

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 1st November, 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 P McMillan (Chairman), Councillor Mrs D Borton (Vice-Chairman), Mrs P Brooks, Mrs A Cooper, J Demetriou, R D'Souza, Mrs R Gadsby, R Haines, Mrs J Lea, Mrs M Sartin, Mrs P Smith, D Spinks, Ms S Stavrou and J Wyatt

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 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 4 October 2006 as correct record (attached).

3. APOLOGIES FOR ABSENCE

4. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

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

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

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

7. CONFIRMATION OF TREE PRESERVATION ORDER EPF/02/06 - BARN COTTAGE, EPPING ROAD, BROADLEY COMMON, NAZEING

RECOMMENDATION:

That tree preservation order EPF/02/06 is confirmed.

Background:

Tree Preservation Order EPF/02/06 was made to protect one tree at Barn Cottage, Epping Road, Broadley Common.

The order was served to protect:

T1. Monterey Cypress

The Tree Preservation Order was made to give control over the tree as a result of a request made by the tree owner, who gave notice of her intention to fell the tree. It is a legal requirement to give notice of an intention to carry out works to trees within a conservation area. The notice alerted officers to the threat posed and action was taken accordingly. The order will ensure that a landscape feature stands at this point in the road and allow proper scrutiny of reasons for any future proposals to fell the tree.

The local landscape of this part of Broadley Common is characterized by a ribbon development of residential dwellings with occasional light commercial businesses, fronting onto Epping Road. Individual trees and shrubs generally situated in the residential front garden/driveways provide elements of sporadic greening along this busy route .

T1, is a landmark tree, with striking skyline landscape importance. Individually this tree is possibly the most important landscape feature of this part of Broadley Common. It was clear that, unless the council acted quickly to protect it, this tree would have been lost.

Objection to the Tree Preservation Order :

Two objections to the order have been raised, on the following grounds:

1. 'Barn Cottage' resident:

'... the tree's root system may be threatening the existence of my property and also that of 'The Firs'.' I understand, after a conversation with the owner of 'The Firs', that he was advised several years ago, to have the trees removed, when it was established that the roots of the trees were undermining the stability of the foundations of his property.'

'The tree is very tall and interferes with telephone wires that run through the tree and sways energetically in high winds.'

2. 'The Firs' resident

The tree is of amenity value but is too close to The Firs and Barn Cottage garage. The size of the tree suggests it is undermining existing footings and services from the tall signs visible on Barn Cottage's garage wall. Over time the tree should be removed with pruning management in the interim.

Head of Planning Services Comments

The detailed response to the grounds of objections are listed below:

1. The Monterey cypress has and continues to damage the front boundary wall by the direct action of the large buttress roots on this light structure. There are technical design solutions available to remedy the immediate problem of wall disruption, without the need to fell the tree.
2. There is, at present, no technical evidence provided to confirm that roots from this tree are undermining the stability of the foundations of The Firs.
3. The presence of telephone wires within the crown of a tree is not in itself justification to fell a tree of this importance and it generally regarded as a sign of structural integrity that branches and even the stem of a tree bend and sway under load.
4. The cracks to the garage wall require detailed analysis before any decision to remove the tree can be considered. It appears from a letter written by a planning officer in 1987, that ash trees stood in the front garden of The Firs and an opinion was given at that time, which implicated them in the subsidence occurring to the garage. An ash tree has since been removed, which may have stabilized the problem. In any event, new investigations would be required in respect of structures at both properties before considerations are given to the removal of the cypress.

Conclusions

The tree protected by this order is an established public amenity, adding outstanding scale and greening to the local landscape character. This tree is under threat and deserves protection from its owner, who has clearly expressed her wish to fell it. Members are asked to confirm the order.

8. VARIATION TO THE HEAD OF TERMS OF THE SECTION 106 AGREEMENT IN RESPECT OF THE COBINS BROOK FLOOD ALLEVIATION SCHEME (Pages 17 - 20)

(Head of Planning and Economic Development) To consider the attached report.

9. DEVELOPMENT CONTROL (Pages 21 - 44)

(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.

