, Epping Road, Roydon	26
4.	A/EPF/240/05	Former PBI Site, Sewardstone Road, Waltham Abbey	30
5.	EPF/422/05	Stables, Lippitts Hill, High Beach, Waltham Abbey	34

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**APPLICATION No:** EPF/2200/04

Report Item No: 1

**SITE ADDRESS:**  
MOSS NURSERY, SEDGE GREEN, NAZEING

**PARISH:** Nazeing

**APPLICANT:** Henry Spencer

**DESCRIPTION OF PROPOSAL:**

Retention of second mobile home.

**RECOMMENDED DECISION: Grant Permission**

1. This consent shall inure solely for the benefit of the applicant Noah Spencer and any resident dependants and for no other person or persons.
2. Prior to development adequate provision for foul drainage shall be submitted to and approved by the Local Authority. The approved drainage shall take place prior to occupation.

Description of Proposal:

The proposal is to retain a second mobile home.

Description of Site:

The application site is situated on the west side of Sedge Green, is roughly rectangular in shape, and extends to 0.195 ha. It is within an area characterised by horticultural development, and within the Lea Valley Park.

Relevant History:

Enforcement notice re Caravan. Appeal allowed 4/11/82. Inspector concluded that a caravan had been on the site in continuous human habitation since 1947.

Enforcement Notice served re: Caravans/residential use of buildings, Issued 16/9/96 and appeal dismissed 19/11/97.

Policies Applied:

Structure Plan:

C2 - Development within the Green Belt  
H6 - Accommodation for Gypsies

Local Plan:

GB2 - Development in the Green Belt

GB5 - Residential moorings and non-permanent dwellings in the Green Belt.

Issues and Considerations:

There are two main issues to be considered in this case. Firstly, whether the accommodation needs of the family are of such significance as to amount to very special circumstances that would justify an exception to the presumption against inappropriate development within the Green Belt, and secondly whether the proposed use would harm the objectives of the Lee Valley Regional Park Authority. In addition, the increased use of the access needs to be assessed.

The response from the Lea Valley Park Authority refers to two appeal decisions in 1995 (in fact 1997 for this site), in respect of sites on this section of Sedge Green. It notes the conclusion of an Inspector that the appellants were gypsies and that their needs had the basis to constitute the very special circumstances of sufficient weight to overcome the presumption against inappropriate development in the Green Belt. However, he recognised the proposals of the Park Authority to develop this part of the Park for recreational purposes and acknowledged that much of the land required for this purpose had already been acquired. He regarded the conflict with the proposals of the Park Authority to be a sound reason to refuse planning permission.

The supporting case on behalf of the applicants points out that one mobile home on the site is lawful, and that there is no doubt that the extended family residing on the site are gypsies within the accepted definition. In one of the homes lives Henry and Kate, the mother and father of Noah, who occupies the other with his family - wife Denise and children Ruby, Henry, and Noah. Also living with Noah and Denise is Noah's Aunt, aged 45, who is Henry senior's sister.

Henry is part of a well-known local travelling family. The supporting letter stresses the lifelong local connections and says that since the dismissal of the appeal circumstances have changed. It puts forward the educational requirements of the family as special circumstances, with particular reference to Ruby, who may secure a placement at John Warner Senior School in Hoddesdon, which has a special unit for the children of travelling folk. The son Henry who is nine also requires such provision.

A letter is enclosed from the Head teacher of Nazeing Primary School. The letter refers to the three Spencer children and the fact that they are very settled in the school. In view of the particular circumstances, especially the special needs

requirements of the children, the Head teacher strongly supports the planning application.

In addition, it is pointed out that Tina, Henry's sister has Down's Syndrome and requires full time care, and now resides full time with Denise's family.

On behalf of the applicant the case is made that for educational and medical reasons it is essential that the parties concerned have a settled base from which to receive the necessary services, and to disrupt them would be irresponsible, and that if one of the two homes is removed at least one family will be forced back on the road.

It is also pointed out on behalf of the applicants that regard should be had for the Human Rights Act 1998, and that the Authority would be interfering with the right to respect one's family's life and home, and that the education of the children will be prejudiced.

The statement on behalf of the applicants concludes that they are long standing local gypsies, and this allied to the special needs on educational, social and medical grounds, constitute very special circumstances such that the retention of the second mobile home can be permitted.

The personal circumstances of an applicant are not generally held to constitute the very special circumstances necessary to justify development within the Green Belt. Policy GB2 does not make provision for this type of development. Policy GB5 is also quite clear in stating that within the Green Belt the Council will refuse planning permission for mobile homes, except as replacements within the existing residential caravan sites shown on the proposals map.

The welfare and education of a local gypsy family is however both relevant and important, and the issue is whether such circumstances carry sufficient weight to allow a departure from Green Belt policy. An Inspector has previously concluded that such needs have the basis to constitute very special circumstances. Human Rights issues are also relevant in this case.

A compelling case has been put forward on behalf of the applicants, based on their educational, social, and medical needs. The needs in this case do appear to have the basis to constitute very special circumstances.

The conflict of such proposals with the objectives of the Park Authority have previously been upheld as a sound reason to refuse planning permission. As the Authority have however pointed out, the Park Plan contains only a generalised intention to develop the area for recreational purposes at an unspecified date. No firm proposals have been formulated or adopted since the enforcement notices were issued in 1994. In

this case it is considered that the granting of planning permission is unlikely to harm the long term objectives of the Park Authority.

The Highways Group advise that the proposal would involve the increased use of an inadequate access with very poor sight lines. This is however a situation that has existed for some time without causing any detriment to road safety.

