

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 22nd March, 2006

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 7 - 8)

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

2. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 22 February 2006 as a 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. OPENING TIMES OF THE TESCO STORE, SEWARDSTONE ROAD, WALTHAM ABBEY**RECOMMENDATION:**

That the committee confirm that the opening times agreed on a trial basis be retained permanently.

Report

On 6/7/05 the Sub Committee gave approval to opening hours of this new store, and the associated petrol filling station, loading bay, and recycling area, on a 3 month trial basis. This trial period was considered desirable so as to gauge the effect that the store, and particularly its opening hours, would have on the amenity of nearby residents. In addition Tesco's had originally proposed 24 hour trading on 5 nights a week, and this trial period would assist in the Committee's assessment of any proposal by Tesco's to extend its hours of operation beyond those operating in the first three months.

Tesco's in fact do not propose to vary opening times, and therefore they propose that the hours of opening and operations pertaining to the first three months are retained on a permanent basis. These are:-

Retail Store – open between 8am and 11pm Monday to Friday, Saturday 8am to 10pm, Sunday 11am to 5pm.

Store Service Yard – to take deliveries between 7am to 9pm Mondays to Saturdays, but with one delivery allowed at night between 9pm and 10.30pm. On Sundays to take deliveries between 9am and 6pm.

Petrol Filling Station (PFS) – open to the public at the same times as the retail store, except on Sundays when it will be open 11am to 9pm. Deliveries to the PFS to be between 7.30am and 9pm Monday to Saturday, and between 11am and 5pm on Sundays.

Recycling Area – open to the public between 8am and 9pm Monday to Saturday, and between 11am and 5pm on Sundays. Emptying of this recycling

area to take place between 8am and 6.30 pm on Monday to Friday, between 8am and 1pm on Saturdays, and not at all on Sundays.

Consultation

Some 200 neighbours were consulted on the above hours of trading and operations. Neighbours were also informed that comments made on other issues relating to the operation of the store would be relayed to Tesco. 6 replies were received to this consultation, plus a letter from Councillor D'Souza following a meeting he had with 15 residents.

No objections or adverse comments were received with regard to the current (and proposed) hours of store trading. The trading hours are considered to be modest in their extent, and they are recommended for approval on a permanent basis.

With regard to related operations concerns have been received, via Councillor D'Souza's meeting with residents, that vehicles are delivering to the store's service yard before 8am on a regular basis. However, in fact the approved times for the trial period was that deliveries could occur from 7am onwards Mondays to Saturdays, with the exception of one delivery which could take place between 6am and 7am.

This issue was subject of considerable previous negotiation between Council officers and Tesco. It is acknowledged that some nuisance may be caused, but it is also true to say that no direct complaint has been received from residents on early morning deliveries, either since the store opened on 7/7/05, or in response to the consultation letter sent out asking for comments on opening and operating times. In this context the hours of deliveries to the service yard are considered acceptable and are recommended for approval on a permanent basis. However, related concerns of incorrect routing of vehicles, and 'unauthorised' parking of delivery vehicles, have been raised with Tesco, and they have responded in a positive manner to these concerns. Finally, the opening times of the petrol filling station, deliveries to it, and the opening times of the recycling store, have not been contentious, and are also recommended for approval on a permanent basis.

Other Issues Raised In Response To Consultations

The Council, as planning authority, has powers to control hours of trading, and related times of operations, but it cannot direct that Tesco carry out measures to deal with other issues raised through the recent consultation with residents. Nevertheless all responses received have been forwarded to Tesco for their comments and possible action. Some of the issues raised are as follows:

Trolley management

Despite trolleys being fitted with wheel locking devices complaints have been received that trolleys are left outside of the site in Howard Close, and also in Sewardstone Road next to the pedestrian walkway to the store's front entrance. At Howard Close Tesco have agreed to erect a barrier and chicane so as to make it far more difficult to push a trolley through, whilst retaining sufficient room for bicycles and prams to enter and leave the site. In addition Tesco plan to introduce a similar arrangement for the pedestrian walkway in Sewardstone Road.