10. 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.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: 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 and 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:** 4 October 2006

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.38 pm
High Street, Epping

Members Present: P McMillan (Chairman), Councillor Mrs D Borton (Vice-Chairman),
Mrs P Brooks, Mrs A Cooper, J Demetriou, Mrs R Gadsby, Mrs J Lea,
Mrs P Smith, Ms S Stavrou and J Wyatt

Other Councillors:

Apologies: Mrs M Sartin and D Spinks

Officers Present: S Solon (Principal Planning Officer) and A Hendry (Democratic Services Officer)

29. 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. He also informed those present, that this meeting was to be webcast live and would be capable of repeat viewing.

30. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 6 September 2006 be taken as read and signed by the Chairman as a correct record.

31. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs Gadsby, Mrs Stavrou, and Mrs Brooks declared personal interests in agenda items 7 (3) (EPF/1111/06 Town Mead Sports & Social Club, Townmead, Waltham Abbey) by virtue of being Waltham Abbey Town Councillors. The Councillors declared that their interests were prejudicial and indicated that they would not remain in the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Cooper declared a personal interest in agenda items 7 (2) (EPF/1608/06 32 Pecks Hill, Nazeing) by virtue of being the parish 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 item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Borton declared a personal interest in agenda items 7 (2) (EPF/1608/06 32 Pecks Hill, Nazeing) by virtue of being the parish 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 item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs Smith declared a personal interest in agenda items 7 (1) (EPF/1375/06 Drummaids, Parsloe Road, Epping Uplands) by virtue of being the parish Council ward member. 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 item.

(e) Pursuant to the Council's Code of Member Conduct, Councillor McMillan declared a personal interest in agenda items 7 (3) (EPF/1111/06 Town Mead Sports and Social Club, Townmead, Waltham Abbey) by virtue of being a past employee with Waltham Abbey Town Council. The Councillor declared that his interests were not prejudicial and indicated that he would remain in the meeting during the consideration and voting on the item.

32. ANY OTHER BUSINESS

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

33. SAINSBURY'S DISTRIBUTION DEPOT, WALTHAM POINT AND HOLMESDALE TUNNEL ROADWORKS

The committee considered a report at its meeting in June 2006 concerning a temporary suspension of the Sainsbury's Lorry Routing Agreement only in so far as it related to vehicles that would otherwise leave the M25 at junction 25 (A10) prevented from doing so by the roadworks to the Holmesdale Tunnel. Members noted that the agreement had been given to a temporary trial by officers and a report was to be submitted to this meeting in September following consultation responses.

Members had some concerns that officers had agreed to the trial without first reference to them and an apology was made for this, but with the roadworks commencing in May and the request from Sainsbury's being received only 14 days before the event, little time was available for consultation.

Members noted that consultation with affected authorities has now taken place, after 3 months of the re-routing west from the depot to the Highbridge Street junction and then west through Waltham Cross to the A10.

Waltham Abbey Town Council replied stating that the Town Council does not object to the continued suspension of the agreement for the period of the works in order for the continued ease of access to and from the depot. They added that there was concern, however, at heavy goods vehicles that still seem to use other non-agreed routes and ask that this concern be brought to the attention of Sainsburys and perhaps to the Highway Authority in order that it might consider additional signage.

Broxbourne Borough Council, through which the new routing runs and the authority most affected by this temporary suspension, replied that the Council has no objections or comments to make.

Essex County Council, the Highway Authority, agreed that this was a sensible temporary arrangement given the additional journey times encountered as a result of

the works. They added that there has been many complaints about the effects of the works in general but none about Sainsbury's vehicles.

RESOLVED:

That the results of the consultation be noted and that Sainsbury's be advised that the routing arrangements may operate for the length of the Holmesdale Tunnel roadworks but that further efforts must be made to ensure compliance with all other aspects of the routing agreement.

34. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 3 be determined as set out in the annex to these minutes.