#### Conclusion

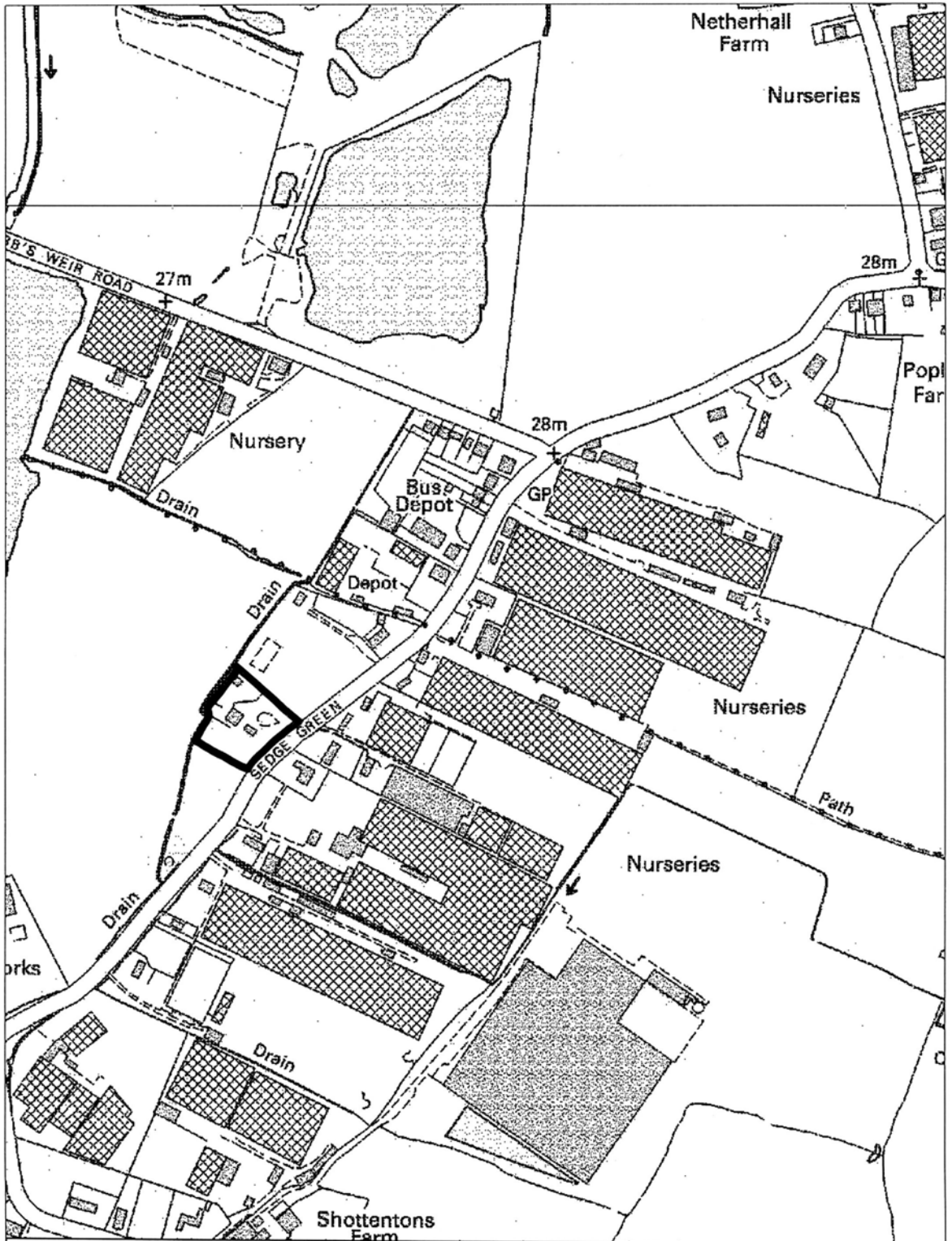
The very special circumstances to justify development in the Green Belt have been proven in this case, and the objectives of the Park Authority will not be unduly prejudiced. It is therefore recommended that planning permission be granted.



However, if the committee is minded to grant permission, the Council will need to refer the matter back to the Park Authority for the withdrawal of their objection. This may be more likely to be forthcoming if the permission were for a temporary period - say 10 years - so that the long term plans of the Park Authority could be revisited at that time.

#### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL - Objection. Considered that the special circumstances relating to the children's education did not warrant a permanent mobile home site being granted. View is that although children and their welfare are very important, within a few years those children will no longer be requiring education. This is a non-productive nursery and does not warrant a permanent site.

LEE VALLEY PARK AUTHORITY - The Authority objects to the stationing of additional mobile homes in this part of the Park, which is identified for remediation and for public open space in the Park Plan. Reference is made to planning appeal decisions in 1995, which illustrate the main issues. The Park Plan contains only a generalised intention to develop the area for recreational purposes at an unspecified date.



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**APPLICATION No:** EPF/612/03

Report Item No: 2

**SITE ADDRESS:** MERRYWEATHER NURSERY, REEVES LANE, ROYDON  
**PARISH:** Roydon

**APPLICANT:** Mr V Gibilaro

**DESCRIPTION OF PROPOSAL:**

Extension to approved packing shed and modifications to accommodate combined heat and power unit and erection of external plant associated with the heat and power equipment.

**RECOMMENDED DECISION: Grant Permission**

1. The rating level of noise (as defined by BS4142:1997) emitted from the permitted building and CHP unit shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142: 1997.

Description of Proposal:

Retrospective application for extension to packing shed and modification to enable accommodation of a combined heat and power unit and erection of external plant associated with the heat and power equipment.

Description of Site:

Agricultural nursery on the eastern side of Reeves Lane. The site is within the Green Belt and within a horticultural area. The packing shed is located in a well hidden location between glasshouses, and the extension is to the rear of this building.

Relevant History:

EPF/1029/97 - Erection of Glasshouse - Approved 23.12.97  
EPF/1633/98 - New packing shed - Approved 5/2/99  
EPF/41/99 - Outline application for agricultural workers dwelling - Refused 9/11/99 and appeal dismissed.  
EPF/1849/01 - Raising of land level with topsoil - Approved 26/2/03.

Policies Applied:

GB2 Green Belt.  
E13 Glasshouse development.  
RP5 Development likely to cause a nuisance.  
DBE4 Development in the Green Belt.  
LL2 Landscape.  
HC7 Development within Conservation Areas.