Anti social behaviour in the car park and by store entrance

Complaints have been received of youths skidding their cars in the car park, of assembling in the car park in their cars or motorbikes, with car stereos being played

loudly, general loutish behaviour and vandalism of trolleys and assembly of youngsters outside the store entrance. It is clear that this form of behaviour has adversely affected the amenity of some residents. The store does have CCTV cameras and security staff on site, but it would appear that to date these have not provided an adequate deterrence. Some activities occur after the store is closed at night. Whilst there is a barrier (next to the service yard) that could be lowered across the access road to the car park this would not stop access of people on motorcycles and bicycles. Moreover, to date the police have informed the Tesco's store manager, Mr. Jeremy Butwell, that they will not enter the site if the barrier is down. The problems caused by anti social behaviour had been raised with Carol Staff, the Council's anti social behaviour coordinator. She has met both the store manager and the local beat police officer, and meetings between the 3 bodies are to take place with a view to youths being spoken to directly, and names and addresses of owners of vehicles being obtained in order to deter repeat offences. The type of anti social behaviour experienced in the car park is clearly part of a wide-ranging issue, and the Government is considering measures, e.g. sponsorship of additional community police officers, to tackle the issue on a national basis. Residents who have complained about the Tesco's car park have been given the respective contact numbers of both Carol Staff and the local police officer, and it is to be hoped that more coordinated action will reduce the problems caused by anti social activities.

Lighting of the store and petrol filling station

In response to concerns about light pollution Tesco's are investigating whether the lights on the petrol filling station forecourt can be turned off or down once trading ceases, and they will inform officers of the outcome before the Committee meets on 22/3/06. With regard to blanking out of 8 further glazing panels on the north elevation Tesco's are of the view that this would be detrimental to the appearance of the store. It should be noted that Tesco's have already voluntarily blanked out some 6 panels on the north and west elevation following a series of meetings held in May/June 2005, designed to address light pollution concerns of residents at 1-6 the Green, and 11 and 12 Sewardstone Road.

It is emphasised, however, that these latter points are not ones that the Council has any powers of enforcement under Planning Legislation, but have been passed onto to Tesco's for their own action.

7. DEVELOPMENT CONTROL (Pages 15 - 28)

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

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

8. DELEGATED DECISIONS

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

the Civic Offices, Epping.

9. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt 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:** 22 February 2006

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.25 pm
High Street, Epping

Members Present: Ms S Stavrou (Chairman), Mrs P Smith (Vice-Chairman), Mrs P Brooks, J Demetriou, Mrs R Gadsby, R Haines, P McMillan and Mrs M Sartin

Other Councillors: (none)

Apologies: Mrs D Borton, R D'Souza, Mrs J Lea and D Spinks

Officers Present: B Land (Assistant Head of Planning and Economic Development) and A Hendry (Democratic Services Officer)

60. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting 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.

61. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 25 January 2006 be taken as read and signed by the Chairman as a correct record.

62. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs S Stavrou and Mrs P Brooks declared personal interests in agenda items 6 (EPF/640/04 Abbey Mills, Highbridge Street, Waltham Abbey) by virtue of being members of the Lea Valley Regional Park Authority. The Councillors declared that their interests were not prejudicial and indicated that they would remain in the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs S Stavrou declared a personal interest in agenda items 7 (5) (EPF/2208/05 The Coach House, Wyldwoods, Woodgreen Road, Waltham Abbey) by virtue of being a member of Waltham Abbey Town Council. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

63. ANY OTHER BUSINESS

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

64. EPF/640/04 - ABBEY MILLS, HIGHBRIDGE STREET, WALTHAM ABBEY

The Sub Committee considered amending the requirements of the legal agreement imposed when the application was originally considered in August 2005. Namely in respect of drainage issues (which had now been satisfied) and how vehicles exit from the site.