35. 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

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Report Item No: 1

APPLICATION No:	EPF/1375/06
SITE ADDRESS:	Drummaids Parsloe Road Epping Upland Epping Essex CM16 6QB
PARISH:	Epping Upland
APPLICANT:	Mr S Reynolds
DESCRIPTION OF PROPOSAL:	First floor side extension.
RECOMMENDED DECISION:	REFUSED

REASON:

1. The site is within the Metropolitan Green Belt. The proposed development is at odds with government advice, Policies GB2A and GB14A of the adopted Local Plan and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea in that proposed extension does not constitute a reasonably sized development. Thus this application is unacceptable, because the proposal, by reason of its size, height, bulk and siting would harm the open character of the Metropolitan Green Belt.

Report Item No: 2

APPLICATION No:	EPF/1608/06
SITE ADDRESS:	32 Pecks Hill Nazeing Essex EN9 2NY
PARISH:	Nazeing
APPLICANT:	Mr G Hill
DESCRIPTION OF PROPOSAL:	First floor side extension.
RECOMMENDED DECISION:	GRANTED

CONDITIONS:

1	The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this Notice.
2	Materials to be used for the external finishes of the proposed extension shall match those of the existing building.
3	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p>
4.	The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been

	<p>submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.</p> <p>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, and in writing.</p> <p>The statement must include details of all the 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.</p> <p>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.</p>
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Report Item No: 3

APPLICATION No:	EPF/1111/06
SITE ADDRESS:	Town Mead Sports and Social Club Townmead Waltham Abbey Essex
PARISH:	Waltham Abbey
APPLICANT:	Waltham Abbey Town Council
DESCRIPTION OF PROPOSAL:	Proposed extensions and alterations to social club and overspill car park to existing.
RECOMMENDED DECISION:	GRANTED, SUBJECT TO THE PRIOR AGREEMENT OF THE SECRETARY OF STATE via GOVT. OFFICE FOR THE EAST OF ENGLAND

CONDITIONS:

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

- 3 Prior to the commencement of the development details of the proposed surface materials for the car park 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.
- 4 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.
- 5 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the LPA and the completed phase 1 investigation shall be submitted to the LPA upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the LPA before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the LPA prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the LPA for approval prior to first occupation of the completed development.

- 6 The car park to be constructed shall be marked out in permanent materials and used only for the parking of cars and not for the storage of cars or the storage of materials.
- 7 Provision of secure parking for cycle/motorcycles is required to ensure the development accords with the Essex Planning Officers Associated Parking Standards 2001.



**Epping Forest
District Council**

Report to Area Plans Sub-Committee D

Date of meeting: 1 November 2006.

Subject: Variation to the head of terms of the Section 106 Agreement in respect of the Cobbins Brook Flood Alleviation Scheme

Officer contact for further information: Barry Land (01992 – 56 4110).

Democratic Services Officer: Adrian Hendry (01992 – 56 4246).

RECOMMENDATION:

- 1. That the Section 106 Agreement not require the implementation of an approved landscape management plan.**
- 2. That, details of a revised location of a replacement footbridge over the Cobbins Brook south of the proposed Flood Alleviation Scheme be agreed as a minor amendment to the overall scheme.**

Background

1. On 14th September 2005 this Sub-Committee agreed to grant planning permission for the construction of flood alleviation scheme (FAS) for Waltham Abbey comprising a new earth flood embankment and creation of flood storage area at Land between Brookmeadow Wood and Fernhall Road, Upshire, subject to the completion of a Section 106 Agreement.
2. The agreement was to be in respect of the following matters:
 - a) The implementation of an approved landscape management plan.
 - b) The implementation of an approved traffic management scheme for the duration of construction works.
 - c) 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.
 - d) The reinstatement of Long Street and Fernhall Lane to their condition prior to the commencement of the development within 6 months of its completion. Enforcement of this matter depends on the completion and approval of a survey of the condition of the roads before the commencement of the development.
 - e) 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.

The agreement is in the process of being prepared.

3. The scheme included proposals to replace the existing footbridge south of the proposed works within Brookmeadow Wood that serves footpaths 42 and 81 with a new footbridge as part of the removal of existing hard engineered banks. It was proposed to replace it on adjacent land immediately upstream.