Issues and Considerations:

The main concerns are whether the development is appropriate in the green belt and the impact of it on the visual amenity of the area and on the residential amenity of surrounding residents.

Green Belt.

Development required for agricultural purposes is not inappropriate in the Green Belt. Policy E13 of the Local Plan seeks to direct new horticultural development to identified areas which have historically been developed for this purpose. This site falls within one such E13 areas and the development is therefore in accordance with policy.

Visual Amenity.

The extension the subject of this application infills a corner of the original shed and is entirely in keeping with the design of the existing building. Of more concern is the external plant associated with the combined heat and power unit. This external plant includes a heat store, dry air coolers and transformers, which are visually unattractive, and are within the Nazeing and South Roydon Conservation Area. However they are sited within a working nursery and are not visible from any highway. They are viewed only against a backdrop of nursery buildings and as such their visual impact is not excessive. The same applies to the vents and flues that have been inserted in the original packing shed to allow its use as a combined heat and power unit. This gas fired unit means that there is no unsightly and polluting oil burning heating system required at the site.

Residential Amenity.

The building and the external equipment are not located close to any residential properties not related to the nursery and it is not considered that the built works have any direct impact on residential amenity.

However, when the Combined Heat and Power unit was first installed a number of complaints were received from surrounding residents with regard to noise generation from the unit. The site was visited by environmental health officers and in

the intervening period the noise problems appear to have been alleviated, although depending on the wind direction problems may still arise. No complaints have been received since 2003. This application provides an opportunity to apply noise conditions to ensure that there is stronger control which should help prevent problems in the future.

#### Conclusion

It is considered that the development is in accordance with the policies of the adopted Local Plan and the application is recommended accordingly.

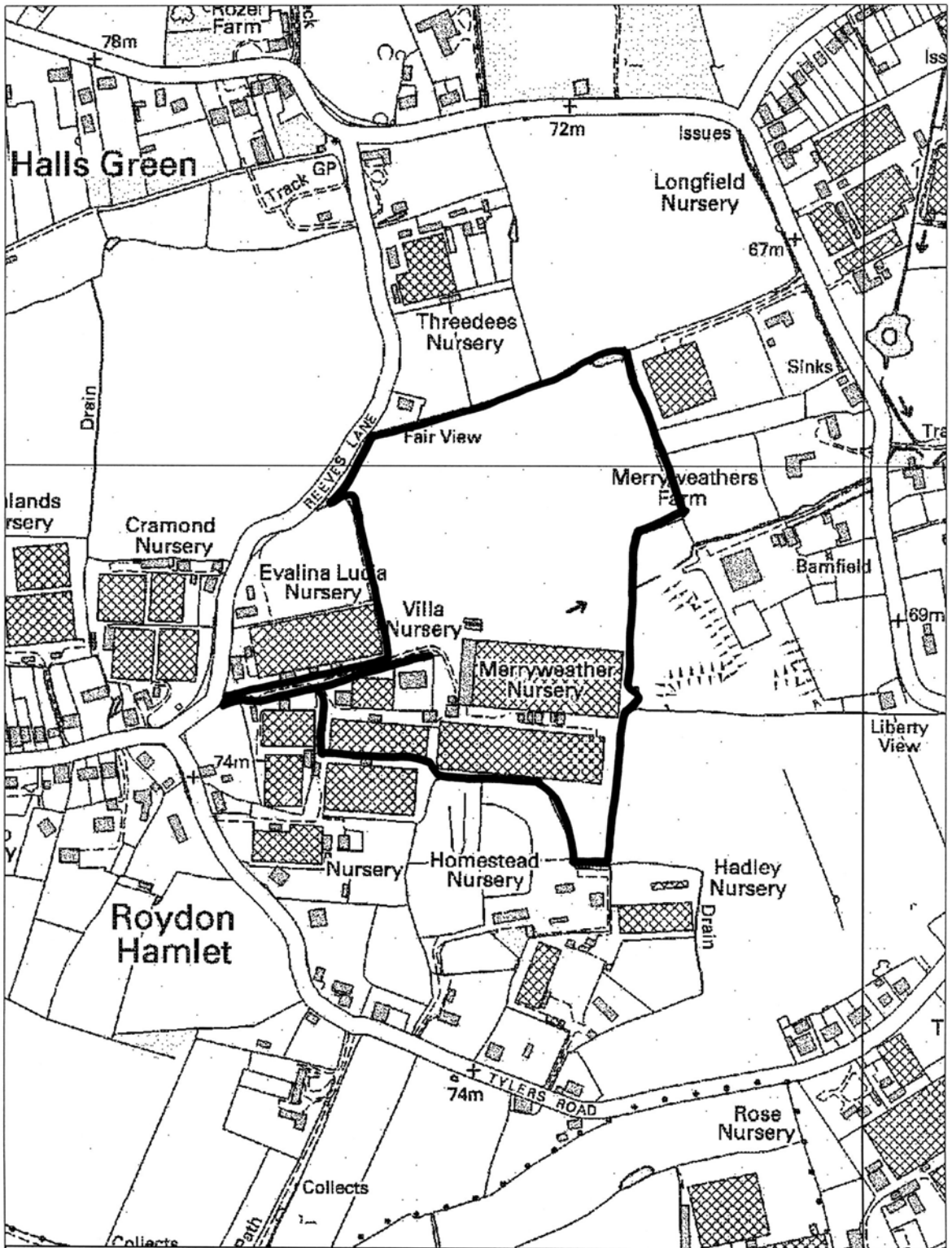
#### **SUMMARY OF REPRESENTATIONS:**



PARISH COUNCIL - Would require more information to see how neighbouring properties would be affected by the noise from the CHP. In other locations CHP is very noisy when starting up. Conditions on other applications have not been implemented yet and would want these carried out before any more applications are granted.

Letter from Prospect planning on behalf of the occupants of LONGFIELD NURSERY AND MERRYWEATHERS FARM - Concerns about the CHP system, which has caused a noise nuisance. Request stringent measures to ameliorate the noise nuisance from the plant. Also would like assurance that the CHP unit as installed is adequate to meet the needs of the additional glass that has consent, and that there will not be a need for a further CHP unit.