Since this item was last considered, Essex County Council Highways Department has looked into the vehicle exit aspect and had stated, categorically that they do not consider Traffic Impact Assessment to be necessary and indeed that they would not support any proposals to restrict right turning from the site, as it would be unnecessary, unworkable and unenforceable. They confirmed, as stated in the original report to committee that the existing arrangements shown on the application drawing are perfectly acceptable.

It is considered therefore that there is no justification for insisting on a safety audit and traffic impact assessment.

RESOLVED:

That the requirements of the legal agreement imposed when the application was originally considered in August 2005 be taken off and to grant consent for the development subject to the same conditions as agreed previously.

65. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 5 be determined as set out in the annex to these minutes.

66. 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

Report Item No: 1

APPLICATION No:	EPF/2073/01
SITE ADDRESS:	Broadley Nursery Common Road Roydon
PARISH:	Roydon
DESCRIPTION OF PROPOSAL:	Extension to existing glasshouses and erection of replacement boiler house (revised application).
DECISION:	GRANT

CONDITIONS:

- 1 The route of the diverted footpath as shown on the approved plan shall be kept clear, clearly signposted and maintained for public use.

Report Item No: 2

APPLICATION No:	EPF/1947/05
SITE ADDRESS:	Tylers Cross Nursery Tylers Road Roydon Harlow Essex
PARISH:	Roydon
DESCRIPTION OF PROPOSAL:	Erection of nursery facilities building, including packing shed, office, washroom and canteen.
DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

- 3 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 4 The packing facilities in the building hereby approved shall only be used for the packing and distribution of produce grown at the Tylers Cross Nursery complex and shall not be used for the packing and distribution of produce grown elsewhere.

Report Item No: 3

APPLICATION No:	EPF/2198/05
SITE ADDRESS:	24 Sun Street Waltham Abbey Essex EN9 1EE
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Conversion of first and second floors to form 2 no. one bedroom flats with new dormers to rear mansard roof.
DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Report Item No: 4

APPLICATION No:	EPF/2199/05
SITE ADDRESS:	24 Sun Street Waltham Abbey Essex EN9 1EE
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Grade II Listed building application for conversion of first and second floors to form 2 no. one bedroom flats with new dormers to rear mansard roof.
DECISION:	GRANT

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 No works shall take place until details of the following matters have been submitted and approved in writing by the Local Planning Authority: Windows, including glazing, the removal of section of transverse internal wall at first floor and new openings between rooms at first floor level.

Report Item No: 5

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

Referred to Development Committee with recommendation to grant.

AREA PLANS SUB-COMMITTEE 'D'

Date: 22 March 2006

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1934/05	Kintor, Blythe Road, Roydon	GRANT	17
2.	EPF/1319/05	High View Farm, Cobbinsend Road, Waltham Abbey	REFUSE	23

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Report Item No: 1

APPLICATION No:	EPF/1934/05
SITE ADDRESS:	Kintor Blythe Road Roydon
PARISH:	Roydon
APPLICANT:	Mr & Mrs G Cowler
DESCRIPTION OF PROPOSAL:	Outline application for the demolition of existing dwelling and erection of 2 no. two storey detached houses.
RECOMMENDED DECISION:	GRANT

CONDITIONS:

- 1 Application for the approval of details reserved by this permission must be made not later than the expiration of three years from the date of this notice. The development hereby permitted must be begun not later than the expiration of two years from the date of the final approval of the details reserved by this permission or, in the case of approval on different dates, the final approval of the last matter approved.
- 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) and the means of access thereto.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 Before the commencement of the development, or of any works on the site, and concurrently with the detailed design plans, a tree survey shall be submitted to the Local Planning Authority. The survey shall contain relevant details on all trees on or adjacent to the site, and with a stem diameter of 100mm or greater, to include the following:
 - (a) Reference number, species, location, girth or stem diameter, and accurately planned crown spread.
 - (b) An assessment of condition, and value.
 - (c) Existing ground levels, including contours where appropriate, adjacent to trees, where nearby changes in level, or excavations, are proposed.
 - (d) Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan.
- 5 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in

writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

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

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

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

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

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the local planning authority but instructed by the applicant.