Proposal

4. The applicant has proposed that the Section 106 Agreement does not require the implementation of an approved landscape management plan. The justification put forward by the applicant is as follows:

- a) The requirement to implement the landscape management plan in the section 106 Agreement would duplicate a condition that would be imposed on the grant of planning permission in any event. Such a condition is capable of being enforced therefore it is not necessary to repeat its requirements in the Agreement.
- b) Since the Section 106 Agreement must be signed by all landowners affected by it, this would require landowners who have formally objected to the FAS to be a party to the agreement. Should they refuse, the scheme could be considerably delayed and this could threaten its implementation. Protracted negotiations regarding the scheme have taken place with the landowners but progress is very slow.
- c) The amount of land affected by the landscaping scheme that is owned by landowners who object to the FAS is a small proportion of the total land covered by the landscaping scheme, i.e. 1.3 hectares of a total area of 8.7 hectares. The applicant and the Corporation of London own the remaining land and both have the resources to manage the landscaping.
- d) The landscaping scheme for the development has been designed to minimise maintenance requirements.

5. The applicant has also requested that the Sub-Committee agree to a minor variation of the overall proposal that involves the erection of a replacement footbridge over the Cobbins Brook that would be situated in the same place as the existing footbridge. The revised proposal would still include some softening of the adjacent banks of the watercourse.

Assessment of the proposals and conclusions

6. Variation to the Section 106 Agreement

The planning issue raised by the proposal is whether it would be prejudicial to the long-term maintenance of the landscaping scheme for the development.

7. A landscaping scheme and landscape management plan has been prepared for the FAS in consultation with the Council's landscaping officers. In respect of the land in private ownership the landscaping scheme essentially requires it is maintained as fields in use for agriculture. That is in accordance with the lawful use of that land. In the circumstances the proposed variation would be unlikely to impact on the long-term maintenance of the land in private ownership. Since the remaining land would either remain in the ownership of the applicant or the Corporation of London as Epping Forest Buffer Land, there is a very good prospect that the landscaping scheme as it affects that land will be properly maintained. It is therefore agreed that the requirement to maintain the landscaping scheme can be properly secured through the agreed condition that would be imposed on the planning permission. This conclusion is reached regardless of the potential for the private landowners to frustrate the implementation of the FAS should the requirement remain part of the Agreement. Officers acknowledge that potential.

8. Alteration to the proposed location of a replacement footbridge

The proposed variation is considered to be a minor alteration to the agreed scheme that is of little consequence and is only reported to Members at the request of the applicant. Members will recall that the agreed scheme did not include details of the design of the replacement footbridge and this was to be dealt with by the imposition of a condition requiring the submission and approval of such details prior to the commencement of the development. Given that there are no planning issues raised by the proposed variation it is considered acceptable.

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AREA PLANS SUB-COMMITTEE 'D'

Date 1 November 2006

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1720/06	Field North of Cobbins Brook, between Brookmeadows Wood and Fernhall Wood, Upshire	GRANT	23
2.	EPF/1639/06	Former Garage Block, Homefield, Waltham Abbey	GRANT	29
3.	EPF/1418/06	Land adj. 40 Orchard Gardens, Waltham Abbey	GRANT	35
4.	EPF/1350/06	Land adj. To 21 Albion Terrace, Sewardstone Road, Waltham Abbey	REFUSE	39

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Report Item No: 1

APPLICATION No:	EPF/1720/06
SITE ADDRESS:	Field North of Cobbins Brook between Brookmeadow Wood and Fernhall Wood Upshire Waltham Abbey
PARISH:	Waltham Abbey
APPLICANT:	Environment Agency
DESCRIPTION OF PROPOSAL:	Temporary storage of soil in relation to the construction of the Cobbins Brook Flood Alleviation Scheme (EPF/0120/05).
RECOMMENDED 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 but not before the commencement of the development the subject of planning application EPF/120/05.
- 2 This consent shall inure for a limited period expiring on the first of the following two dates: 5 years from the date of this Notice or 2 years from the commencement of the development the subject of planning application EPF/120/05, at which time the development permitted by this Notice shall be discontinued and the land restored to its former condition in accordance with the method statement submitted under cover of the Halcrow Group Limited letter dated 6 September 2006.
- 3 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.