MERRYWEATHERS FARM, EPPING ROAD - Please ensure that restrictions are put on the sound level and hours of operation of the generator.





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**APPLICATION No:** EPF/248/02

Report Item No: 3

**SITE ADDRESS:** TYLERS CROSS NURSERY, EPPING ROAD, ROYDON  
**PARISH:** Roydon

**APPLICANT:** W Breaker

**DESCRIPTION OF PROPOSAL:**

Use of land for the stationing of one residential mobile home.

**RECOMMENDED DECISION: Grant Permission**

1. This consent shall inure solely for the benefit of the applicant William Breaker and for no other person or persons.

Description of Proposal:

Use of land for the stationing of one additional residential Mobile Home.

Description of Site:

Small area of land within the area of mixed development at Tylers Cross Nursery. The mobile home is in situ and is surrounded by a two metre fence. To the west of the site is a large storage building and to the east and south there are 9 mobile homes. Access is via a gravel track from Tylers Road, that also serves various nursery and commercial developments.

Relevant History:

Planning permission was granted in 1985 on appeal for the stationing of two mobile homes for two families of Gypsy origin (Springfield and Silverwood). Then in 2000 permission was granted on appeal, by the Secretary of State, for a further 7 mobile homes. The permission was personal to the children of Mr J Brede and Mr S Breaker.

Policies Applied:

Green Belt Policies. GB2, GB5 and GB7.  
H11 Gypsies and T17 Highways.

## Issues and Considerations:

The key consideration is that the site is within the Metropolitan Green Belt. The use of land for residential purposes is not appropriate development within the Green Belt and Policy GB5 of the adopted Local Plan additionally states that the Council will refuse planning permission for non permanent dwellings and caravans.

Inappropriate development is, by definition, harmful to the Green Belt and it is therefore for the applicant to show that there are very special circumstances sufficient to outweigh the harm that would result from the development. However, policy H11 states:

"In determining planning applications for Gypsy caravan sites within the Green Belt, the Council will have regard to: (i) whether there are any special circumstances that would justify an exception to Green Belt policies of restraint, and (ii) the impact on the openness of the Green Belt and the character and appearance of the countryside."

It is accepted that the applicant, Mr William James Breaker is of Gypsy origin and has followed a Gypsy way of life. His mother and father live at Oakwood, Tylers Cross and he has two brothers at Rosewood and Pinewood within a few metres of the site. The land is owned by Mr S Breaker, his father. The applicant and his wife have two children, both of whom attend Epping Upland Primary School. Prior to moving a mobile home on to this site the family lived in a touring caravan in his father's yard.

In granting the appeal in 2000 against the refusal of permission for 7 additional mobile homes at Tylers Cross, the Secretary of State gave weight to "the recognised severe shortage of gypsy accommodation within the County and District" and the fact that all the land outside towns and settlements in the District is Green Belt. Whilst finding that there was no essential need for the applicants to live on that particular site, he gave weight to the argument that it was not uncommon for several generations of Gypsies to stay together reflecting the extended family tradition. He also accepted that it was not unreasonable for the applicants to want to remain in the area with which they are associated.

Finally the Secretary of State concluded that the visual damage caused by the development would be limited by the particular characteristics of the locality. These factors taken together were considered by the Secretary of State to outweigh the harm that would result from the proposal.

Given this history and the relationship between the current applicant and the occupants of adjacent mobile homes it would be difficult to come to a different conclusion. All the same factors are evident and indeed the location is less intrusive than the previous scheme which actually abutted the

Conservation Area. This site is tucked away within the Tylers Cross complex and will have very little impact on the character and amenity of the area.

Highway Safety.

At the previous appeal the Secretary of State agreed that the access to the site was poor, but did not consider that the impact on road safety was sufficient to warrant refusal. This application utilises the same access and is for only one additional mobile home. The Head of Environmental Services has raised no objection to the proposal on highway safety grounds.

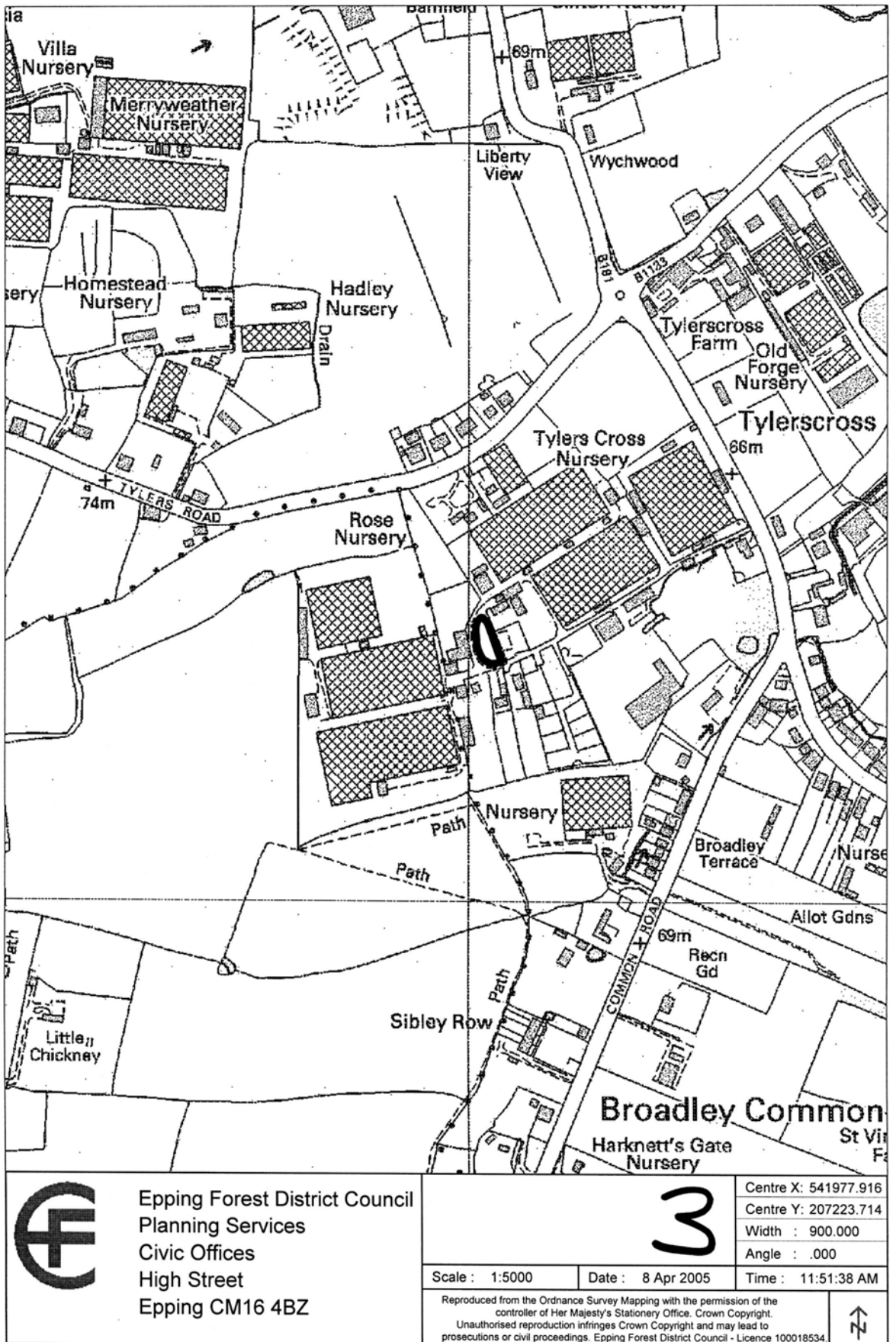
On balance, therefore, it is considered that although the development is inappropriate in the Green Belt the particular circumstances of the applicant and of the site amount to very special circumstances sufficient to outweigh the harm to the Green Belt that result from the development and the application is recommended for approval, personal to the applicant.

**SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL - Object. The site is already being used as a stop over for the travellers, so there are already more than the permitted caravans on site. Where has the applicant come from - he is not mentioned on EPF/960/98 when this was allowed on appeal. There does not appear to be any infringement of the applicants human rights if this is refused. His children would have to be conveyed to school wherever he lived.

CPRE (Essex) - Two houses have already been sold off from this nursery, it is therefore not appropriate that applications for mobile homes should be permitted.

GIRTON COTTAGE, TYLERS ROAD - Object. No case for nursery workers to live on the site.



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**APPLICATION No:** A/EPF/240/05

Report Item No: 4

**SITE ADDRESS:** FORMER PBI SITE, SEWARDSTONE ROAD, WALTHAM ABBEY  
**PARISH:** Waltham Abbey

**APPLICANT:** Tesco Stores Limited

**DESCRIPTION OF PROPOSAL:**

Erection of internally illuminated 4m gantry sign on Sewardstone Road frontage south of Thrift Cottage.

**RECOMMENDED DECISION: Grant Permission**

1. The maximum luminance of the signs granted consent by this notice shall not exceed 400 candelas per square metre.

Description of Proposal:

Erection of internally illuminated 4m gantry sign on Sewardstone Road frontage south of Thrift Cottage.

Description of Site:

The site of the proposed sign is close to the north-west corner of the Tesco's store currently being built, and in the northern end of the landscaping strip which will lie between the store and Sewardstone Road. On the opposite side of Sewardstone Road lie 2 semi-detached houses at Nos. 11 and 12 Sewardstone Road, with 6 houses at Nos.1-6 The Green lying to the north in a slightly more recessed position.

Relevant History:

A number of other advertisement sign applications relating to the Tesco's store have been recently submitted to the Council - see below.

Policies Applied:

DBE13 - Advertisements

## Issues and Considerations:

The issues raised by this application are whether the sign will be detrimental to visual amenity in the street scene, or to conditions of general highway safety along Sewardstone Road.

The proposed gantry sign will advertise the new Tesco's store and some of the services being offered. It will lie at a right angles to the road i.e. it will face north and south to attract the attention of drivers and pedestrians along Sewardstone Road.

At a height of 4m and a width of 1.9m, the size of the sign is not considered to be excessive, particularly having regard to the size and busy nature of Sewardstone Road and the height of the new store immediately behind. The front walls of the two houses at Nos. 11 and 12 Sewardstone Road lying opposite will be 27m away from the sign. Moreover, their view of it will be side on i.e. they would not look out onto the main illuminated faces of the sign.

From a road safety perspective the Council's Highways group have no objections to the sign provided that the strength of the internal illumination does not exceed 1000 candelas per sq. metre. In fact the illumination is proposed to be just 400 cd/sq.m, and the applicants are willing to accept a condition limiting illumination at this 400 cd/sq.m level. Similar signs have been observed outside other Tesco's stores, and the illumination is modest and would be appropriate in the proposed main road setting.

Although objections have been received, for the reasons set out above it is considered that the proposed gantry sign will not have any significant impact on visual amenity in the street scene, or on the outlook of nearby residents on the opposite side of Sewardstone Road.

This 4m gantry sign application is one of 5 advertisement applications submitted for the new Tesco's store. One of these was for a 7m gantry sign to be erected on the south west corner of the site close to the junction of Denny Avenue and Sewardstone Road. This 7m sign, which did not attract any objections, has now been approved. Another application has been made for a large number of non-illuminated informational and directional signs around the store and car park. These signs are not controversial and are likely to be approved. Two other applications have been made to erect internally illuminated 2.5m high individual letter signs at the roof level of the store facing Sewardstone Road and facing the new Primary Health Care centre to the north. These are considered to be too large and conspicuous, and are likely to be refused consent.

**SUMMARY OF REPRESENTATIONS:**

WALTHAM ABBEY TOWN COUNCIL - No Objection.

