

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 28th September, 2005

Place: Council Chamber, Civic Offices, High Street, Epping
Room: Council Chamber
Time: 7.30 pm
Democratic Services Officer Adrian Hendry, Research and Democratic Services
Tel: 01992 564246 email: ahendry@eppingforestdc.gov.uk

Members:

Councillors Ms S Stavrou (Chairman), Mrs P Smith (Vice-Chairman), Mrs D Borton, 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 and D Spinks

A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.

1. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 9 - 10)

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

2. MINUTES (Pages 11 - 18)

To confirm the minutes of the last meeting of the Sub-Committee held on 31 August 2005 as correct record (attached).

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

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

5. 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.

6. CONFIRMATION OF TREE PRESERVATION ORDER EPF/01/05 - LOWER COTTAGE, DAWS HILL, SEWARDSTONE. (Pages 19 - 20)**Recommendation:**

That Tree Preservation Order EPF/01/05 is confirmed subject to the amendment of the plan to omit T3- Pine.

Background:

Tree Preservation Order EPF/01/05 was made to protect 6 trees at Lower Cottage, Daws Hill, Sewardstone.

The trees intended to be protected are:

- T1 Hawthorn
- T2 Oak
- T3 Pine
- T4 Oak
- T5 Norway maple
- T6 Sorbus (whitebeam)

However, T3, Pine was removed before service, therefore the TPO never applied to it.

The Tree Preservation Order was made as a result of a planning application to introduce a driveway, parking area, garage and new access entrance requiring the removal of the above trees.

The local landscape is that of mature woodland. The group is in context with this native forest character and the trees are considered important landscape features collectively, since none are individually outstanding.

Objection to the Tree Preservation Order:

An objection to the Order has been made by the owners of the site.

The grounds of the objection are as follows:

It is not accepted that these trees provide high amenity or a significant contribution to landscape character. The area is very heavily treed which provide a background against which these specimens do not perform a role of particular importance. Other nearby trees are not affected by the development proposal.

There are no footways on Daws Hill and its narrowness, steepness and the volume of traffic do not allow for detailed contemplation of the surroundings by drivers or pedestrians. It is acknowledged that these trees can be seen from the highway but it is strongly doubted whether their removal would cause any real reduction in amenity.

It is asserted that the Hawthorn(T1) and Whitebeam (T6) are relatively small and cannot be seen to contribute in any significant way at all.

Head of Planning Services Comments:

The detailed response to the grounds of objection is listed below:

The landscape character of Daws Hill is mature woodland and it is for this reason that this group warrants protection. The various trees help to soften the presence of buildings set at elevated positions from the road.

The weight of traffic, size and gradient of the road still allows a public view of these trees. Their removal to facilitate an entrance, driveway and parking area would be very noticeable and detrimental to the landscape character.

It is accepted that T1 and T6 are not large growing trees and are not fully mature. However, they are both clearly visible and contribute positively to the wooded character of this dramatically sloping site and deserve inclusion in the protected group.

Conclusions:

The group of trees protected by this order are an established public amenity, adding continuity to the local landscape character. Landscaping policy requires that adequate provision be made for the retention of trees in these situations. These trees are under threat from the planning proposal and therefore deserve protection. On the basis that new proposals meet with planning approval it would be acceptable to accommodate a suitable replacement for T1 in a more prominent location. Bearing this in mind, members are asked to confirm the order subject to the amendment to the plan and schedule.

7. HOURS OF MOVEMENTS FOR HGV FROM STUBBINS NURSERY, STUBBINS HALL, HOLYFIELD, WALTHAM ABBEY (Pages 21 - 22)

RECOMMENDATION:

For consideration of the options for enforcement of the terms of condition 2, with a view to the service of an enforcement notice.

Background

In the early 1990s the fortunes of the Lee Valley glasshouse industry were on the increase. The widespread dereliction that had occurred in the 70s and early 80s was disappearing with considerable investment being made in new glasshouses and new markets were being developed. However, it became clear that the relatively small nurseries that tended to predominate within the Lee Valley could not meet the increasing demands of the supermarket chains on their own. In order to comply with those demands, the produce from the individual nurseries was going to have to be gathered by central packhouses for packing and distribution to the supermarket chains

in accordance with their rigorous requirements.

In 1993 planning applications were made for 3 such central distribution packhouses within Epping Forest. Each was supported by the Council. One fell outside the Lee Valley Regional Park boundary and was approved by the Council, but the other two were within the Park boundaries and because the Park Authority objected to the applications, they were 'called-in' by the Secretary of State and considered at a public inquiry. In the event, planning permission was granted for each application, one of which related to Stubbins Hall Nursery at Holyfield, close to the entrance to Hayes Hill Farm and Fishers Green recreation area.

The permission was subject to a number of conditions, including no.2:

"The movement of Heavy Goods Vehicles to and from the site shall be limited to between the hours of 07.30 and 21.00 on Mondays to Fridays inclusive, and to between the hours of 07.30 and 16.00 on Saturdays and Sundays."

At the time, this met the operational requirements of the operators.

Recent History

Since that time, the requirements of the supermarkets have become all the more rigorous and demanding to meet, such that the time taken to cut, pack and distribute fresh produce to supermarket shelves is paramount and the operators found that, if they were to retain the supermarket orders, they could not comply with the terms of that condition. Complaints were first received in January 2003 that the hours were not being observed.

In March 2004 the operators applied to have this condition removed altogether (EPF/496/04). This was refused permission under delegated powers in May 2004. A subsequent application was submitted in October 2004 seeking permission for a two year period to extend the operating hours to between 05.00 and 23.00 on 7 days a week (EPF/1861/04). It was hoped that this two year period would be sufficient to permit the company to find alternative premises for basing their lorry fleet. This application was considered by Area Plans subcommittee D on 22 December 2004. The committee refused permission since it was considered that lorry movements late at night and early in the morning would cause disturbance to occupiers of nearby properties and therefore felt that permission could not be granted. However, the committee had sympathy with the predicament the operators found themselves in, largely due to the demands of the supermarket chains, about which they could do nothing. Recognising the importance of this distribution depot to the glasshouse industry locally, the committee asked officers not to proceed immediately with enforcement action to secure compliance with the original condition, but to try to work with the operator to find a solution.

Present Situation

Officers met with the operator and his planning consultant early in the year when plans were set out to arrange for the operator to relocate his lorry fleet. A further three-month period of grace was conceded. Unfortunately it has been confirmed that all his options have so far come to nothing.

In the event, six months passed without the matter being resolved and complaints continued to be received. These are largely from two local residents – one who lives close to the operation and the other whose property is far to the south at the southern end of Crooked Mile. The operator was informed that the situation could not be

allowed to continue and that formal steps seemed to be unavoidable.

The operator has replied explaining the failure of his original options and that he has retained the services of commercial estate agents to find alternative sites but that he has been advised that appropriate sites are "as rare as hen's teeth". He is also negotiating to buy the adjacent site to his other base in Waltham Cross in order to expand there and reduce movements from Stubbins. He emphasises that he continues to employ over 500 local people plus the future of many small, local nurseries depends upon his continued operation. He pleads that he must be able to use his current facilities until they are able to relocate. However, there is no timetable for this at the present time.

Options for Action

(a) Take no action – since permission has not been given for extending the hours the Council is not condoning the extended hours, and this enables the operator to continue his use until relocation occurs. However, complaints, though from the limited sources, will continue and the lorry movements at all hours do cause some disturbance.

(b) Serve a Breach of Condition Notice seeking compliance with the approved hours of movements. There is no appeal against a breach of condition notice and compliance must be achieved within 28 days. Failure to comply results in action through a Magistrates Court, which, if convicted, carries a maximum fine of £1,000.

(c) Serve an Enforcement Notice seeking compliance. This provides the operator with a right of appeal and therefore an opportunity to put his case before an independent Inspector. An appeal delays compliance until the appeal decision is made (and a new compliance period expires). Failure to comply with an enforcement notice is, again, enforced through a Magistrates Court with a maximum fine of £20,000.

(d) Pursue options (b) or (c) but after a final period of grace. This gives further time to the operator to pursue an alternative but to be realistic 6 months or more would be needed.

The committee is asked to consider the above options and to resolve which option they wish officers to pursue.

Officers feel that a failure on the Council's behalf to take action could be criticised, even allowing a further period of grace after the company has been given time to seek a solution already. A Breach of Condition Notice carries a small fine, which the company may be willing to pay in order to keep the current contracts. The service of an Enforcement Notice is therefore preferred. It is a positive step towards resolving this issue, but at the same time allows the operator a period to make his case before an independent Inspector whilst pursuing his alternative solutions. Suggested time for compliance: 3 months.

8. DEVELOPMENT CONTROL (Pages 23 - 62)

(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.

9. 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.

10. 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 Information Paragraph Number
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:

Agenda Item No	Subject
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.eppingforestdc.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 Subcommittee D **Date:** 31 August 2005

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

Members Present: Ms S Stavrou (Chairman), Mrs P Smith (Vice-Chairman), Mrs P Brooks, R Chidley, J Demetriou, R D'Souza, Mrs R Gadsby, R Haines, Mrs J Lea, L McKnight and P McMillan

Other Councillors: (none)

Apologies: Mrs D Borton, Mrs M Sartin and D Spinks

Officers Present: S Solon (Principal Planning Officer) and S G Hill (Senior Democratic Services Officer)

21. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting, introduced members and officer present and 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. She reminded speakers that their contributions were limited to three minutes each.

22. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 3 August 2005 be taken as read and signed by the Chairman as a correct record subject to the amendment of item 18 (Woodbine Close Caravan Park) to indicate that the decision made on that item was RESOLVED rather than RECOMMENDED.

23. 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) (Land Off Green Lane, Nazeing). The Councillor declared that his interest was not prejudicial and indicated that he would remain in the meeting during the consideration and voting on the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks a declared personal interest in agenda items 6 (2) (Land Off Green Lane, Nazeing) by virtue of being a member of the LVRPA and in Item 6(3) (91/93 Monkwood Avenue, Waltham Abbey) by virtue of being the ward Councillor. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Stavrou declared a personal interest in agenda item 6 (2) (Land Off Green Lane, Nazeing) by

virtue of being a member of the LVRPA Planning Committee. The Councillor indicated that she had withdrawn from the LVRPA meeting when this item had been discussed and therefore no prejudicial interest existed and indicated that she would remain in the meeting during the consideration and voting on the item.

24. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

25. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That, Planning applications numbered 1 – 6 be determined as set out in the annex to these minutes.

26. DELEGATED DECISIONS

The Sub-Committee noted that details of planning applications determined by the Head of Planning Economic Development under delegated authority since the last meeting had been circulated to all members and were available for inspection at the Civic Offices.

CHAIRMAN

1. **APPLICATION NO:** TRE/EPF/964/05 **PARISH:** Nazeing

SITE ADDRESS:
CUTLANDS, ST LEONARD'S ROAD, NAZEING

DESCRIPTION OF PROPOSAL:
TPO 17/87 : Fell one Cypress and reduce height of two Cypress, including replacement.