- 4 Notwithstanding the details submitted with the planning application, the development hereby approved shall not be commenced until there has been submitted to and approved by the Local Planning Authority the results of a survey of badgers, great crested newts, reptiles and breeding birds on the application site together with details of measures to mitigate the impact of the development on them. The development shall be carried out in accordance with the approved mitigation measures.

Description of Proposal:

This application is for the use of a field for the storage of soil in relation to the construction of a flood alleviation scheme (FAS) for which the Council resolved to grant planning permission subject to the completion of a Section 106 Agreement. The use would be for a temporary period and the applicants say they would need to use the field for approximately 18 months from the commencement of construction work on the FAS.

It is proposed that topsoil would be stored in a stockpile up to a maximum of 2m high. It is further proposed that no topsoil would be stored within 6m of the edge of the field or within 10m of the Cobbins Brook. This has been indicated by the limits of the application site, which are shown on the submitted drawings to stop short of the edge of the field. It is described more precisely in the method statement and Environmental Impact Assessment (EIA) submitted with the application.

The source of the topsoil is adjoining land where the FAS would be constructed. The construction process would require most of the land for the FAS to be stripped of topsoil, which would be stored on the application site. The stored topsoil would subsequently be reinstated to the parts of the FAS site from where it was stripped.

The topsoil would be stored in distinct stockpiles on the field in accordance with which part of the FAS site it was stripped from to assist its return. Any subsoil found to have been stripped inadvertently would be stored separately on the site.

Description of Site:

The application site comprises a low-lying field forming part of Fernhall Farm, an agricultural holding. It is situated north of the Cobbins Brook, west of Fernhall Wood and northeast of Brookmeadow Wood, midway between Breach Barns Caravan Park to the west and Fernhall Lane to the east.

The site is within the Metropolitan Green Belt and surrounded by fields, meadow and woods. It forms part of a designated area of Ancient Landscape and land to the south forms part of the Upshire Conservation Area.

Relevant History

EPF/120/05 Construction of new earth flood embankment and creation of flood storage area. Resolved to grant planning permission following completion of a Section 106 Agreement.

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

Local Plan and Local Plan Alterations:

GB2A – Green Belt
HC2 – Ancient Landscapes
HC6 – Works within or adjacent to conservation areas
RP3 – Protection of surface water and groundwater
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

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.

The original planning application included an area for the temporary storage of topsoil but following further detailed design the applicant's contractor has indicated it would be more efficient to strip and reserve all the topsoil at the start of construction, rather than as a rolling activity as previously envisaged. The applicant has identified two main advantages of the proposal over that previously considered:

- 1) The creation of a safer construction site through providing more working space and generation of fewer vehicle movements within the construction site.

- 2) A lower risk of adversely affecting the soil structure through a reduction in handling of the soils. This would have the benefit of facilitating the proper establishment of landscaping on and around the FAS.

Construction safety can be a material planning consideration and given the large size of the proposed works it is appropriate to treat it as such in this case. It is clear that the land associated with the original construction site did not include a comparable area for topsoil storage and so to work within its constraints topsoil would have to either have been stored in very much higher stockpiles than proposed on the adjacent field or the development phased to allow soil to be stored on land not being worked on. Given the linkages between the different parts of the site, i.e. clay from a borrow pit would be required for the embankment, the area of the site that would have to be worked on would comprise most of it. A phased development across the entire site for the duration of the construction process would be impractical if topsoil from the site is also required to be stored on it. That is because the stored topsoil would not be re-laid until towards the end of the construction process so phasing would necessitate storage in taller stockpiles than proposed on the adjacent field that would have to be repeatedly moved to make way for construction work. Clearly storing topsoil elsewhere would significantly free up the construction site and that would result in a safer working environment.

With regard to the impact on soil structure, this is principally because the storage of topsoil in high stockpiles would be much more likely to result in its compaction making it less suitable for relaying without some form of treatment. It would also be much harder to store topsoil from different parts of the site separately. This could lead to soil not being returned to the area it was originally stripped from. Although not fatal to the functioning of the engineering works as an embankment, this could be prejudicial to achieving the best possible landscaping for the development.