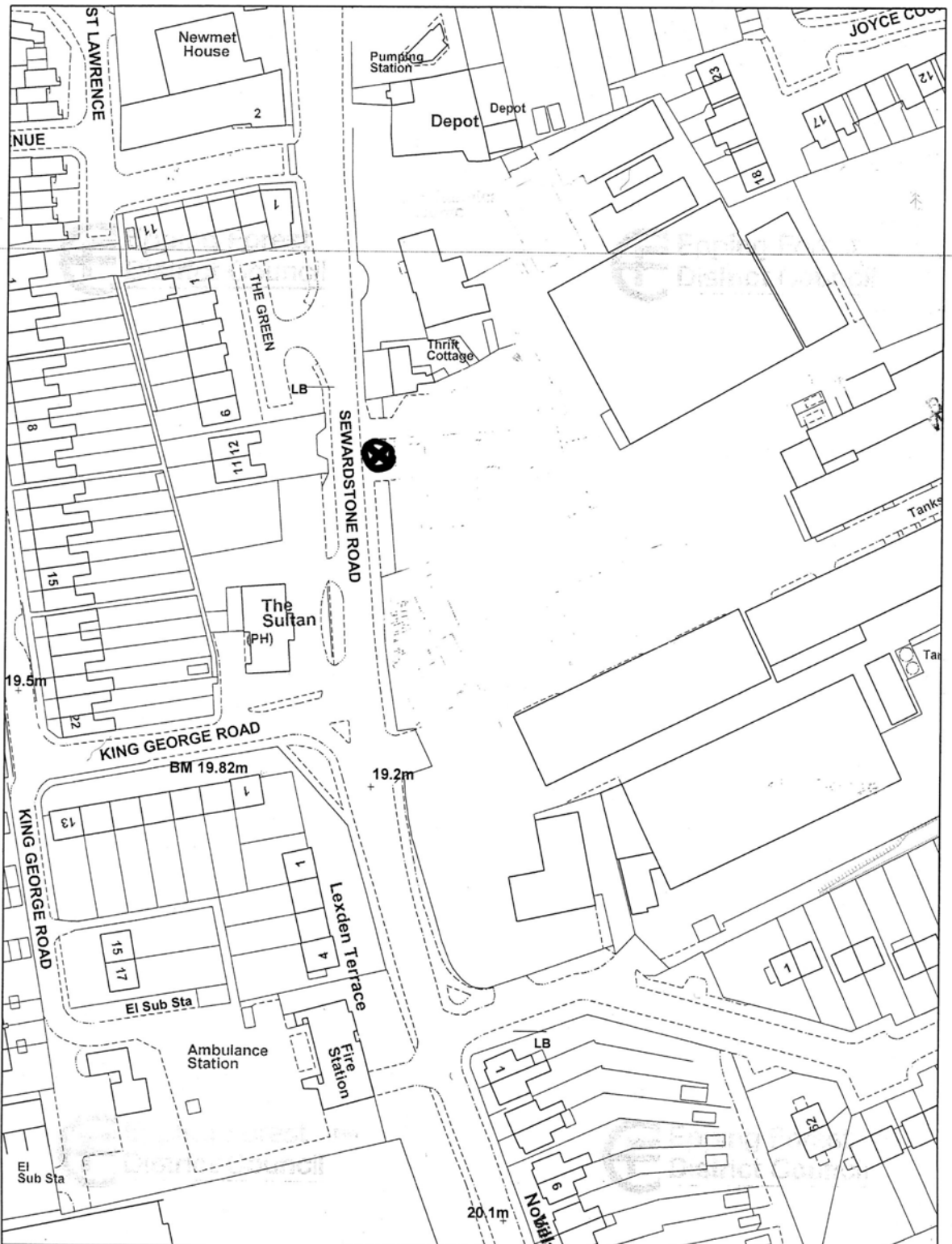
11 SEWARDSTONE ROAD - In a letter expressing a number of concerns about the Tesco's development, they object to the sign on grounds that it is opposite their home, it will stand out, and be an eyesore detrimental to their outlook.



12 SEWARDSTONE ROAD - In a letter expressing a number of concerns about the Tesco's development they feel that the sign will add to the loss of their privacy that will result from the Tesco's store being built.

4 THE GREEN, SEWARDSTONE ROAD - In a letter expressing a number of concerns about the Tesco's development they object because as the store is so close to a residential area the illuminated sign will stand out too much and be an eyesore.

In addition, the last letter enclosed a petition signed by the residents of Nos. 2, 3, 4, 5 and 6 The Green, Sewardstone Road, and Nos. 11 and 12 Sewardstone Road. The petition objects to a number of issues (e.g. proposed 24 hour opening), relating to the Tesco's store including the erection of this 4m high gantry sign.





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**APPLICATION No:** EPF/422/05

Report Item No: 5

**SITE ADDRESS:** STABLES, LIPPITTS HILL, HIGH BEACH, WALTHAM ABBEY  
**PARISH:** Waltham Abbey

**APPLICANT:** Mr & Mrs H Budd

**DESCRIPTION OF PROPOSAL:**

Outline application for the demolition of stables and associated areas; erection of two detached dwellings.

**RECOMMENDED DECISION: Refuse**

1. The proposed development of two detached dwellings represents new residential development in the Metropolitan Green Belt, where restrictive planning policies apply and there is a presumption against such inappropriate development except in very special circumstances, which are not considered to be applicable in this case. The development is thus contrary to national guidance to policy C2 of the Essex and Southend on Sea replacement Structure Plan and to policy GB2 of the Epping Forest District Adopted Local Plan.

This application is a resubmission of that refused under delegated powers on 21/12/04 (with some additional supporting information) and has been brought to committee at the request of Councillor Syd Stavrou.

**Description of Proposal:**

This is an outline application, with all matters reserved, for the erection of two detached dwellings. The proposal entails the demolition of existing stables and ancillary buildings totalling about 635sqm floor space and the removal of areas of hardstanding.