- 6 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 an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. 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 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, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or 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.

- 7 Prior to the commencement of the development details of the proposed surface materials for the driveway and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 8 No development shall commence until details of the existing and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details.

Description of Proposal:

This is an outline planning application with all matters: siting, design, external appearance and means of access reserved for future decision. The proposal is for the demolition of the existing bungalow and the erection of two, 2 storey detached houses.

Description of Site:

The site measures 24 metres in width and 37m deep and is located on the eastern side of Blythe Road. Kintor is a detached bungalow that is located at the northern side of the site with garden space to the rear and south. The road has a mix of dwellings including chalet bungalows and 2 storey houses. The properties on either side of the site are a chalet bungalow (Mayview) and a 2 storey dwelling (Tudor Lodge). To the rear on a plot of similar proportions are two, 2 storey dwellings. There is a 3m conifer hedge around the side and rear boundaries of the property and there is a large conifer sited at the southwestern corner of the plot close to the front boundary.

Relevant History:

None relevant

Policies Applied:

Structure Plan Policies:

CS2 protecting the natural and built environment

CS4 Sustainable new development

BE1 Urban intensification

Local Plan Policies

H3 housing sites

DBE1, DBE2, DBE3, DBE8, DBE10 relating to design and the built environment.

U3 and U3 relating to flood risk

Issues and Considerations:

This site is within the built up area and the application is in outline only. The main considerations therefore are whether 2, two storey detached houses could be designed to fit within the site without harm to the street scene or to the amenities of neighbours and provide adequate levels of amenity space and privacy.

Street Scene

The plot is clearly wide enough to fit two dwellings on it without them being out of keeping with the remainder of the street or the surrounding area - several of the existing single plots are approximately half the width of the application site. There are a number of two storey dwellings in the street including the plot immediately to the south of the application site and indeed at the moment "Kintor" appears somewhat out of keeping with the other properties, being very low profile with a large area of open space to the side. Two, 2 storey dwellings could easily be accommodated within the plot without harm to the street scene.

The existing conifer to the front of the site is of some public amenity value and could be retained, but is not preserved. The side and rear boundary hedging is of no amenity value, though it does provide additional privacy it is not necessary for it to be retained.

Amenities of Neighbours

The dwelling immediately to the north of the application site is set back further from the road than other houses in the street and to avoid problems of overshadowing or over dominance care will need to be taken with the siting and design of the new dwellings but it is considered that they could be satisfactorily located so as to avoid problems. Tudor Lodge to the south has a ground floor side-facing window, which is likely to lose some light but it is clear that until recently a high hedge obscured this. It is not considered that this would amount to grounds for refusal.

Care can be taken at the design stage to ensure that there is no excessive overlooking as a result of the development. The properties to the rear have standard length gardens and the back-to-back distance overlooking distance between the properties will be more than adequate.

Amenity and Privacy

Given the size of the plot 2 houses can easily be accommodated and provide amenity space and parking space to meet current standards. There is no unacceptable overlooking of the application site from adjacent properties.

Flooding

The site is within an area liable to flood, but the Environment Agency have confirmed on the basis of a flood risk assessment that they do not object to the development on the grounds of flood risk subject to the imposition of a standard condition requiring the finished floor levels to be agreed.

Sewerage

It is not considered that one additional property will have a significantly adverse impact on the sewerage system.

Conclusion

Two, 2 storey dwellings can be accommodated within the site without harm to the street scene or to neighbouring residents. The proposal is in accordance with the policies of the structure and local plans, which seek to make the best use of land within the urban area. The proposal cannot be described as over-development as it is comparable to many developments in the immediate locality. The application is therefore recommended for approval subject to conditions.

SUMMARY OF REPRESENTATIONS:

ROYDON PARISH COUNCIL - Object. We object until further detailed plans are available. There are concerns regarding possible over-development.