In addition to the matters specifically raised by the applicant as very special circumstances, it is important to note, the proposal is only for the temporary use of the land for a period of approximately 18 months. Consequently, the land will revert to its lawful use as a field for agriculture on or before the expiry of any planning permission given and this can be secured by a condition making any consent granted temporary. Furthermore, the method statement submitted with the application indicates that the field will be restored to at least its former condition therefore it is clear that positive steps will be taken to ensure the land will be capable of use for agriculture once the use for topsoil storage ceases. The specific steps that the applicant proposes to be taken are to reinstate any damaged field drainage system and to strip and reinstate the field soil to deal with any excessive compaction. It would be possible to include this as a requirement in the above-mentioned condition.

In terms of impact on the landscape, the use would have an adverse visual impact and would not be acceptable on a permanent basis. However, its impact would be mitigated by the low height material would be stored at and the low-lying nature of the land. Given that, the temporary nature of the proposed use, proposals for reinstating the land to its existing condition and that the use is required to facilitate the proper construction of a development that would have unique acknowledged benefits of importance, the impact on the landscape for a temporary period is acceptable.

English Nature has raised objections to the development on the basis that the use might impact on legally protected species including badgers, great crested newts, reptiles and breeding birds. In raising their objection English nature would have been aware the lawful use of the land is for agriculture and what that could entail. English Nature has requested that a wildlife survey of the site is carried out by an appropriately qualified ecologist and a suitable mitigation strategy submitted to the Council for consideration prior to a grant of planning permission. The EIA submitted with the application did in fact consider the impact on fauna on the land and it revealed the only possible impact would be the loss of nesting potential for skylarks. The action proposed

to mitigate the impact is to ensure the field is occupied before any nests are established and to reinstate the land to its present condition. Moreover, the EIA submitted with the original application for the development of the FAS revealed no badgers, otters, water voles, reptiles or hares have been found within the vicinity of the site. The surveys carried out for that EIA did indicate the presence of great crested newts in the Cobbins Brook Valley but none within 500m of the proposed development. Given the short-term impact of the proposal and the information provided in two EIA's, but having regard to the Council's duty to ensure the potential impact of development on protected species is addressed, it is considered appropriate to deal with the objection raised through the imposition of conditions on any consent granted. Such conditions could require the submission of the results of a detailed survey and details of appropriate mitigation steps for approval.

For the avoidance of doubt, the proposed use has no implications for traffic generation on local roads above that already identified in connection with the construction of the FAS that the Council has already resolved to approve.

Conclusion

There is good justification for the temporary use of the land in Green belt terms while the short-term adverse impact on the landscape is justified. The proposal includes a methodology for limiting any harm caused and returning the land to its former condition following the cessation of the use. The potential for the use to impact on protected species is addressed in the application and the earlier submission for the FAS. The potential for the development to cause harm can be further mitigated by the imposition of conditions on any consent granted. Accordingly, the proposal accords with adopted planning policy and temporary planning permission could be granted.