**Description of Site:**

Existing established livery stables, with stabling for 25 horses, located on the western side of Lippitts Hill adjacent to the Metropolitan Police Training Camp. The existing buildings consist of stable blocks of simple wooden design with low pitched felt roof design, together with ancillary buildings, including an open sided storage barn with a higher roof level. The site is set back from the road, largely hidden behind a thick belt of trees. To the immediate north and not

included within the site is a house and training manege within the same ownership.

Relevant History:

EPF/1126 - Hay Barn - Refused but allowed on appeal.  
EPF/217/81 - Dwelling - Refused but allowed on appeal.  
EPF/217A/81 - Dwelling to be occupied by stable owners - Approved 26/9/83.  
EPF/567/84 - Replacement Stables - Approved 23/7/84.  
EPF/1312/85 - Retention of 3 stables one quarantine stable and a forge - Approved 12/12/85  
EPF/2102/04 - Change of use of stable/tack room to staff rest room including showers and toilets - Approved 6.10.98.  
EPF/2102/04 - Demolition of stables and associated areas and erection of 2 detached dwellings - Refused.21.12.04.

Policies Applied:

Structure Plan Policies:

CS4 Sustainable new development.  
C2 Green Belt.

Local Plan Policies:

GB2 General restraint in the Green Belt.  
DBE4 Development in the Green Belt.  
HC5 Development affecting Epping Forest.

Issues and Considerations:

This is a resubmission of an application that was refused under delegated powers at the end of last year, as contrary to Green Belt policy. The application has not changed, however, some additional supporting information has been submitted.

The main issue is whether the proposed development is appropriate within the Metropolitan Green Belt and if not whether there are very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development.

The applicants and their agent agree with the planning authority that the proposed development is not appropriate in the Green Belt under current guidance. Their argument is that the particular circumstances of this site amount to very special circumstances that outweigh the harm to the Green Belt that would result from the development.

The applicants' case as set out by their agent comprises the following:

## The Applicants' Business.

The applicants family have owned the site since 1958 and have run livery stables from here for 28 years. They are experiencing difficulties with the business which are set out fully in their statement but are summarised as: difficulties at a national level, arising from a slow decline in equestrian pursuits, but more importantly and exclusively in terms of this site, the severe impact which activities at the adjoining Metropolitan Police Training Camp has had on the business. There is a history of noise generating activities including dogs and gunshots at the site, but currently the most serious concern is the activity of the police helicopters. Helicopters take off and land on a regular basis immediately behind the application site and fly low over the site. This causes distress to the horses and makes riding and training at the site very unsafe. This concern is illustrated by a number of letters from current and former users of the site, dressage trainers, a vet who regularly visits the site, and local farriers.

## Potential Alternative Uses of the Site.

The applicant has considered alternative use of the existing buildings at the site, in accordance with Government and Council Policy which identify that reuse of redundant buildings in the Green Belt may be appropriate. In the applicants opinion there are shortcomings to these alternative uses in terms of the volume of activity that would be generated by them on site and on the adjoining highway network. They concluded that replacing the buildings would be most beneficial from the Green Belt's point of view.

## Green Belt

Although the proposed use is inappropriate in the Green Belt, so is the existing livery use. So the proposal replaces one inappropriate use and buildings with another, but with a smaller number of buildings and less site coverage. This will improve the open character of this part of the Green Belt.

## Precedent

The location of this site next to the police training centre and the impact that use has on the business is not repeated elsewhere and therefore granting planning permission on this site cannot set a precedent for other sites.

In addition to the above argument set out by the applicants agent the applicants have submitted evidence of the decline of their business, the difficulty of getting staff to work at the site, the need to carry out most work themselves and the impact on their health that this is having. They argue additionally that this is effectively a "brownfield" site, a much smaller area would be built on, one dwelling would effectively replace

the existing residential staff unit that would be removed, potential reuse for B1 or B8 would be removed for all time, the current 100 vehicle movements a day including commercial vehicles, horseboxes, casual visitors etc would be replaced with just the domestic traffic of 2 houses, local amenity would therefore be enhanced, the site is well screened, the site is within a small residential settlement and is an infill plot and there are significant advantages to the Conservators of Epping Forest with the removal of the stables and riding activities.

The Planning Officers response:

All these issues need to be considered to judge whether they amount to very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development of two residential units.

It is considered that each of these issues with the exception of the proximity of the police training camp, would equally apply to many other riding establishments in the district. The fact that the business is getting expensive to run and maintain is not unusual nor is the fact that there are a large number of buildings on the site that could be removed. The Green Belt washes over existing buildings throughout the district and Government guidance and local policies allow for the re use of existing buildings in the Green Belt but not the erection of new buildings for inappropriate uses. The suggestion that the proposal simply replaces one inappropriate use with another less damaging inappropriate use is not accepted. Stables have been accepted as one of the few appropriate forms of development that are permitted in the Green Belt, being a small scale facility for open air recreation.

The applicants have argued that the site should not be used for B1 or B8 use as this would increase business traffic in the forest, yet at the same time they argue that the existing use generates up to 100 traffic movements a day including commercial deliveries and horse boxes. It is most unlikely that any business use of the existing low key buildings would result in higher traffic levels or more noise and disturbance. Re use of the existing buildings therefore needs to be properly considered not simply dismissed.

The proximity of the Police Training Camp and Helicopter base is perhaps the main difference between this site and many others in the District, but clearly this is not a recent development, having been there for many years, nor is the use of helicopters, guns and dogs at the site a new development. The applicants have established, consolidated and expanded their business at this site, gaining a house in the 1980s to be close to the horses and staff facilities as recently as 1998 (although this is not a residential unit as has been suggested, but purely a rest room and with a bunk for occasional overnight use.) They must at each stage have been aware of the potential for noise and disturbance from the adjacent site, and

they have managed to continue their business despite this nuisance, until now.

Whilst there is some sympathy with the applicants and for their current predicament with declining health and declining business, and it is accepted that the intense level of noise and disturbance caused by the proximity of the helicopter landing site may not apply to many other sites in the District, it is not considered that other more appropriate development of the site has been fully considered or that therefore the circumstances are sufficient to outweigh the harm to the Green Belt that would result from the inappropriate development of two residential units.