[Please note the case officer contacted the Clerk of the Parish Council for clarification on this given that the details would be subject to further consultation, but it was confirmed that this was an objection to the principle of the development on over-development of the site.

DOBBS WEIR RESIDENTS ASSOCIATION – No objections to this individual case, but would ask that where more properties than previously existed are proposed consideration is given to whether the infrastructure can support this. In particular the sewerage system which some residents are already experiencing problems with.

LAKEVIEW, CLYDE ROAD - As this is outline with no detail we are unable to determine whether these new houses will overlook our property boundary and create loss of privacy.

MAYVIEW, BLYTHE ROAD – Concerned that the application states that there are no trees, hedges etc along the boundaries. There are conifers 11 to 12 feet high along both side and rear boundaries. There is a conifer about 50 feet high in the front garden plus various trees and palm trees. Concerned about the style and height of the two houses and the positioning of garages. It would be detrimental to the enjoyment of my home to have a garage situated next to my side boundary.



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Item No:01
Scale: 1:1250



Report Item No: 2

APPLICATION No:	EPF/1319/05
SITE ADDRESS:	High View Farm Cobbinsend Road Waltham Abbey
PARISH:	Waltham Abbey
APPLICANT:	G Matthews
DESCRIPTION OF PROPOSAL:	Erection of an agricultural workers dwelling.
RECOMMENDED DECISION:	REFUSE

REASONS:

- 1 The proposed dwelling by reason of its excessive size, height and bulk, would detract from the openness of the Green Belt and has a greater floor area of living accommodation than the normally allowed for agricultural workers dwelling and is therefore contrary to Policies GB2 and GB17 of the adopted Local Plan.

This application has been called before Committee at the request of Councillor Stavrou

Description of Proposal:

Consent is being sought for the erection of an agricultural workers dwelling, with the floor space approximately 280sqm. The applicant states that his private accommodation would extend to only 130.63sqm with the rest being shared accommodation, staff accommodation and office/store rooms.

Description of Site:

A piece of largely unkempt agricultural land located on the eastern side of Cobbinsend Road, Upshire, previously used for a number of small agricultural enterprises. The site currently contains 3 agricultural barns, two of which were approved by this committee in 1999. There is a large area of hardstanding to the front of the barns. The site is on high ground, well screened by existing vegetation along its north, west and eastern flank, but is open with clear views to the south. Access is via a single track linking Cobbinsend Road with Claverhambury. This piece of land makes up part of the wider farm, which extends to approximately 825 acres. The site is within the Metropolitan Green Belt.

Relevant History:

EPF/251/99 – Two agricultural barns – Approved with Conditions

Policies Applied:

Government Guidance:

PPS7 – Sustainable development in rural areas.

Structure Plan:

CS2 – Protecting the natural and built environment

CS4 – Sustainable new development

C2 – Development within the Metropolitan Green Belt

H2 – Housing development – the sequential approach

H3 – Location of residential development

Local Plan:

GB2 – Development in the Green Belt

GB17 – Agricultural Workers dwellings in the Green Belt

HC2 – Ancient Landscapes

DBE1, 2, 4, 8, 9, 10 – Residential Development Policies

T17 - Highways

Issues and Considerations:

The main issues to be considered here are the need for the dwelling, the viability of the agricultural enterprise concerned, the impact on the Green Belt and amenity.

Need for Dwelling

In support of the application a statement has been submitted which argues the following:

- The dwelling is intended for Mr Graham Matthews, his family and a member of staff.
- Mr Matthews has been farming around Upshire for 25 years.
- The main farming enterprises are beef and arable production.
- Over the next 12 months, Mr Matthews is intending to expand his pedigree Aberdeen Angus herd, which currently comprises of around 100 head of cattle, valued at £41,000.
- Over recent years, Mr Matthews has invested approximately £150,000 in new buildings and a further £700,000 on land purchased in 2005.
- At present Mr Matthews and his family are living in accommodation in Upshire that is rented from the Corporation of London but does not allow adequate monitoring of the beef herd or the estimated £250,000 worth of farm machinery stored on the land. Two incidents of theft have been reported to the Police this year.
- The business currently employs 3 people with working hours varying from 10 – 14 hours per day depending on the season.
- Mr Matthews has been building up stock numbers over the last 5 years and hopes to stock 50 breeding cows in a year's time with a rise in calf numbers occurring.
- At present the cows are served by the herd bull but Mr Matthews is also looking at Artificial Insemination in order to enable selective pedigree breeding to take place and maximise herd efficiency. It is contended therefore that in order to move to this system it is vital Mr Matthews is close to the stock to see when the animals are on heat so that they can be inseminated at their most fertile period. The herd calves all year round so it is important the animals are monitored closely.
- The anticipated increase in cattle numbers highlights the need for Mr Matthews to be resident on site. The business has encountered calf deaths in recent times where nobody has been on site to monitor the progress and assist if necessary.
A supporting letter from the applicant's vet states,

“With the proposed increase number of animals that you have calving and with this an increase in the number of heifers calving this problem is likely to increase. In order to provide the required management of the pedigree Angus herd it would be helpful for someone to live on site.... We discussed the improvement of the herd through using artificial insemination...It is unlikely that artificial insemination will work properly unless someone is living on site to catch the cattle on heat and ensure they are served at the right time”.

- The proposed dwelling is a two storey four bedroomed house to accommodate Mr and Mrs Matthews, their young family and a member of staff. It is proposed to be in close proximity to the existing agricultural buildings in an attempt to reduce the visual impact of the dwelling. It would be 14.8m wide by 10m deep by 7.75m high.

Viability of Enterprise

Policy GB17 of the Local Plan requires that an agricultural workers dwelling will only be permitted if the dwelling is essential for the enterprise and that there is firm evidence of viability of the agricultural holding. The application has therefore been subject to a detailed appraisal undertaken by a Land Management consultant employed regularly by Council in order to assess the justification for the development.

The report prepared in respect of this application highlights the following issues:

“The functional test is necessary to establish whether or not it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Two circumstances are suggested in the guidance where this situation might arise: in the case of animals or agricultural processes that require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crops or products.

“The protection of livestock from theft or injury by intruders may also contribute on animal welfare grounds for the need for a new agricultural dwelling.....

“Although the existing location of Mr. Matthews dwelling is not unsatisfactory for the supervision of livestock when they are on the grassland, a dwelling located in proximity to the new livestock building will be necessary to improve supervision when stock are housed there in sufficient numbers.....

“..... based on a standard man-days calculation, although a 50 cow unit fattening all young stock, would probably not in itself provide fulltime employment, a 75 cow unit certainly would do. However, if an allowance is made for the other activities taking place on the holding than the farm will already have more than sufficient work for one fulltime employee.

“Profitability and Establishment of the Business:

“As demonstrated in the financial section the overall farm business operated by Mr Matthews is now well established and financially sound...Looking in more detail at the livestock enterprise on its own however this contributes only a modest amount into the overall farm budget. Once a cycle based on breeding is established then this enterprise on its own would be sufficient to meet the financial test provided the target projections for sales and income were met.

“Because the land purchase and construction of the new building has only recently taken place the breeding herd is being established and therefore a full cycle of production has not yet taken place

based on 50 cows. There is however the capacity for considerable growth in the beef enterprise towards the target of a 100 breeding cow unit.

“Other Available Accommodation:

“Mr Matthews and his family currently live in rented accommodation in Upshire. As noted previously, although this dwelling is convenient for the supervision of stock on the various blocks of grazing land it is not well placed to provide satisfactory supervision to the livestock building at the new farmstead. There would also be a benefit to the stability of the business in owning the dwelling occupied by the owner/farmer.

“Conclusions:

“Mr Matthews has many years experience in livestock farming and has been building up his farming enterprise in this district over a long period of time. Operating a mixed farming operation in an area close to urban centres is especially demanding and requires additional time commitment and expertise.