GRANTED SUBJECT TO:

1. Replacement tree or trees.

2. **APPLICATION NO:** EPF/977/05 **PARISH:** Nazeing

SITE ADDRESS:
LAND OFF, (ADJACENT TO RIVER LEE), GREEN LANE, NAZEING

DESCRIPTION OF PROPOSAL:
Use of agricultural land as a boat club; construction of access road to site from Snakey Lane and construction of moorings, slipway, clubhouse and car park.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. This consent shall inure solely for the benefit of the applicant (Broxbourne Cruising Club) and for no other person or persons.
3. Contaminated land study and remediation.
4. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of implementation have been submitted to the Local Planning Authority and are approved in writing. The approved scheme shall be carried out in the first landscaping scheme following the completion of the development.

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

The statement must including all details of all means by which

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

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

5. Submission of Landscape Management Plan
6. The development hereby permitted shall be carried out in accordance with the recommendations of the report prepared by ESL(Ecological Services) submitted with the application.
7. The clubhouse hereby approved shall not be used between 23.00 and 07.00 the following day unless otherwise agreed in writing by the Local Planning Authority.
8. No uses shall be made of open areas within the application site for erecting marquees, holding other social events, fetes, car boot sales or markets without the prior written agreement of the Local Planning Authority.
9. No amplified music or other sound shall be played outside the clubhouse and such music or other sound shall not be played between 23.00 and 07.00 the following day.
10. No external lighting shall be provided on the site or erected to any building or fence on the land unless previously agreed in writing by the Local Planning Authority.
11. No open storage shall take place on the site without the prior written agreement of the Local Planning Authority.
12. The development shall not be commenced until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:
 - (i) Decking for the clubhouse
 - (ii) Tool shed
 - (iii) walls and windows of the clubhouseThe development shall be carried out in accordance with the details approved.
13. The finished floor level of the proposed building shall be a minimum of 24.78m above Ordnance Datum (Newlyn).

14. There shall be no raising of ground levels on those parts of the site below 24.38m AOD.
15. Any walls of fencing constructed within or around the site shall be designed to be permeable to flood water.
16. No soakaways shall be constructed in contaminated ground.

SUBJECT TO LEGAL AGREEMENT SECTION 106

In respect of the following matters:

- (i) The erection of a stop sign on Green Lane at its junction with Old Nazeing Road
- (ii) The maintenance of the land indicated in the application to remain meadow and mature reserve as meadow and mature reserve in perpetuity in accordance with an agreed management plan.

3. **APPLICATION NO:** EPF/1100/05 **PARISH:** Waltham Abbey

SITE ADDRESS:

LAND BETWEEN 91 & 93, MONKSWOOD AVENUE, WALTHAM ABBEY

DESCRIPTION OF PROPOSAL:

Erection of new dwelling with garden and parking, attached to No.91 with redefined boundary to No.93.

Deferred to District Development Control with no recommendation but to consider an additional report on human rights issues raised by the proposal.

4. **APPLICATION NO:** EPF/1950/03 **PARISH:** Nazeing

SITE ADDRESS:

SHOTTENTONS FARM, PECKS HILL, NAZEING

DESCRIPTION OF PROPOSAL:

Outline application for the erection of glasshouses, facilities building and extension to the despatch area.

GRANTED SUBJECT TO:

1. Submission of details within 3 years.
2. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars which shall have previously been submitted to and approved by the Local Planning

Authority. Such details shall show the siting, design and external appearance of the building(s).

3. Materials of construction to be agreed.
4. Surface water drainage works shall be carried out in accordance with details which shall have submitted to and approved in writing by the Local Planning Authority before development commences, including details of suitable storage of rainwater to achieve no net increase in runoff as a result of the development.
5. Submission of Landscape Proposals
6. Submission of Landscape Management Plan
7. The woodland, hedgerow infilling and new trees shall all be planted in the first planting season following commencement of the development, and all hard and soft landscape works shall be completed prior to the occupation or use of any part of the development.

5. **APPLICATION No:** EPF/2299/04

PARISH: Nazeing

SITE ADDRESS:

THE MOAT HOUSE, NAZEING ROAD, NAZEING

PARISH: Nazeing

DESCRIPTION OF PROPOSAL:

Erection of two detached dwellings with two detached garages,
Creation of new vehicle access.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. Erection of screen walls/fences.
4. Drainage details to be agreed.
5. Garage to be retained.
6. Tree survey to be submitted
7. Tree protection measures required.
8. Submission of a landscape scheme.

9. Replacement tree or trees.
10. No part of development shall be occupied or used until the footpaths and street lighting columns shown on submitted drawing no.6897/P/002B have been laid out to the reasonable satisfaction of the Local Planning Authority.
11. Construction of road prior to dwellings.
12. Submission of flood risk assessment
13. Submit programme of archaeological work
14. Contaminated land study and remediation.

SUBJECT TO LEGAL AGREEMENT S106

In respect of the provision and maintenance of visibility splays at the access to the site.

6. **APPLICATION NO:** EPF/1116/05 **PARISH:** Nazeing

SITE ADDRESS:

THE WILLOWS, NURSERY ROAD, NAZEING

DESCRIPTION OF PROPOSAL:

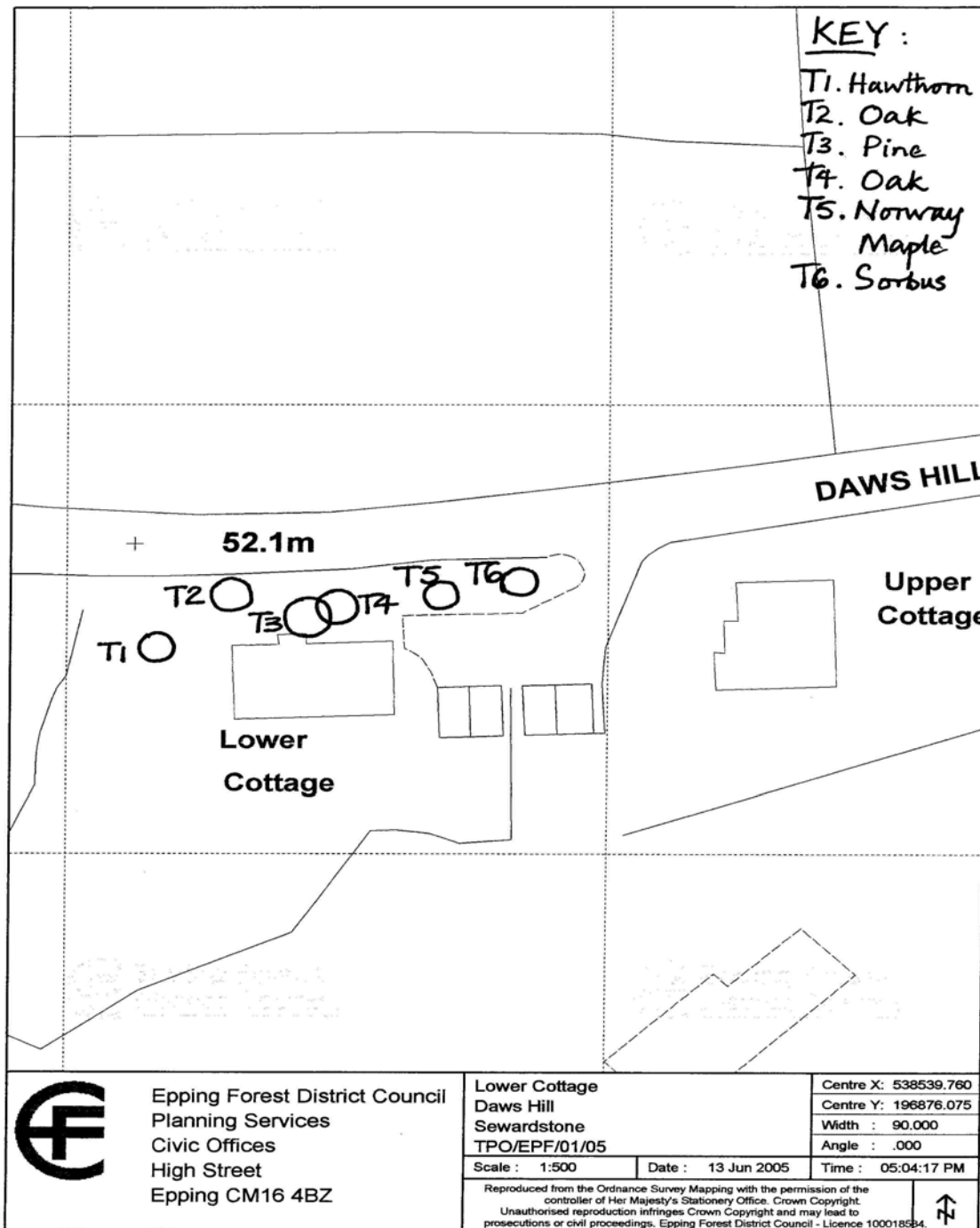
Replacement of flat roof with pitched roof of garage and conversion of garage to ancillary living accommodation.

GRANTED SUBJECT TO:

1. To be commenced within 5 years.
2. Materials shall match existing.
3. The proposed conversion shall only be used as ancillary accommodation for the existing dwelling house and shall not be occupied as a unit separately for the dwelling know as 'The Willows', Nursery Road, Nazeing.

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AREA PLANS SUB-COMMITTEE 'D'

28 September 2005

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT

CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/582/05	Hill View, St Leonard's Nazeing.	Grant Permission	25
2.	EPF/1261/05	Land Adjacent to 16 Western Road, Nazeing.	Grant Permission	29
3.	EPF/1279/05	83 Old Nazeing Road, Nazeing.	Grant Permission	33
4.	EPF/120/05	Land between Brookmeadow Wood and Fernhall Wood, Upshire, Waltham Abbey.	Grant Permission	38

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APPLICATION No: EPF/582/05

Report Item No: 1

SITE ADDRESS:
HILL VIEW, ST LEONARD'S ROAD, NAZEING

PARISH: Nazeing

APPLICANT: Mr R Martinelli

DESCRIPTION OF PROPOSAL:

Two storey rear extension, raised roof ridge with two dormer windows to front and new garage to rear.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. The development shall be carried out in accordance with the amended plans received on 22 June and 05 August 2005 unless otherwise agreed in writing with the Local Planning Authority.
3. Materials of construction to be agreed.
4. No further side windows without approval
5. Retention of existing trees and shrubs
6. Prior to the commencement of the development, details of the proposed surface materials for the driveway 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.
7. Prior to first occupation of the building hereby approved the proposed window openings in the south facing elevation at first floor shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.

Description of Proposal:

Two storey rear extension measuring 5m x 8.4m by 6.4m high on the western elevation with a hipped roof. The main roof will be raised by 1.5m to 7.6m and two pitched roof dormers will be installed on the front roof slope. A single pitched roof double garage, measuring 5.7m x 5.7m by 4.6m high would be erected against the western boundary using an existing access onto Tatsfield Avenue. A conservatory, greenhouse and shed will be removed.

Description of Site:

A two storey detached house situated to the front of a rectangular plot on the corner of Tatsfield Avenue within the urban area of Nazeing. The ground level of the site rises to the west. The site has extensive hedges on the north boundary with Tatsfield Avenue.

Relevant History:

None.

Policies Applied:

DBE9 Excessive Loss of amenities for neighbours
DBE10 Design of residential extensions

Issues and Considerations:

The main issues in this application are the effects of this development on the amenities of neighbouring properties and the street scene.