REPRESENTATIONS RECEIVED

WALTHAM ABBEY TOWN COUNCIL: No objection

CONSERVATORS OF EPPING FOREST: No response received

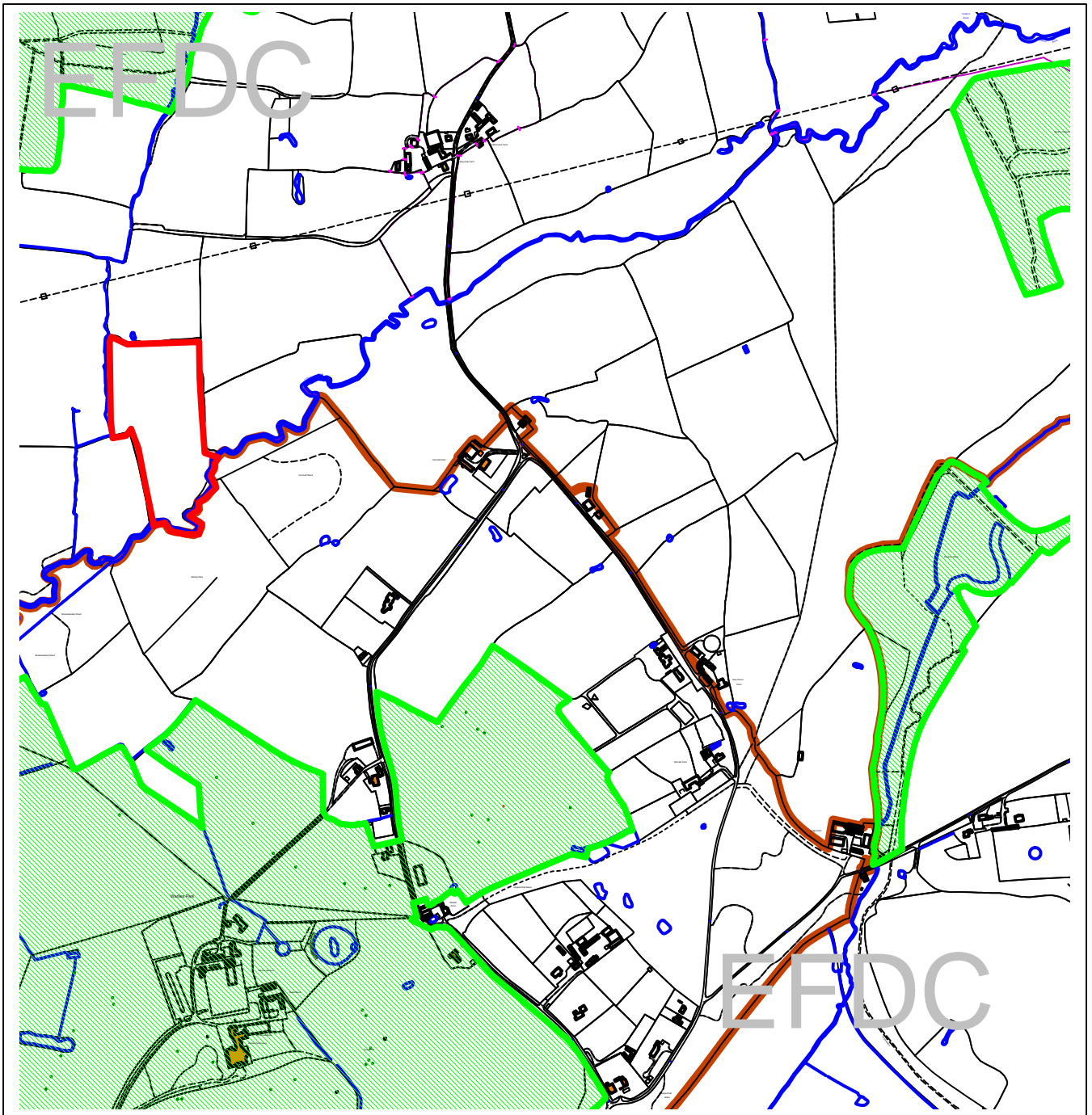
ENGLISH NATURE: Objection. The use might impact on legally protected species including badgers, great crested newts, reptiles and breeding birds. *(In relation to the application for the FAS English Nature advised it has been fully consulted during the development of the proposal and is satisfied that the proposed development is not likely to have any impact on any SSSI's or other identified areas of high nature conservation interest.)*

NEIGHBOURS: No response received.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	1
Application Number:	EPF/1720/06
Site Name:	Land between Brookmeadow Wood and Fernhall Wood, Upshire
Scale of Plot:	1/10000

Report Item No: 2

APPLICATION No:	EPF/1639/06
SITE ADDRESS:	Former Garage Block Homefield Waltham Abbey Essex EN9 3LS
PARISH:	Waltham Abbey
APPLICANT:	Estuary Housing Assoc & Epping Forest District Council
DESCRIPTION OF PROPOSAL:	Erection of 3 no. four bedroom residential houses with parking. (Revised application)
RECOMMENDED 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 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 The development shall be carried out in accordance with the amended plans received on 16th October 2006 unless otherwise agreed in writing with the Local Planning Authority.
- 5 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 6 Prior to first occupation of the building hereby approved the proposed window openings in southern flank of the detached dwelling facing No. 17 Harries Court shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of

Part 1 Classes A and B shall be undertaken without the prior written permission of the Local Planning Authority.