“The business has progressed considerably in the last 12 months with the purchase of two main blocks of land and construction of the new buildings. This has helped give the farming enterprise a better centre of operations and will provide a long term base for the farm.

“The functional need to have accommodation within sight and sound of the main livestock building to meet the welfare and management needs of the stock is recognised and acknowledged.

“The herd is going through a period of rapid expansion at present and in my view there is sufficient work for one fulltime person associated with this enterprise when taken together with the security and other needs of operating a rather fragmented holding; especially with some land which borders the urban fringe.

“Mr Matthews’s farm business has been established for more than three years, although the potential stand alone profitability of the beef enterprise has only just crystallised with the recent acquisition of more pedigree stock. The business however is considered to be financially sound and given the Applicants commitment to the enterprise is likely to have the clear prospect of remaining so in the future”.

It is clear that the enterprise is well founded and has developed with a good deal of investment in recent years. A period living in a mobile home is not seen to be essential here since Mr Matthews has already established his enterprise through living in rented accommodation nearby.

Green Belt and Amenity

GB17 states, inter alia, that **“The floor area of the living accommodation does not exceed 150 square metres (measured externally)”**, the reasoning being that these dwellings can be kept available to meet the needs of the types of worker for whom they are intended. Where larger units are granted permission and extended, pressure arises to remove occupancy conditions, because farm workers, whose wages have been historically low cannot afford the property. Therefore restricting the size of the property has been one way in which this can be tackled and reflects the need to protect the Green Belt and countryside.

The floor area of the proposed dwelling is 280sqm. This is clearly over the 150sqm as stated above. Whilst the applicant argues that only 130.63sqm would be for private living accommodation only, with the large entrance hall and kitchen being called “shared accommodation”, the fact remains that the size of the dwelling is much larger than normally permitted, would not be in

keeping with the definition of an agricultural workers dwelling and importantly would have a detrimental impact on the open character of the Green Belt.

The applicant states further that the dwelling would house an employee as he has experienced difficulties providing employee accommodation in the past due to cost and scarcity and last year an employee had to live in Bishops Stortford and travel in each day. The added advantage is that it will allow the animals to be checked if the Matthews family are away.

These issues are not considered special circumstances. Many people have to travel a reasonable distance to and from their place of work each day. There is no evidence to show that the employee was not able to live closer to the farm. Furthermore the employee would be able to stay at the Matthews house if they were away. It is not essential that he must live there on a permanent basis. That would be tantamount to providing accommodation for two full-time workers, which is not justified.

Ancient Landscape

The site itself is within an Area of Ancient Landscape but given the current state of the land, it does not positively contribute to the area because of its poor appearance. Two agricultural buildings were granted permission in 1999 on this site and it is not considered that a new dwelling here would be so detrimental to the setting as to justify a refusal on this ground.

Conclusion:

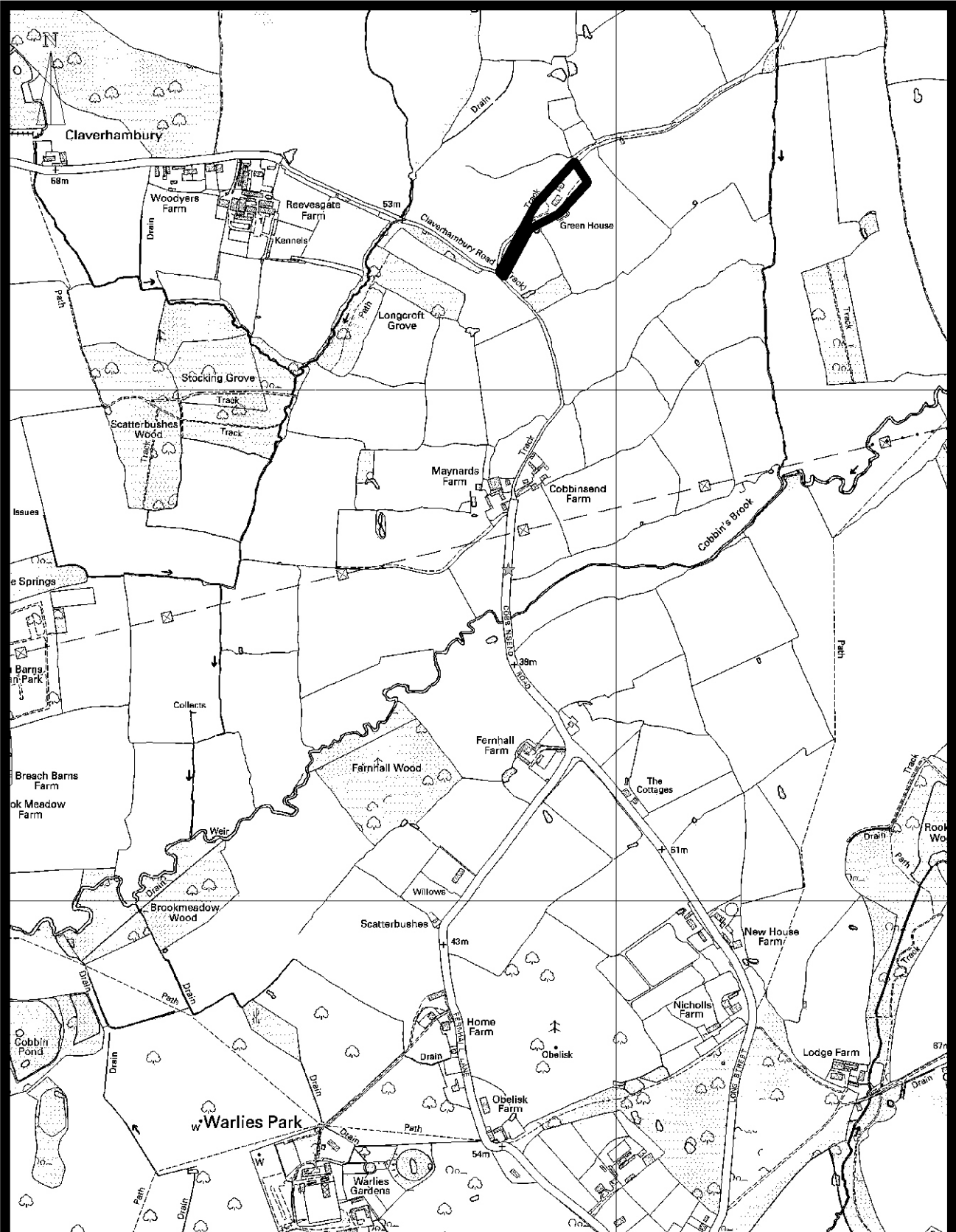
Whilst there appears to be genuine argument for a new dwelling to be located on this site, given the size of the dwelling, some 130sqm larger than those normally permitted, it is considered on balance that not only would this have an impact on the openness of the Green Belt but would be contrary to GB17 in that it would have a greater floor area than that normally permitted which could lead to pressure to remove the agricultural workers' condition in the future as potential farmworkers may not be able to afford to purchase a property of this size.

SUMMARY OF REPRESENTATIONS:

WALTHAM ABBEY TOWN COUNCIL – No objection – In view of the reduction in size of the proposed dwelling, the Town council withdraws its objection.

THE FRIENDS OF EPPING FOREST - Question whether there is sufficient justification for creating a new large building on a prominent Green Belt site with its concomitant lighting and traffic movements both during and after construction. This applicant would appear to have a genuine agriculture project in train and to be operating on a more viable scale. However this is an exceptionally sensitive and valuable location, bounded by Historic Landscape and a Green Lane, close to Corporation's Buffer Lands and approached by narrow lane believed to be of great antiquity with verges whose flora requires protection.

CAMPAIGN TO PROTECT RURAL ESSEX - Object to the application on Green Belt terms and understand that Mr G. Matthews recently sold (July 2005) a house on his adjacent farm (Maynards) and is now applying to erect a substantial workers dwelling on his other property (High View Farm).



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