Impact on Street Scene

- This is a major scheme of extensions and alterations which will totally alter the appearance of the dwelling on this plot, but it is acknowledged that this property is of no great visual merit and is an untidy jumble of development on the rear elevation.
- This area is very mixed in housing types and styles and the proposal will see the height of the roof rise to no higher than that of the immediate neighbour to the south, "Willows".
- A 2m gap will be maintained to the boundary with "Willows", and the rear wall of the extension will align with the existing rear elevation at "Willows".
- The detached garage will be built into the slope at the rear of the site, which reduces its impact, and replaces an existing car port of no visual merit.
- It is considered that there will be no excessive harm caused to the street scene as a result of this application.

Design

- The two storey rear extension roof has been altered so that it is some 1.5m lower than the main ridge as to avoid the extension becoming over dominant, although it would still be a substantial structure.
- The front dormers have been reduced in size and improved in appearance compared to the original proposal and are considered to be subordinate to the main roof and be entirely acceptable in design terms.

- Materials will match.
- Appearance of the resulting dwelling is acceptable.
- The garage is a simple design which is entirely acceptable.

Impact on Neighbours

- There would be no excessive overlooking of any neighbour. A first floor window serving a bathroom would look to the flank wall of "Willows" but that would be obscure glazed. It is possible to impose a condition on any consent granted requiring first floor windows in the south facing flank of the house to be obscure glazed in order to safeguard the amenities of the occupants of "Willows".
- Since the site is to the north of "Willows" and would not project rear of it there will be no loss of sunlight to "Willows".
- The garage will be built into the rising slope at the rear of the garden reducing its visible height and would not obstruct light to or outlook from any windows at the neighbouring house to the west, "Four Bridges", which in any event is at a higher level than the application site.

Conclusion:

The building will not have an adverse impact on the street scene and while there would be some impact on neighbours it is considered that their amenities can be safeguarded by the use of appropriate conditions and therefore any impact does not justify a refusal. Accordingly, the proposal complies with adopted planning policy and this application is recommended for approval.

SUMMARY OF REPRESENTATIONS:

Original Proposal

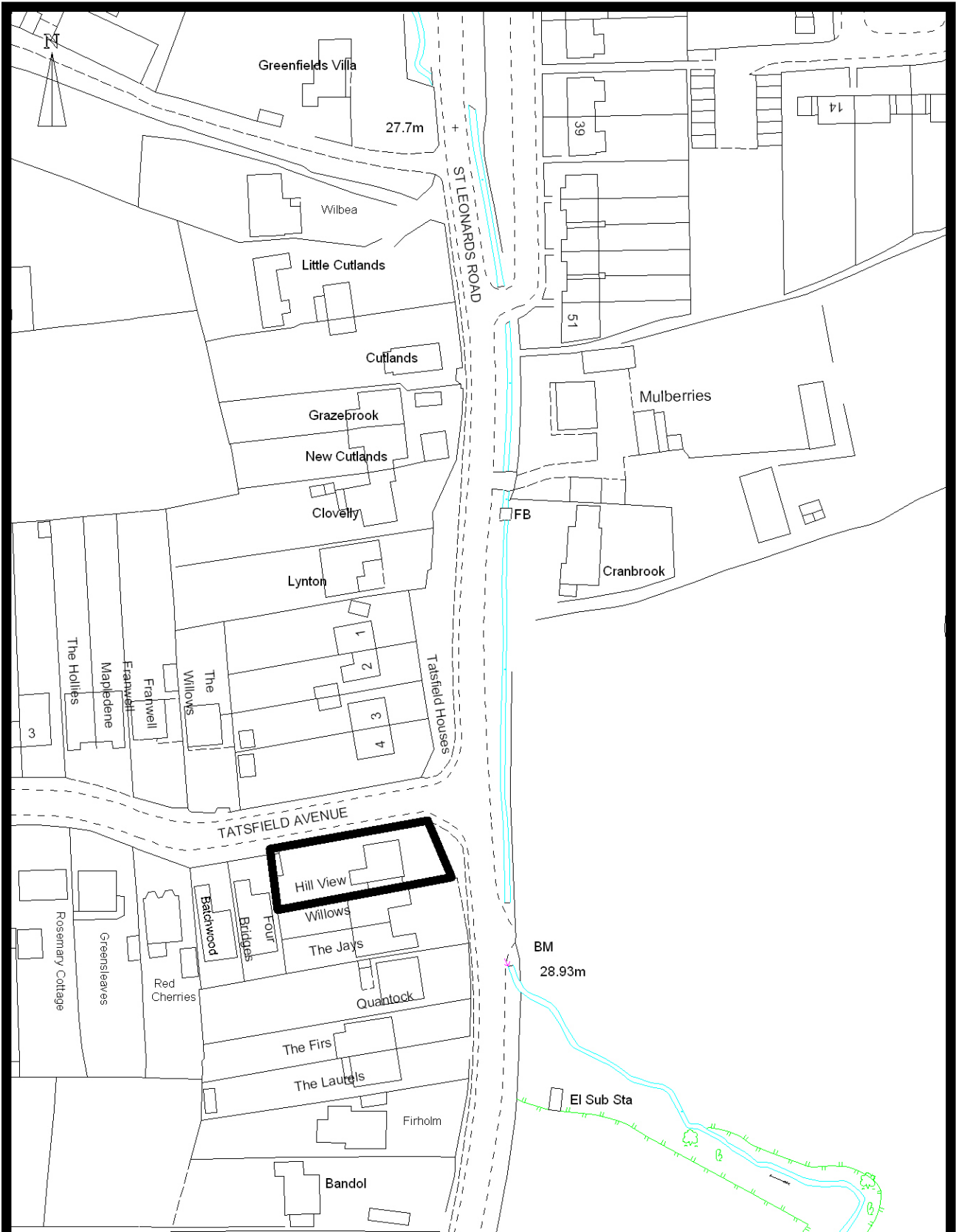
PARISH COUNCIL - Object in respect of the size and position of the proposed garage and the effect on the adjoining property to the rear.

WILLOWS - Object, loss of light to north side rooms, especially the kitchen and bathroom, scale of the alterations, extreme height and new windows to rear mean I have no privacy whatsoever, side windows will remove privacy in bathroom.

FOUR BRIDGES - Object, massive garage with pitched roof will affect my views and cut down the amount of light

Revised Plans

WILLOWS - Object, original comments still apply



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Item No: 01
 Scale: 1:1250



APPLICATION No: EPF/1261/05

Report Item No: 2

SITE ADDRESS:

PARISH: Nazeing

LAND ADJACENT TO 16, WESTERN ROAD, NAZEING

APPLICANT: Thomas Construction

DESCRIPTION OF PROPOSAL:

Revisions to new dwelling approved under EPF/1954/04 to include additional rear conservatory and additional windows.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials of construction to be agreed.
3. The lower non-opening windows in the eastern elevation of the conservatory facing No. 20 Western Road shall be glazed in obscured glass in fixed frames to the reasonable satisfaction of the Local Planning Authority and shall be so maintained.

Description of Proposal:

The application seeks consent for revisions to a permission of November 2004 for the erection of a detached two-storey house.

The proposed revisions are the installation of 3 additional 'Velux' windows in the rear roof slope and 1 such window in the front roof slope together with the erection of a rear conservatory of external dimensions 3.12m deep, 3.18m wide and rising to a ridge of 3.4m (hipped roof). All other plan and elevational design aspects are unchanged.

Description of Site:

The site has a 9m frontage to Western Road, is of a similar depth to plots on either side and has an area of 324 sq m. The two storey house approved in November 2004 is currently at an advanced stage of construction. A replacement house at No. 16 is nearly complete, while to the east, No. 20 is a 1960's, two storey house with projecting rear section and part width conservatory.

Relevant History:

EPO/900/73 - Dwelling house (outline) - Approved
EPF/1954/04 - New 4 bedroom detached dwelling with integral garage - Approved

Policies Applied:

Structure Plan Policies:
CS4 Sustainable new development.
BE1 Urban Intensification.

Local Plan Policies:
DBE1 Design of new buildings
DBE2 impact of new buildings on neighbouring property
DBE9 Impact of development on amenity
LL10 Retention of landscape features

Issues and Considerations:

The issues raised by this application relate to the additional windows and conservatory now proposed, the 2004 permission having effectively established the principle and design of a new two storey dwelling on the plot. Consideration of elevational design, effect on neighbours and any landscape impacts are therefore relevant.

The new windows in front and rear roofs are individually of modest size, sited mid-way down the roof slope, the front window would not significantly alter the general scale or character of the house in the street scene. Similarly, the three rear windows would not appear unduly out of place in the new house, as they are at least 1m from any edge of the roof. The windows are at a height above the internal floor which would ensure that casual views out are at eye level. In any event these would be down the garden or across the street.

As the rear conservatory is sited to the rear of what is already a 3m projection beyond the conservatory at No. 20 Western Road, it is essential to ensure that there is no worsening of this relationship for that neighbour. As the conservatory is stepped in 0.45m, and has a hipped roof sloping away from the ridge on three sides, its nearest face to No. 20 would be about 2.4m to eaves, with glazing above 1m of brickwork. Given the existing 1.8m fence and overall separation between the conservatory and the adjacent extension of around 4m, this additional structure will not materially affect daylight or outlook to No. 20 Western Road. To ensure that a lower garden fence would not generate overlooking, however, it is proposed that the lower, non-opening windows in that east-facing elevation be fixed and obscure glazed.

On this basis, the additional windows and conservatory are

considered to accord with the aims of policies DBE1 (New buildings) and DBE10 (Residential extensions). No trees are affected by the proposal.

Conclusion:

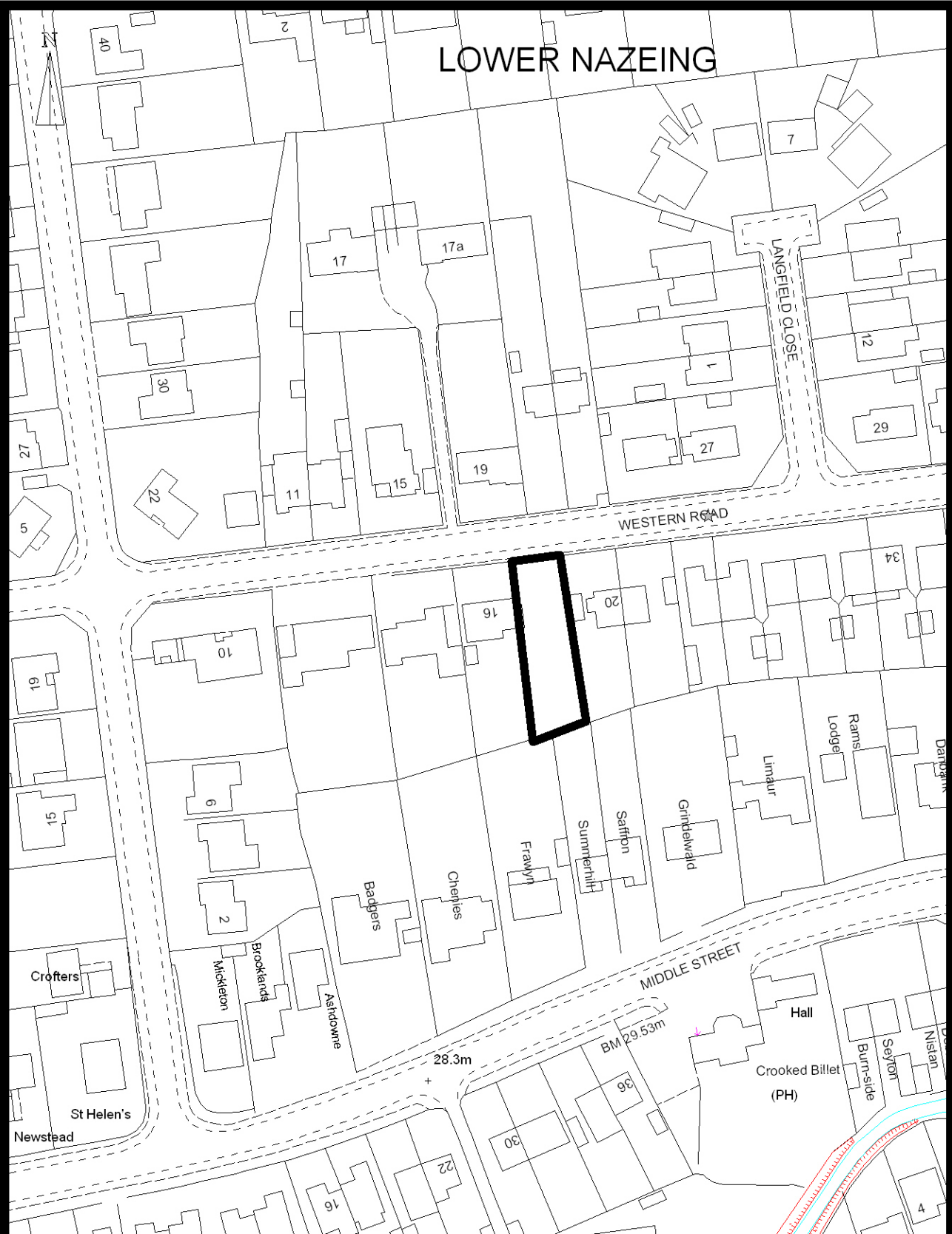
Grant conditional permission.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - No objections to conservatory but do object to additional windows, which would effectively make the property three storey and not in keeping with the street scene.

NEIGHBOURS - no replies.

LOWER NAZEING



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Item No: 02
Scale: 1:1250



APPLICATION No: EPF/1279/05

Report Item No: 3

SITE ADDRESS:
83 OLD NAZEING ROAD, NAZEING

PARISH: Nazeing

APPLICANT: J.F. and P.G. Bornheim

DESCRIPTION OF PROPOSAL:

Extension to existing detached garage and conversion to "granny annexe", demolition of existing piggery building.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials shall match existing.
3. The proposed conversion shall only be used as ancillary accommodation for the existing dwelling house and shall not be occupied as a unit separately from the dwelling known as 83 Old Nazeing Road, Nazeing.

Description of Proposal:

Consent is being sought for an extension to an existing detached garage and its conversion to a "granny annexe" including the demolition of an existing piggery.

The extension would be to the rear of the garage, approximately 10.4m wide by 4.5m deep by 3.4m high. It would contain two modest bedrooms (one with en-suite) a separate bathroom, living room and kitchen.

Description of Site:

The site is located on the southern side of Old Nazeing Road, within the built up area of Nazeing, but the Metropolitan Green Belt boundary extends to the west of the bungalow (within the plot) and to the south of the former piggery. Within the Lee Valley Regional Park. The sizeable plot consists of a bungalow to the front with detached single garage to the side. To the rear, adjacent to the tree-lined boundary with No 81, lies the double detached garage, the subject of this application. Behind the garage is the piggery, however much of it has been demolished apart from some of the walls.

Relevant History:

EPR/135/52 - Bungalow - Approved
EPF/563/69 - 4 dwellings - Refused
EPF/1038/77 - Outline application for 4 dwellings - Refused and appeal dismissed
EPF/663/95 - Side extensions - Refused (extending into Green Belt, closing gap)
EPF/445/96 - Rear extension - Approved
EPF/1279/05 - Erection of bungalow for granny annexe - Refused and appeal dismissed (affecting character and appearance of the surrounding area including from the Green Belt)

Policies Applied:

GB7 - Development conspicuous from the Green Belt
DBE9 and DBE10 - Residential Development
RST24 - Development within or adjacent to the LVRP

Issues and Considerations:

The main issues here relate to the potential impact when viewed from the Green Belt any impact on neighbouring properties and the Lee Valley Regional Park, any design issues and the personal circumstances of the applicant.

Impact from the Green Belt

The extension to the garage is much reduced from the previously submitted application for a bungalow. The ridge height would be 3.4m high, lower than the existing garage. This would have no material impact when viewed from the Green Belt to the west and south. The demolition of the remaining walls of the piggery would do much to enhance the existing situation. The use of the extended garage as a granny annexe would not lead to such activity that could be harmful to the character of the Green Belt when viewed from it.

Impact on Lee Valley Regional Park

No response has been received from the LVRP and it is considered that, due to the small size of the proposed extended garage, its physical impact would be minimal and therefore acceptable in terms of its impact on the Park. Once more, the activity associated with the resultant annexe would not be enough to impact in any meaningful way on the amenities of the LVRP.

Impact on neighbouring properties

Whilst the immediate neighbour is concerned that there would be

a loss of privacy and their garden would become overlooked, no windows are proposed that directly face No. 81. Two windows would replace the existing garage door, however given the high tree screen and 1.8m fence on the boundary overlooking is not considered to be an issue. With regards to additional noise, given the distance of 20m from the neighbouring property this is not felt to be a justification for recommending refusal.

Concern has also been raised regarding whether the annexe could be sold separately at a later date, however a condition can be imposed on any consent granted requiring it only be used for purposes ancillary to the main dwelling.

Design

In keeping with the existing garage and is considered acceptable.

Personal Circumstances

Mr Bornheim is 82 years old and his wife 74. He suffers from Parkinsons disease, a collapsed spine and from Osteoporosis. He requires constant care and attention, is wheelchair bound and is only able to walk a few steps with difficulty. The house has 4 bedrooms. One is occupied by Mr Bornheim, the other three by Mr Bornheims daughter and partner and two grandchildren. Mr and Mrs Bornheim sleep in separate rooms due to Mr Bornheim having to wake regularly during the night to take medication. In fact currently Mrs Bornheim sleeps on a sofa in the reception room. Due to the drugs Mr Bornheim takes to treat the illnesses he can on occasion become confused and disorientated to the distress of the family especially his 12yr old granddaughter.

The formation of a unit in the rear garden would allow Mr and Mrs Bornheim to sleep in separate bedrooms in a unit that can be specially designed to suit Mr Bornheim's needs.

Letters from both the GP and the Medical Director at Marie Curie centre in London were submitted along with the previously submitted application confirming Mr Bornheim's illnesses and are held in the planning file.

Exceptionally, the personal circumstances of an occupier maybe material to the consideration of a planning application. While this does not mean that this should override any other planning issues, in this instance given the level of impact of the proposal, it is considered the personal circumstances of the Bornheim's adds weight to the argument that the application should be approved.

Conclusion:

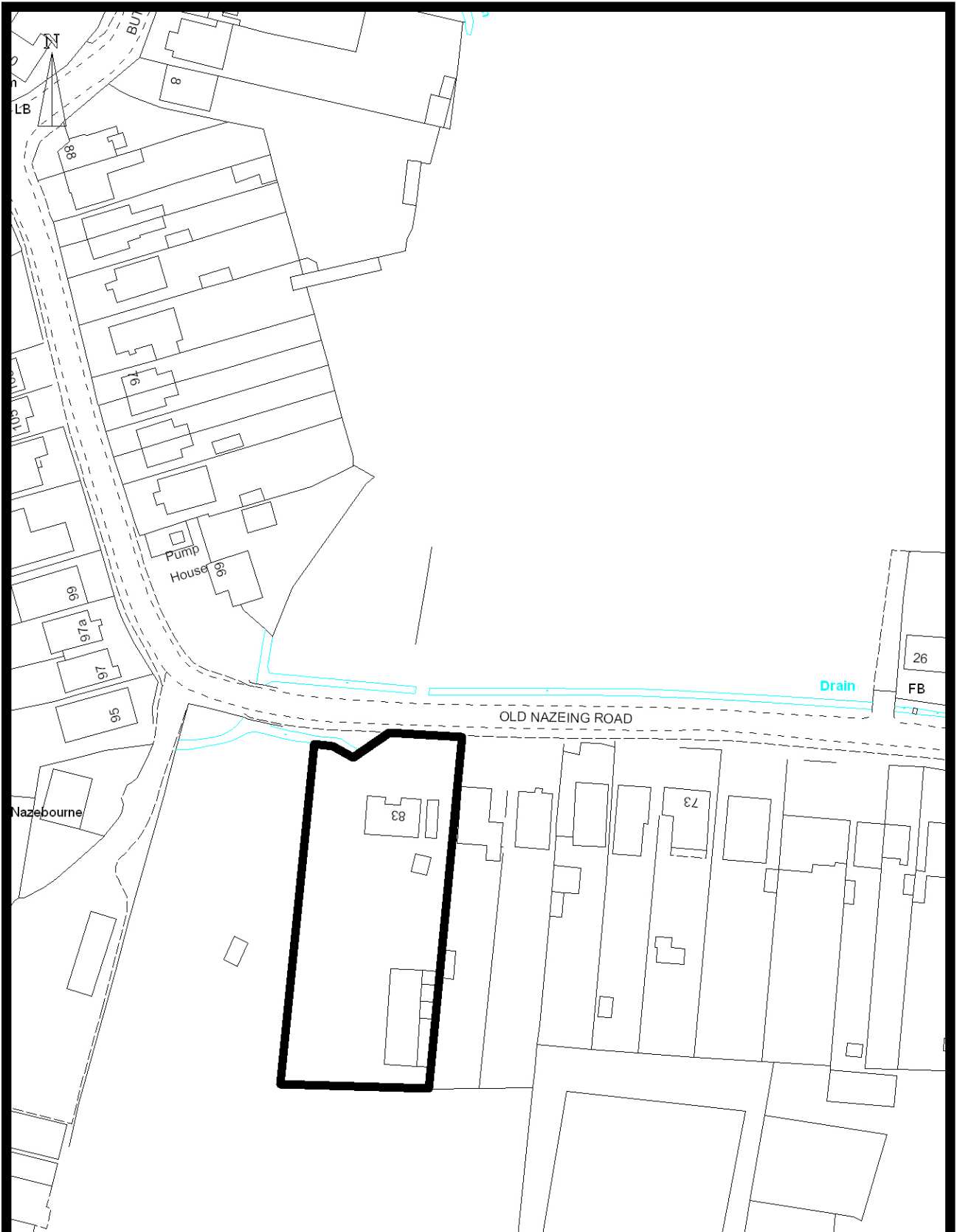
Having regard to all the material considerations and compliance with adopted planning policy, the application is recommended

for approval.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL - Object to the development under policies GB2 and GB15. This would be an infill site on the edge of L.V.R.P and detrimental to the park.

Neighbour (address not given but assumed to be 81, Old Nazeing Road) - Loss of privacy to rear garden due to overlooking; additional noise; more noise due use of site entrance; if applicants move on will it be sold as separate dwelling?