The existing buildings are mainly single storey and low in profile and unobtrusive and appropriate to this green belt location. The creation of two new dwellings and residential curtilages, whilst reducing the amount of built development would be by definition harmful to the Green Belt. Despite the argument that the situation at this site is unique, there are other stables close to the Police training camp, (although not so close to the landing site). It is considered therefore that the redevelopment of this site would set a dangerous precedent for residential development at equestrian sites, which would cause significant harm to the character of the Green Belt.

The loss of an appropriate Green Belt leisure facility is also to be regretted, as the closing of 25 stables here is likely to result in increased pressure in other Green Belt locations for additional stables for the horses that are displaced. There is no evidence that the applicants have attempted to sell the business.

#### Other issues

Setting aside the in-principle objection to the development on Green Belt grounds, it is considered that 2 dwellings could be sited within the application site and suitably designed with adequate amenity space and parking provision and without harm to the residential amenity of adjacent residents. There are no objections from Highways or from Land Drainage officers. The site may be contaminated, but a condition requiring a survey and subsequent decontamination would cover this.

Given the problem of the noise disturbance from the adjacent Training Camp it could be argued that this is not really an appropriate location for further housing, as the residents will suffer disturbance. The proposal could be argued to be contrary to Policy RP5 which states that the Council will not grant planning consent for sensitive development such as housing which would be subject to either excessive noise from adjoining land uses or traffic, or other forms of nuisance. However it is accepted that this could be mitigated by sound insulation measures.

## Conclusion

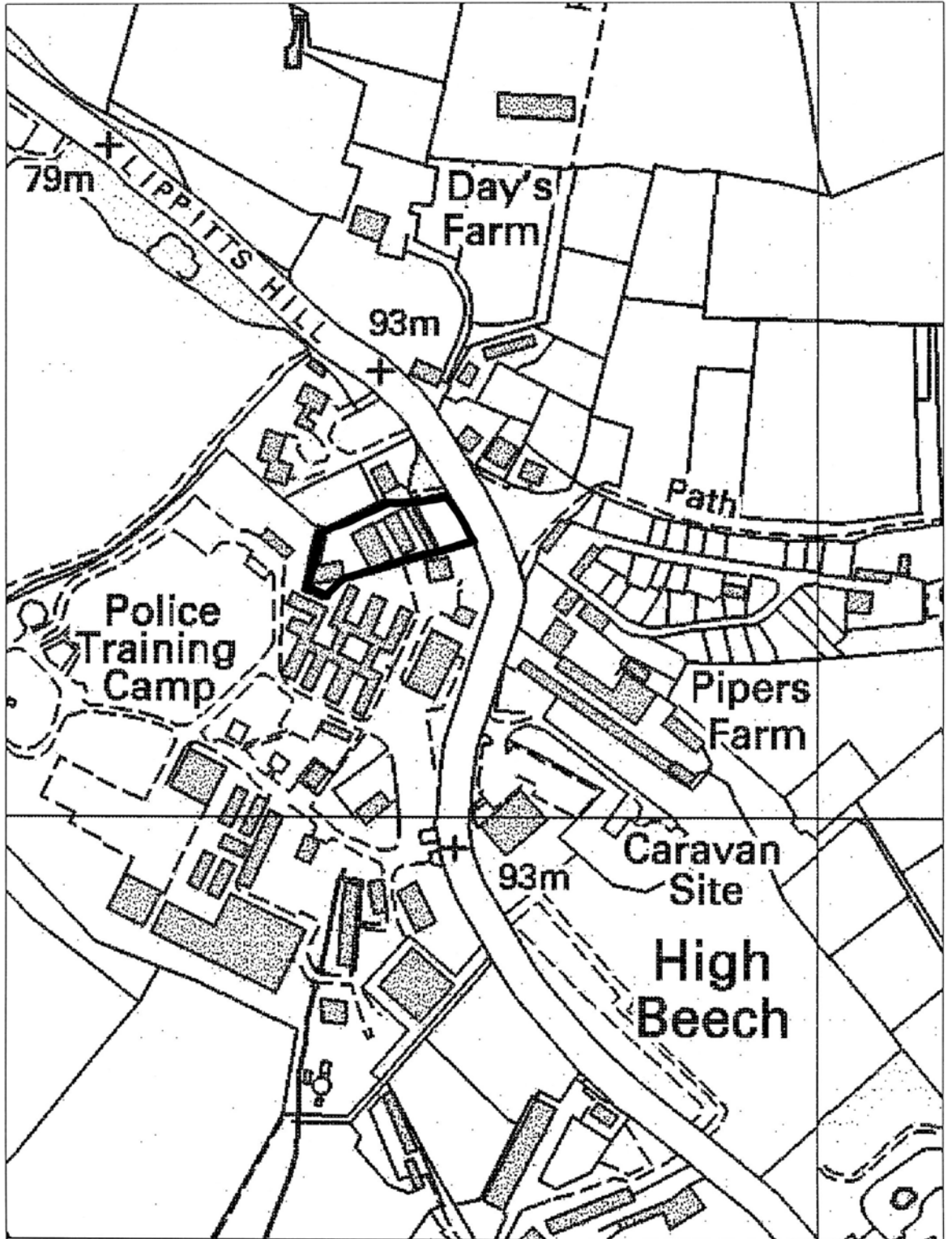
The application is considered to be inappropriate development in the Green Belt. It is not considered that the circumstances put forward are sufficient to outweigh the harm to the Green Belt that would result from the scheme. The proposal is therefore contrary to the policies of the development plan and is recommended for refusal.


### **SUMMARY OF REPRESENTATIONS:**

This report was completed prior to the end of the consultation period on this application. Any additional observations received prior to the Committee will be reported orally.

WALTHAM ABBEY TOWN COUNCIL - No objection.

PIN HI, LIPPITTS HILL - Strongly object on the grounds that it will affect not only our property but the surrounding area. Area of outstanding beauty will be transformed into mini housing estate. The reason for this is financial gain, not good enough reason to destroy ambience of the area. Thin end of wedge.



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