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Item No: 03
 Scale: 1:1250



APPLICATION No: EPF/120/05

Report Item No: 4

SITE ADDRESS:

PARISH: Waltham Abbey

LAND BETWEEN BROOKMEADOW WOOD AND FERNHALL WOOD,
UPSHIRE, WALTHAM ABBEY

APPLICANT: Environment Agency

DESCRIPTION OF PROPOSAL:

Construction of new earth flood embankment and creation of flood storage area.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Submission of tree protection statement
3. Retention of existing trees and shrubs
4. Replacement tree or trees.
5. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the completion of the development unless otherwise agreed in writing by the Local Planning Authority. These details shall include, as appropriate and in addition to, details of existing features to be retained; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hardsurfacing materials; other minor artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers/densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, shrub or plant or any replacement is removed, uprooted, destroyed, dies or becomes seriously damaged or defective another tree, shrub or plant 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.
6. Submission of tree planting details
7. 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 Local Planning

Authority, and the development shall not commence until the Landscape Method Statement has been approved by the Local Planning Authority in writing. All landscape works shall be undertaken in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The details of the Landscape Method Statement shall include soil handling; the sequence of operations for impaction and spreading of materials, and any ancillary operations; designated storage and handling zones and details of site supervision and liaison with the Local Planning Authority.

The Landscape Method Statement shall also include details of soft landscape proposals, including 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, 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 Local Planning Authority 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 Local Planning Authority 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.

8. The development shall proceed in accordance with the archaeological mitigation strategy detailed at 4.10.4 of the Environmental Impact Assessment submitted with the planning application. Any archaeological finds made during the course of the development shall be reported to Essex County Council within 14 days of the date of the find and within 3 months of the completion of the development a report of all archaeological finds shall be reported to Essex County Council.
9. Any construction or other work that is audible beyond the site boundaries shall take place between the hours of 8.00am and 6.00pm Monday to Friday only excluding public and bank holidays unless otherwise previously agreed in writing by the Local Planning Authority.
10. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- 1) The location and function of any aggregate processing areas, associated plant and buildings
- 2) A method statement of soil handling, to include separation of topsoil and sub soil, the location and total heights of temporary mounds, depth replacement topsoil and sub soil.
- 3) Details of the proposed method to suppress dust from the site throughout the period of implementation works.
- 4) Measures to protect the safe use of rights of way on the land during and after the implementation works.
- 5) Details of all permanent fencing and gates.
- 6) Details of the proposed replacement bridge over Cobbins Brook.
- 7) Details of the works to the bank of Cobbins Brook.

The development shall be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

IN ADDITION, permission shall be subject to the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of the following matters:

1. The implementation of an approved landscape management plan.
2. The implementation of an approved traffic management scheme for the duration of construction works.
3. Implementation of a one-way system of traffic movement on Fernhall Lane and Long Street for all traffic using the roads for the duration of construction works.
4. The reinstatement of Long Street and Fernhall Lane to their condition prior to the commencement of the development within 6 months of its completion.
5. HGV's and tipper lorries shall not access any part of the site via Woodgreen Road, Upshire Road, Galley Hill or Breach Barns Lane and access to the construction site for the embankment shall only be via Fernhall Lane.

IN ADDITION, in respect of the applications for the diversion of public footpaths 42 and 81 in connection with the proposed flood alleviation scheme, consents for the diversion be granted.

Description of Proposal:

This application is for the construction of a flood alleviation scheme to protect 314 properties in Waltham Abbey from a 1 in 50 year flood event and provide additional flood protection for the M25. The proposal is not designed to facilitate any further development in Waltham Abbey. An Environmental Impact

Assessment (EIA) has been submitted with the application. It is also proposed to divert public footpaths 42 and 81.

PERMANENT WORKS

The detail of the permanent works is as follows:

A.WORKS NORTH EAST OF BROOKMEADOW WOOD

1.Construction of an embankment immediately upstream of the position of an existing weir at the Cobbins Brook.

The embankment would incorporate a culvert and have a maximum height of 4.5m above the existing watercourse with upstream slopes to have a gradient of 1:3 and downstream slopes to vary from 1:3 to 1:6. A 30m length of the Cobbins Brook upstream of the embankment would be realigned to suit the culvert while fencing would enclose the culvert area. The top of the embankment would be at a uniform height with its length of up to 450m determined by the gradient of land either side of the watercourse and its plan form that would incorporate a bend either side of the watercourse. The width of the embankment would vary from 4.5m to 75m, its width at any point being determined by the relationship between the gradient of surrounding land and the height and gradient of the embankment.

To allow for the possibility of floodwater rising above the level of the embankment the downstream slope of the embankment on the northwest side of the watercourse would be constructed as a slipway with a pre-cast blockwork surface (e.g. grasscrete). A 4.5m wide access track also of pre-cast blockwork surface would be formed at the top of the embankment with a turning area immediately beyond the northwest end of the embankment. An additional similar access track would pass along the upstream side of the embankment on the southeast side of the watercourse. The remaining greater surface of the embankment would finished in topsoil and grass seeded.

2.Works on the upstream side of the embankment comprising the realignment of existing ditches, formation of permanent and seasonal wetland areas, meadow and new woodland.

The seasonal wetland would be formed in an area south east of the Cobbins Brook. It would be designed to flood in winter and also act as a temporary water storage pond at times of high water flows. It would mitigate the impact of using that area of land as a borrow pit to provide much of the material to be used for the construction of the embankment.

The permanent wetland would be formed in an area north west of Cobbins Brook and would be fed by ground water and water from a realigned ditch.

3.Construction of a 4.5m wide gravel access track linking to an access to Warlies House off Fernhall Lane, adjacent to The

Clock House.

4. Construction of replacement footbridge over Cobbins Brook to serve footpaths 42 and 81 as part of the removal of existing hard engineered banks. An associated realignment of a 60m length of footpath 42 within the vicinity of those works together with a further 200m diversion of that footpath around the western end of the embankment is also proposed. Accordingly, this application is also one for the diversion of a footpath.

B. WORKS AT COBBINSEND ROAD

1. Raising Cobbinsend Road up to 0.5m for a length of 120m where it crosses Cobbins Brook.

This part of the proposal may involve either the replacement of the existing culvert with a wider one or the provision of new pipe culverts either side of the bridge but this detail would be decided at a later design stage should planning permission be granted.

2. The formation of a backwater and wetland area on land upstream of Cobbinsend Road on the north side of Cobbins Brook.

The backwater would extend 43m with an intermittent wetland to the west all enclosed by steep banks and surrounded by rough grassland. Hedges lost during construction would be replaced

TEMPORARY WORKS

Temporary works required to facilitate the development are the construction of two contractors compounds area within the application site and the construction of a temporary length of road to bypass the works to Cobbinsend Road. The main contractors compound would be situated adjacent to the southeast end of the proposed embankment. An additional compound would be provided east of Cobbinsend Road, south of Cobbins Brook.

ACCESS ARRANGEMENTS

The relevant parts of the application site would be accessed either off Fernhall Lane or Cobbinsend Road, as appropriate. This would be the case during construction as well as following construction.

When the application was originally submitted the proposed construction site compound for the embankment was to have been adjacent to Breach Barns Caravan Park. A proposed access route to the construction site via Breach Barns/Sines Caravan Park

determined that location. The route for construction traffic was to have been from junction 26 of the M25 to Sewardstone Road, around the south and west of Waltham Abbey to Highbridge Street and from that point to Breach Barns Lane via Abbey View, Parklands and Galley Hill Road. That arrangement is considered unsuitable in terms of impact on amenity and for operational reasons. Accordingly the applicants changed the access route to the construction site compound for the embankment and the location of the construction site compound to adjacent to the borrow pit as described above.

The routing of haulage vehicles to the construction site for the embankment and at Cobbinsend Road is now proposed as from junction 26 of the M25 via A121 Woodriven Hill, B1393 Epping Road, Crown Hill, Long Street, and Fernhall Lane. The applicants propose that the final approach to the site via Long Street and Fernhall Lane would be a one-way system for construction traffic following an anti-clockwise route. Vehicles would reach the construction site for the embankment from the access road to Warlies House off Fernhall Lane, adjacent to The Clock House.

A traffic management plan is proposed requiring, inter alia, that HGV's keep to the defined route.

It is proposed to carry out a condition assessment of carriageway and verge of Crown Hill, Long Street, and Fernhall Lane prior to the commencement of the development and reinstate those roads and verges to that condition on completion of the development.

DURATION OF CONSTRUCTION ACTIVITY

The applicants advise the construction process for the entire development would take between 10 and 12 months. Site working hours are proposed to be 8.00am to 6.00 pm Monday to Friday only and excluding public and bank holidays.

Description of Site:

The application site comprises three distinct areas. The main site for the construction of the embankment is situated to the northeast of Brookmeadow Wood, midway between Breach Barns Caravan to the west and Fernhall Lane to the east. The site at Cobbinsend Road is situated 250m north of the junction of Fernhall Lane and Long Street.

The third area relates to the proposal to divert part of footpath 42 where it meets footpath 81, erect a replacement footbridge over Cobbins Brook and carry out works to the banks of the watercourse. That is situated within Brookmeadow Wood, 100m south of the main site.

All the sites are within the Metropolitan Green Belt and surrounded by fields, meadow and woods. Cobbins Brook passes through the sites. It is a watercourse that has a large catchment taking in the northwest corner of Epping Forest and the greater parts of Waltham Abbey and Epping together with land around Upshire, Copthall Green, Epping Upland, Epping Green and Aimes Green. Cobbins Brook.

The southeast half of the main site and the third area are within the Upshire Conservation Area and comprise land owned by the Corporation of London although none of the sites are within Epping Forest. The Conservation Area includes the historic park and gardens of "Warlies" which is an important estate in conservation terms that includes Warlies Park House, a Grade II listed building and an obelisk within its grounds that is a scheduled ancient monument. The essential character of the Conservation Area is its rural unspoiled appearance made up of agricultural fields and woods that are part of the valley of the Cobbins Brook.

Other than the land for the southeastern half of the embankment and access track, all the land to which this application relates is designated as an Ancient Landscape on the Proposals Map of the adopted Local Plan.

Relevant History

None relevant

Policies Applied

Structure Plan:

CS2 - Protecting the natural and built environment
CS4 - Sustainable new development
C2 - Development within the Metropolitan Green Belt
NR12 - Protecting Water Resources
CC3 - Coast Protection and Flood defence
HC2 - Conservation Areas
LRT5 - Public Rights of Way
T3 - Promoting Accessibility
T7 - Road Hierarchy

Local Plan:

GB - Green Belt.
HC2 - Ancient Landscapes
HC6 - Works within or adjacent to conservation areas
RP3 - Protection of surface water and groundwater
RST2 - Access to the countryside
U2 - Development in areas at risk from flooding
DBE9 - Impact of development on amenity

LL2 - Impact of development on the character of the landscape
LL10 - Provision for landscaping
LL11 - Landscaping schemes
T17 - Highways: Criteria for assessing proposals
I1 - Planning obligations

Issues and Considerations:

The development is not appropriate development in the Green Belt therefore it is necessary to consider whether any very special circumstances exist that outweigh the harm caused by inappropriateness and any other harm. That requires an assessment of need as well as an assessment of the impact of the works on the landscape, which includes an assessment of the impact on the Upshire Conservation Area. It is also necessary to consider the impact of the development on access to the countryside and in terms of its impact on the natural environment, adjacent land use and amenity. With specific regard to the construction process, a major issue is the impact of construction traffic on the free and safe flow of traffic and on amenity.

NEED FOR THE FLOOD ALLEVIATION SCHEME

The need for the proposal is set out in the Environmental Impact Assessment (EIA) submitted with the application.

Waltham Abbey has been subjected to flooding from Cobbins Brook. Major floods have taken place in 1947, 1968 and 1947. Works to alleviate the potential for flooding were carried out in 1978 but following major flood events in July and October 1987 it was clear that those works were under-designed. The July 1987 event affected 90 houses with properties along Broomstick Hall Road and adjacent streets flooded up to a depth of 1.2m. Broomstick Hall Road and Honey Lane were impassable to traffic.

In October 2000 flooding in the Lower Lee Catchment caused serious damage affecting 97 residential properties, 3 commercial properties, local nurseries and the King Harold School. In addition Broomstick hall Road and Honey Lane were impassable. That flood event was assessed as being between a 1 in 20 and 1 in 30 year flood.

It is clear that existing flood defence for Waltham Abbey is not adequate and the applicant advises the level of protection now available fails to meet the Department for Environment, Food and Rural Affairs (Defra) minimum indicative level of protection of 1 in 50 years for dense urban areas such as Waltham Abbey. In fact the current level of protection is in the order of a 1 in 5 year flood event, i.e. a flood with a 20% chance of occurring in any one year.

The EIA indicates there are 285 residential properties and 29 non-residential properties within Waltham Abbey that are currently at risk of flooding from a 1 in 50 year flood event. It also indicates there are 366 residential properties and 33 non-residential properties within Waltham Abbey that are currently at risk of flooding from a 1 in 100 year flood event.

The applicants identify a lack of channel capacity, historic development within the floodplain resulting in increased run-off, bridges restricting the flow of water, surcharging of Thames Water foul sewers and low intensity prolonged duration rainfall as factors that contributed to the propensity for flooding in Waltham Abbey. That is exacerbated a tendency for the Cobbins Brook catchment to react rapidly to rainfall because it is underlain by largely impermeable London Clay. This can lead to flooding in Waltham Abbey within 1 hour for heavy thunderstorms and 3-4 hours for prolonged rainfall. The applicant advises the rapid reaction presents a potential public safety risk.

Defra (2002) predicts that extreme rainfall and river flow in the south-east of England could increase by as much as 20% in peak flow or volume over 50 years. That would exacerbate the flooding situation if nothing is done to mitigate its effects.

The proposal is designed to give flood protection to the 314 properties that are at risk from a 1 in 50 year flood event. Should Defra's worst case prediction for rainfall and river flow come about the scheme would only protect against a 1 in 35 year flood but that would still reduce the risk of flooding to 301 properties, i.e. 96% of those that would be protected by the scheme at present levels of rainfall and river flow. The scheme would therefore be very likely to continue to fulfil its function satisfactorily for some considerable time and would be unlikely to require modification or replacement unless it were decided to achieve a level of protection against floods greater than a 1 in 50 year event.

The applicant advises that the need for the scheme has not been exacerbated by any alleged lack of maintenance of Cobbins Brook. Regular rubbish patrols and selected obstruction removal on an annual basis have all taken place throughout the past 10 years. Given the already low level of flood protection for Waltham Abbey, any debris or obstructions would not play a significant role in flooding, particularly for events that are above 1 in 5 years. More frequent maintenance of Cobbins brook would not resolve the flooding problem or remove the need for the flood alleviation scheme.

The applicant has considered 4 alternative schemes to address the matter of flooding in Waltham Abbey in addition to assessing the benefits of all the schemes against a "do-nothing" and a "do-minimum" approach. Of those 4 schemes, 3 of them relied on the proposed scheme in addition to other

works, the applicant advising the other works would not give a sufficiently high standard of flood protection without the current proposal. Assessment of those 4 alternatives revealed that they would either unacceptably exacerbate the risk of flooding upstream of the schemes and/or have an unacceptable impact on the character and appearance of the landscape. The environmental impact of building an additional scheme downstream at Parklands was demonstrated to be very harmful in environmental terms producing large quantities of material for disposal and therefore generating 50,000 lorry movements during construction. Furthermore, the Parklands scheme would be likely to fill at events above 1 in 10 years.

- Conclusion on Need

Following an assessment of the information submitted it is concluded that there is a clear need for the proposed flood alleviation scheme, that it would fulfil its design aims for some considerable time and that a "do-nothing" and a "do-minimum" approach would leave a large number of properties in Waltham Abbey exposed to an unacceptable level of flood risk. Moreover, there is no alternative scheme that would provide a comparable or greater level of flood protection without having unacceptable environmental consequences.

LANDSCAPE AND UPSHIRE CONSERVATION AREA

In landscape terms the construction of a large embankment would be very significant. Longer views of it would be mitigated to some extent by its situation within a valley with land rising above its level to the south, west and north but long views of it will exist from the east. A number of mature trees and some hedgerows will need to be removed to carry out the scheme while the clay borrow pit will introduce a large excavation into an otherwise gently sloping area of pasture and hedgerows and the access track would appear as an obvious unnatural feature.

As far as possible however, the embankment has been designed to integrate into the existing landform with graded slopes and a non-geometric plan form while it would be situated in where longer views of it would be restricted. Additional tree planting together with the formation of wetlands and the removal of hard banking where footpath 42/81 crosses Cobbins Brook would also serve to mitigate the impact of the embankment. Overall, the proposal would have an adverse impact on the landscape but that would generally be minor given the mitigation measures. Such measures can be secured through the imposition of suitable conditions on any consent granted and through the completion of a legal agreement in respect of a landscape management plan.

Given that the proposal would have a degree of adverse impact on the landscape, it fails the test of preserving or enhancing the character and appearance of the Upshire Conservation Area.

This is despite the overall adverse impact being a minor one.

- Conclusion on Landscape Impact

Having regard to the clear and pressing need for the development it is considered the degree of harm that would be caused to the landscape and Conservation Area by the development it is concluded that very special circumstances exist that outweigh the harm caused to the Green Belt and Conservation Area.

ACCESS TO THE COUNTRYSIDE

Public access to the site is only via footpaths 42/81. There are no bridleways, byways or cycleways crossing or within the immediate vicinity of the site. The access road to Warlies is a private road that is designated a public bridleway (bridleway 50). It, together with bridleway 103 links Fernhall Lane with Horseshoe Hill at Warlies Lodge. Footpaths 51, 52 and 102 cross Warlies Park 250m south of the application site on lower land. Footpath 80 links Fernhall Lane and Long Street where footpaths 51 and 52 meet Fernhall Lane and where footpath 75 meets Long Street. At Cobbinsend Road, byway 94 links that road with Claverhambury Road and footpath 44 makes a similar link further to the west.

Only footpaths 42 and 81 are affected by the proposals. A short length of footpath 42 (60m) at Cobbins Brook would be diverted in connection with the proposals to replace an existing footbridge and a longer length (200m) around the western end of the embankment. Footpath 81 crosses the proposed permanent access track. The footpaths will be kept open during the construction works but will need to be the subject of occasional minor diversions to ensure public safety.

Throughout construction and following the completion of the works therefore, full public access will be maintained.

Moreover, the recreational value of those rights of way will also be maintained by the development although during construction the recreational value of footpaths 42 and 81 will be diminished to a moderate extent.

The routing of traffic around Fernhall Lane and Long Street is discussed in more detail below but, in terms of its impact on the recreational value of the rights of way network in the locality, that would be confined at the points where footpaths cross the roads and at the access to the site off Fernhall Lane.

- Conclusion on Countryside Access

It is considered that the only place where there would be a significant impact would be at the access to the site where bridleway 50 meets Fernhall Lane. At that point there would be a significant number of vehicles turning across the bridleway

into the site. Those traffic movements need to be managed to mitigate the potential for conflict with non-construction related traffic, particularly horse riders and walkers. It is considered that it is possible to manage the potential for conflict at that point but since the necessary measures would relate to land outside the application site they would need to be the subject of a section 106 agreement requiring the implementation of a traffic management scheme.

NATURAL ENVIRONMENT

The EIA reports on surveys of flora and fauna within the vicinity of the site and beyond giving specific attention to any impact on protected species and including any impact on SSSI's. The nearest SSSI's are within Epping Forest and the Lee Valley Regional Park.

Despite its straight run with one end visible from the other, the length of the culvert may deter some movement of fish but the applicants advise an open channel through the embankment is likely to pose a public safety hazard due to its height and that it would compromise its flood defence function. A backwater formed from 45m of the retained natural channel downstream of the existing weir together with the proposed backwater at Cobbinsend Road would provide some compensatory habitat as would the works to the bank where footpaths 42/81 cross Cobbins Brook. The latter is of more value to small mammals such as water voles.

No badgers, otters, water voles, reptiles or hares have been found within the vicinity of the site. Surveys indicate the presence of great crested newts in the Cobbins Brook Valley but none within 500m of the proposed development.

The proposal is considered to minimise the need for tree or hedgerow removal. Nevertheless, the proposal would result in the loss of about 90m of hedgerow within the vicinity of the embankment, 80m at Cobbinsend Road and about 150m of recently planted species on the Corporation of London's land at the site of the borrow pit. The hedgerows include a number of mature trees and in total 20 trees together with about 0.7 hectares of young broadleaved woodland plantation would be lost as a result of the development. Proposed compensation for this loss is the planting of at least two trees for every one lost and the planting of replacement hedgerows.

On completion of the development, flooding contained by the embankment would have a localised effect but this has been designed to work as part of a managed wetland. A landscape management plan will need to be developed and further development of landscaping proposals is also required and this can be made the subject of conditions and a section 106 agreement.

Any excess floodwater would spill over the embankment affecting vegetation downstream but in that event much of the vegetation affected would have been flooded regardless of the presence of the embankment.

As part of the construction process it is proposed to either protect parts of the site of significance for flora and fauna by ring fencing or, if that is not possible, translocate the species affected by the development.

English Nature advises it has been fully consulted on the proposals and is satisfied that they would not cause any harm to areas of significant wildlife interest.

- Conclusion on Natural Environment

It is considered that the compensatory habitat that would be created, the proposals for safeguarding any species of significance, the proposed landscaping and commitment to future management of the landscape would ensure that the impact of the development on the natural environment is acceptable.

ADJACENT LAND USE

The application site is now used predominantly for grazing and arable agriculture. Much of the land in the Cobbins Brook Valley is Grade 2 or 3 agricultural land. The development would therefore lead to a loss of pasture and arable land during construction. Although some of that land would be returned to its original use on completion of the development, of about 5 hectares of lost to the borrow pit, 4 hectares will become available for grazing animals giving a net loss of 1 hectare. A further 1.5 hectares of arable land north of Cobbins Brook will also be lost and 0.7 hectares of broadleaved woodland plantation will be lost. The formation of the permanent access track will also result in a loss of arable land as will the formation of a backwater at Cobbinsend Road. In total 3.9 hectares of arable and pasture land would be permanently lost as a result of the development. Furthermore, since the area of floodplain upstream of the embankment will be increased 3-4 fold, the options for crops on approximately 24 hectares of land may be limited.

The EIA identifies the landowners most affected by the proposals are the Corporation of London and Fernhall Farm. Mrs E Ellis of Fernhall Farm and Mr GM Matthews of Woodredon Lodge who has farmed land in the area affected by the scheme for many years have both raised objection to the proposal on various grounds including the loss of agricultural land. They claim that it would result in the loss of approximately 16 hectares of agricultural land, far more than identified in the EIA. Having regard to the fact that the EIA is demonstrably based on an in depth survey and analysis of the locality and a depth of knowledge of the proposals that the objectors would not have it

is considered the assessment contained in the EIA is more credible.

- Conclusion on Adjacent Land Uses

Given the demonstrable need for the development and the mitigation measures proposed it is considered its impact on surrounding land use and the limited loss of agricultural land is acceptable. By way of clarification, the applicant confirms those properties upstream of the embankment and in particular those along Fernhall Lane and Cobbinsend Road would not be at any greater risk of flooding by the proposed flood alleviation scheme.

AMENITY

The impact of the permanent works on the amenities enjoyed by residents of the locality is largely in terms of the visual impact on the landscape. As discussed above, it would cause some minor harm to the landscape but the development would not cause any harm to residential amenity. The main impact on amenity is as a result of construction traffic and this is discussed below.

CONSTRUCTION TRAFFIC

Options for accessing the site by construction traffic are limited and none of the options are entirely acceptable. Given the demonstrable need for the development it is necessary to assess the options and decide whether the level of flood protection the scheme would provide justifies the acknowledged harm caused by the least harmful option.

It is significant that much of the material for the development would be excavated on site thereby greatly reducing the amount of lorry movements required as part of the construction process. Since the site working hours are proposed to be 8.00am to 6.00 pm Monday to Friday only and excluding public and bank holidays the construction traffic for the site would in general only be generated on those days.

In respect of the current proposed access arrangements the applicant states the total number of HGV's using the route throughout the entire construction process is 720. The applicant states the average number of additional HGV's using the route per working day would be 4 but that would include peaks and troughs over the period of construction works.

Additional information provided by the applicant indicates that the maximum estimated number of HGV's using the route on any one working day would be 20. This is not expected to occur on more than 8 weeks during the construction process and is

related to specific events in the process such as setting up and decommissioning the construction site, delivery of culvert units and the construction of structures requiring concrete and fill materials.

Throughout the construction period there would be approximately 30 cars or vans that would need to access the site each working day.

In respect of all the options, the implementation of a traffic management scheme to manage conflicts between construction vehicles and local traffic as well as the times that HGV's access local roads would assist in addressing some of the issues raised by them. Since that relates to off-site activity it can only be secured by a section 106 agreement.

Access via Breach Barns Caravan Park:

The original submission proposed the site be accessed through Breach Barns Caravan Park, a densely populated residential area of 240 homes. This would have exposed a large number of residents of the Park to noise, dust and vibration from lorries that would pass through it and from the construction site compound that would have to be developed next to it. It would have resulted in much of the car park at the caravan park being lost to allow for the movement of large vehicles. In order to avoid conflict with construction vehicles the bus route serving the caravan park would have had to be altered since the car park would no longer be a suitable place to have a bus stop. In addition, there would be a significant danger to residents of the caravan park from large vehicle passing through it.

The route to Breach Barns Lane is tortuous for large vehicles since it is single track with a number of 90 degree bends and interspersed with speed humps. There is clearly potential for conflict, particularly where large vehicles need to pass other vehicles. Breach Barns Lane also passes a number of houses and nurseries, which, together with the caravan park, already generate a significant amount of traffic.

Highbridge Street, Abbey View and Parklands are all busy roads, particularly at the junction of Highbridge Street and Abbey View and the construction traffic generated can be expected to have an impact on traffic flows. In addition, large numbers of residential properties back on to or front those roads and this route would affect the amenities enjoyed by their occupants although, due to the distance of many of those properties from the road and the number of vehicles already using them, the impact of construction traffic generated on amenity is not likely to be severe.

The A121 from junction 26 of the M25 already accommodates much HGV traffic and has experienced ground movement necessitating severe and extensive maintenance works. Essex County Council

(Highways) advises that it is unlikely to permit an increase in vehicle movements along that road, in particular HGV's as the carriageway would not withstand the extra loading.

It is pointed out that the original proposed access arrangements included HGV use of Fernhall Lane and Long Street as well. That was for the works at Cobbinsend Road, which was to have accounted for approximately 180 HGV using those roads. The total number of HGV movements proposed in the original scheme was approximately 1000, of which 800 would have passed through Breach Barns Caravan Park.

Access via Long Street and Fernhall Lane:

The currently proposed route removes any impact on Waltham Abbey and Breach Barns Caravan Park but instead transfers that to Upshire and Cophthall Green via Woodriden Hill and the B1393 Epping Road. Those properties most directly affected would be those off Long Street and Fernhall Lane, which include 5 Grade II listed buildings. Properties along the entire route would be exposed to additional vibration, noise and dust associated with HGV movements.

Long Street and Fernhall Lane are both single track with, on Fernhall Lane, sharp bends and steep gradients. In addition, wide, slow moving farm vehicles use those roads. There is, again, clearly potential for conflict, particularly where large vehicles need to pass other vehicles. In order to overcome that potential the applicants propose the introduction of a one-way route for construction traffic. It is considered that such a scheme is only workable if all road users adhere to it and this can only be achieved through a Traffic Management Order that Essex County Council advise could take up to two years to be approved.

An alternative approach to addressing the potential for conflict on that route would be through a traffic management plan requiring construction traffic alone to stick to the one-way route and require the provision of passing places on Fernhall Lane and Long Street. The construction of passing places would primarily be on Corporation of London land, some of which is the Epping Forest SSSI, while other landowners would also have to be involved. That is not likely acceptable and in any event is uncertain to be workable given the number of landowners involved.

It is pointed out that the revised proposal has facilitated a redesign of the scheme that significantly reduces the amount of HGV's that would need to access the main construction site. In addition, there has been a redesign of the works at Cobbinsend Road that significantly reduces the number of HGV movement generated by its construction works. Together this has resulted in an approximate reduction of 250 HGV movements.

Access through Warlies Park Estate:

The final option for accessing the construction site, which has not been proposed by the applicants but suggested by the Town Council, is through Warlies Park Estate. As with the current proposal, access through Warlies Park Estate would avoid any impact on the concentration of residential properties at Breach Barns Caravan Park. It would also avoid the difficulties of using Fernhall Road and Long Street.

It would, however, involve rebuilding the existing access tracks that are designated public bridleway Nos. 50 and 103 to a sufficiently high standard to withstand the amount of HGV usage proposed. That would undoubtedly lengthen the construction period and generate a need for much more construction traffic as a result of the need to build and then remove a road suitable for construction traffic. Consequently, the construction process would have an increased impact on properties along Woodridden Hill and Crown Hill while extending its impact to the remaining properties in Upshire. Avoiding that by reaching Warlies Park Estate from Woodgreen Road would not be acceptable in terms of the impact of the additional traffic on traffic flows and highway safety and would transfer the impact on residential amenity to those properties off Woodgreen Road.

Notwithstanding the impact of that route on residential amenity, that option would entail taking the construction traffic through the historic heart of the Upshire Conservation Area passing the Grade II listed Warlies Park House. It is pointed out that when Local Planning Authorities have a statutory duty when assessing proposals for development within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area concerned. This option would cause clear harm to the character and appearance of the Upshire Conservation Area throughout an extended construction period.

Even with the reinstatement of the access route as single track following the completion of the development, its function as a bridleway would be seriously compromised for over 12 months causing significant harm to the amenity value of the right of way network as well as causing significant harm to the character and appearance of the Upshire Conservation Area.

- Conclusions on options for access:

It is considered that accessing the site via Breach Barns Caravan Park would cause the severe harm to the residential amenities enjoyed by a far greater number of people than either alternative as well as being problematic in highway safety terms. The option of reaching the site through Warlies Park was considered by the applicant and rejected for operational reasons. Had it been proposed, however, it is clear that it

would cause by far the greatest damage to the historic environment and character of the Upshire Conservation Area. It would also effectively result in the loss of two bridleways for the duration of the construction process, cause the construction period to be lengthened and amount of construction traffic to increase and expose more of Upshire to it.

The route proposed by the applicant would cause harm to residential amenity and it is also problematic in highway terms. It would not normally be acceptable but the adverse impacts can be managed through the introduction of a one-way system for Fernhall Lane and Long Street that is applicable to all road users. That can be required through a section 106 agreement as can a requirement that those roads are reinstated to their condition prior to the commencement of the development but not upgraded. Furthermore, the implementation of a traffic management scheme secured by a section 106 agreement would also assist in mitigating some of the harm caused by construction traffic using the route. That route is therefore considered to be the least harmful route.

Since the adverse impact of the proposed route for accessing the site can be managed, and having regard to the clear and pressing need for the flood alleviation scheme, it is considered that the limited harm caused by construction traffic using the route is not sufficient justification for resisting the development.

OVERALL CONCLUSIONS

The proposed works would provide flood protection for Waltham Abbey against a 1 in 50 year flood and would continue to fulfil that function for a considerable time. It would safeguard 314 properties, local roads and provide additional flood protection for the M25. At present Waltham Abbey only has flood protection against a 1 in 5 year flood i.e. one that has a 20% chance of occurring on any year. Moreover, Waltham Abbey has a history of flooding, particularly in recent years and the risk of flood events occurring is likely to increase. The proposal is not designed to facilitate any further development in Waltham Abbey. Accordingly, there is a clear and pressing need for the development. Investigation into options have revealed that the proposal would have the minimum environmental impact to achieve a minimum acceptable level of flood protection for Waltham Abbey as defined by Defra.

The clear and pressing need for the development amounts to very special circumstances that justify allowing what is inappropriate development in the Green Belt and the harm it would cause to the landscape, the Upshire Conservation Area, the natural environment, adjacent land use and amenity.

The process of constructing the proposed scheme would cause harm primarily as a result to the arrangements for construction

vehicles to access the site. The highway safety issues associated with the use of Fernhall Lane and Long Street can be appropriately managed by the introducing a one-way route around those roads. The route would result in a loss of amenity enjoyed by the occupants of properties adjacent to the route but this would affect less people than the originally proposed access route. The route would also avoid the excessive harm that would be caused to the Upshire Conservation Area and rights of way network by accessing the site through Warlies Park Estate. Although the proposed route for construction traffic would cause harm, it would cause the least overall harm. Given the clear and pressing need for the development it is considered the harm caused during construction is justified.

Having regard to adopted planning policy and all material considerations it is recommended that planning permission be granted subject to appropriate conditions and the prior completion of legal agreements to safeguard the environment, amenity and highway safety.

SUMMARY OF REPRESENTATIONS:

WALTHAM ABBEY TOWN COUNCIL: In relation to the original proposal no objection was raised. In relation to the revised proposal "The Town Council has no objection to the construction of the flood storage area however due to the inadequate sub-structure of the highway in Fernhall Lane and Long Street the Council wishes to object to the construction access being via that route. Members would respectfully suggest that consideration is given to an access road through the Warlies Estate."

ESSEX COUNTY COUNCIL (HIGHWAYS): The following comments and objections to the impact of construction traffic are raised:

- 1.The junction of Crown Hill/B1393 Epping Road suffers at peak times from considerable congestion and increased HGV turning movements there would be dangerous.
- 2.HGV traffic on Long Street/Fernhall Lane will be difficult to pass. This proposed one-way system would need to be addressed in a Traffic Management Order.
- 3.Enforcement of a traffic management scheme would be difficult.
- 4.Damage to roads and verges is likely to be caused. A commitment to remedy any damage should be secured through a Section 106 agreement
- 5.Part of the proposed route for HGV's is along an M25 east closure route. This is potentially dangerous if used with HGV movements in place.
- 6.Junction of B1383 (Epping Road) with Crown Hill has problems for HGV'S. There is a poor left turn radius and alignment (exiting B1383) and turning right onto the B1383 is difficult resulting in delays
- 6.Junction of Crown Hill and Fernhall Lane has a small radius.
- 7.The start of the one-way route has a junction with very poor driver inter-visibility.

CONSERVATORS OF EPPING FOREST: The Conservators accept the need

for the proposed works and it does appear its location would have the greatest benefits but there would be an impact on the landscape. It is not understood how the revised proposal can result in a reduction in the total number of vehicle movements during construction. Those vehicle movements would pass through Epping Forest and land owned by the Corporation. Their use of Fernhall Lane and Long Street would lead to damage to verges and it is necessary to impose a one-way route for all traffic to protect them. Any remediation of damage to roads should not result in them being upgraded.

ENGLISH NATURE: English Nature has been fully consulted during the development of the proposal and is satisfied that the proposed development is not likely to have any impact on any SSSI's or other identified areas of high nature conservation interest.

COUNCIL FOR THE PROTECTION OF RURAL ESSEX: Additional hedge planting on the embankment to screen railings at the culvert is suggested.

NEIGHBOURS: With regard to the permanent works, the following objections and comments were made by 2 neighbouring properties:

- 1.The proposal will result in the loss of 40 acres of good quality agricultural land.
- 2.It is inappropriate development in the Green Belt for which there is no justification. As such it is contrary to advice contained in PPG2.
- 3.The development is wasteful of land and therefore contrary to the Governments sustainable development objectives for the countryside as set out In PPS7.
- 4.The proposal is poorly designed being of disproportionate scale and wholly insensitive to the character of the area.
- 5.The proposal is contrary to adopted Local Plan policies GB2 and LL2.
- 6.Proposals for the management of the remainder of the site are so poor as to be inconsequential.
- 7.There has been insufficient consideration of other options for achieving the same level of flood protection that could have a far lesser impact on the environment.
- 8.There has been a lack of research done into preventing the environmental damage that would be caused by the project that would include storage of run-off from the nearby M25 and a consequential risk of serious pollution.
- 9.Existing flood prevention measures are not maintained so as to function correctly and blockage of the culvert at Cobbins Brook by debris is a significant influence in the existing flooding problem.

With regard to the proposed access arrangements for construction vehicles, the occupiers of a total of 29 neighbouring properties made objections and comments.

In response to the original proposed construction access arrangements the occupiers of 22 neighbouring properties raised the following objections and concerns:

- 1.Excessive traffic congestion on Breach Barns Lane.
- 2.Loss of car parking in Breach barns Caravan Park.
- 3.Harm to amenity caused by dust, noise and vibration.
- 4.Concern about times of construction.
- 5.Hazard to people at Breach Barns Caravan Park.
- 6.Potential for damage to property from construction traffic.
- 7.Harm to amenity from construction site adjacent to Breach Barns Caravan Park.
- 8.Breach Barns Lane is not physically capable of withstanding the increased HGV usage over the time of the construction process.
- 9.The access arrangements could result in the loss of the existing bus service to Breach Barns Caravan Park on which many residents depend.
- 10.The access arrangements would impede access to Breach Barns Caravan Park by emergency services and other service vehicles e.g. bottled gas delivery vehicles.
- 11.Many elderly people live at Breach Barns Caravan Park and the harm caused would be more severe for them.
- 12.Accessing the site via Warlies Park Estate is a better alternative option.
- 13.Who will pay to repair Breach Barns Lane?
- 14.Access through Breach Barns Caravan Park would create security problems for the Park.
- 15.Access through Breach Barns Caravan Park would lead to dumping and attract travellers.
- 16.Breach Barns Caravan Park would not significantly benefit from the proposals so why should it endure the harm caused by construction activity?
- 17.Devaluation of property.
- 18.The Galley Hill/Breach Barns route is already dangerous and the proposal would exacerbate that danger.
- 19.Mess and mud would be brought onto the Caravan Park.
- 20.The construction traffic would be a threat to wildlife including wild forest deer that live in the vicinity of Breach Barns Caravan Park.

In response to the revised proposed construction access arrangements the occupiers of 7 neighbouring properties raised the following objections and concerns:

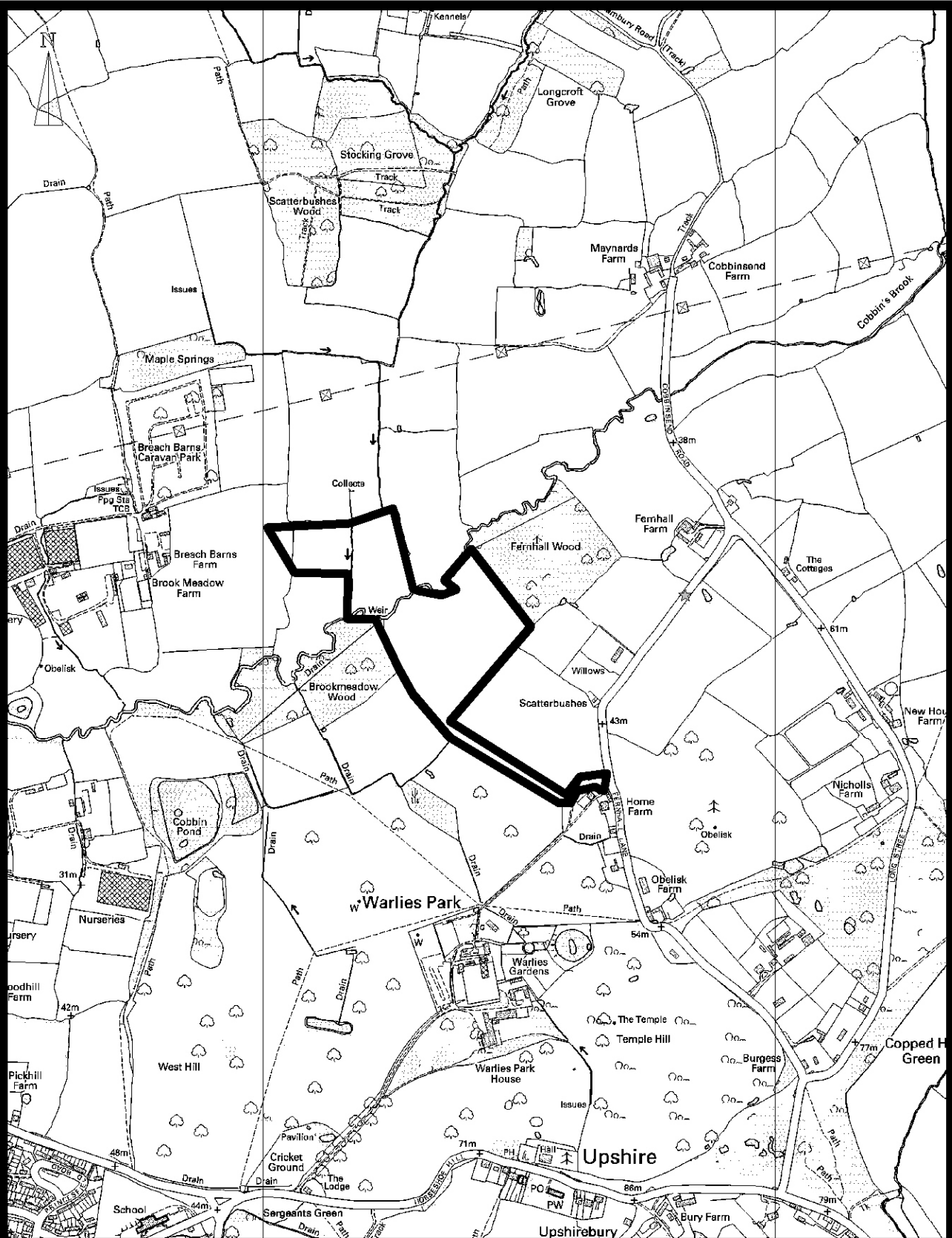
- 1.Access via Fernhall Lane and Long Street would be madness.
- 2.Fernhall Lane and Long Street are narrow lanes requiring frequent repair despite only serving traffic generated by 20 dwellings and local agricultural vehicles. HGV access via those roads would cause considerable damage to them.
- 3.HGV use of Fernhall Lane and Long Street would cause damage to water mains beneath them.
- 4.The proposal would be of little benefit to those living on Fernhall Lane and Long Street so why should they have to endure the harm caused by construction activity?
- 5.Access via Fernhall Lane and Long Street would create access difficulties for residents.
- 6.Access via Fernhall Lane and Long Street would cause severe

disruption and loss of amenity to residents.

- 7.The development would lead to the future risk of flood insurance premiums and devalue property.
- 8.The proposed one-way system for Fernhall Lane and Long Street would result in much more use of those roads.
- 9.Breach Barnes Lane is wide enough for two lorries to pass and of much better construction and therefore is a better alternative to Fernhall Lane and Long Street.
- 10.The use of Breach Barnes lane need not have any adverse impact on buses using it since the timing of HGVs and buses using it could be coordinated.
- 11.Even only 4 HGV's per day using Fernhall Lane and Long Street would turn Long Street into a farm track.
- 12.Construction traffic use of Fernhall Lane and Long Street would be dangerous for residents, particularly children.
- 13.The cumulative impact of construction traffic for the flood alleviation scheme and works at existing properties on Fernhall Lane and Long Street would cause unacceptable congestion.
- 14.The car park at Breach Barnes Caravan Park could be relocated to and therefore avoid disruption to it.
- 15.The construction of Fernhall Lane and Long Street is essentially asphalt on top of clay and would be very easily damaged by HGV's.
- 16.Old farm buildings, some only 6 feet from the road, are unlikely to have foundations strong enough to continue supporting the buildings when exposed to the movement of the ground beneath roads and vibration generated by HGV's.
- 17.The damage to Fernhall Lane and Long Street would lead to damage of adjacent land including adjacent ponds.
- 18.Some properties are only accessible from one direction therefore a one-way system would effectively prevent access to some of them.
- 19.Residents on Fernhall Lane and Long Street will hold Epping Forest District Council and the Environment Agency will be held responsible for any damage to property.
- 20.Fernhall Lane and Long Street include a number of sharp bends and steep gradients making those roads totally unsuitable for large and heavy vehicles.
- 21.Fernhall Lane and Long Street are a favourite walking and cycling route for visitors to the area. They are also used by horse riders and for sponsored walks by local schools, scout groups and other youth community associations.
- 22.Damage to verges of Fernhall Lane and Long Street would be devastating since they form protected areas for wildlife and plants.
- 23.Construction access through Fernhall Lane and Long Street would be harmful to the character and appearance of the Upshire Conservation Area.
- 24.The construction and access arrangements would be harmful to the amenities of all those who enjoy the village of Upshire and surrounding forest for recreation. The area is unique as an outlet for large numbers of visitors who seek freedom from traffic and the noise and pollution that traffic generates.
- 25.The Environment Agency does not have the ability to enforce the one-way system proposed.

26.If the public do not comply with a one-way system that is only requires by a section 106 agreement, since they are not parties to the agreement it would not have been breached. Such an arrangement is therefore effectively unenforceable.

27.Alternative less harmful routes are available.



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