- 8 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.
- 9 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.

Description of Proposal:

Consent is being sought for the erection of 3 four bedroom houses with associated parking. The site would be split into one detached dwelling on the south side of the site and a pair of semi detached dwellings to the north. The houses would be separated by a small access to the rear of the site where 5 parking spaces would be provided. The two existing garages to the west side of the site would be retained for use by their current occupiers and would be accessed through the site. The entrance to the site would be via an existing crossover.

Originally each of the three houses benefited from a rear dormer window, however officer concerns regarding size were raised with the applicant, who has now removed these elements from the scheme. Although each house would have a room in the roof space, these would be served by roof lights.

Outline permission was granted in 2002 for the erection of 3 dwellings on this site (EPF/1156/02), however this was for 2 two bedroom and 1 three bedroom houses. Therefore whilst members previously agreed that the principle of residential development has been established on this site, this is effectively a full application, unrelated to the previous approval.

The application has been submitted by Estuary Housing Association working in partnership with Epping Forest District Council and is one of eight council owned housing sites that already benefit from outline permission, to provide a total of 57 properties, 39 of which would be affordable with

the other 18 to be sold on the open market to cross subsidise the cost of providing the affordable housing.

Description of Site:

A roughly rectangular site measuring approximately 28m deep by 25m wide, located on the northern side of Harriescourt, to the south of No. 61 Homefield, in an area predominantly characterised by semi detached dwellings. It is hardsurfaced and was previously a garage court. The site backs onto the long rear gardens of properties in Pick Hill and provides access to two garages in these rear gardens. The site slopes from east to west by some 1.5m and continues to slope down towards the bungalows along Pick Hill, some 40m away from the rear boundary of the site. The site is not in a Conservation Area.

Relevant History:

EPF/1156/02 – Outline application for 2 x 2 bedroom houses and 1x3 bedroom house – Approved with conditions.

EPF/791/06 – Erection of 3 x 4 bedroom houses with parking - Withdrawn

Policies Applied:

Structure Plan:-

BE1 – Urban Intensification

Local Plan and Local Plan Alterations:-

H5A – Provision for affordable housing

DBE1, DBE2, DBE3, DBE6, DBE8 and DBE9 relating to residential development, its design and the built environment

LL10, LL11 – Landscaping

ST4, ST6 – Highways and parking considerations.

Adopted Supplementary Planning Guidance:-

The Essex Design Guide 1997

Essex Planning Officers Association Vehicle Parking Standards 2001

Issues and Considerations:

The main issues here relate to the affordable housing aspect of the proposal, the impact of the proposed development on the character and appearance of the locality, its affect on the amenities of neighbouring residential properties, the adequacy of private amenity space, its impact on highway conditions and road safety and the suitability of the car parking provision proposed.

Affordable Housing

This scheme has the full support of the Councils Head of Housing. There is a severe shortage of affordable homes within the district. He argues that, The Housing Needs survey undertaken in 2003 showed “...665 new affordable homes per annum were required to meet the current and projected housing need. In contrast, an average of only 62 new affordable homes have been

produced per annum over the past three years. Furthermore, there are only two developments currently on site that will complete in 2006/7, which will provide just 25 affordable homes.”

This site is in an ideal location within an existing residential area, well served by public transport, close to existing schools and amenities.

The Impact On The Character And Appearance Of The Locality

Policy BE1 of the Essex & Southend-on-Sea Replacement Structure Plan 2001 says that existing built up areas will be used in the most efficient way to accommodate new development by the use of higher densities where compatible with the character of the area concerned and urban design controls. This is in addition to the recycling of vacant and derelict land. Therefore the principle of the development is acceptable here.

Properties in the area are generally semi detached, the footprints of the proposed dwellings would be of similar size to the existing dwellings and, from this perspective, would not look out of place. In addition, a detached dwelling has recently been granted on appeal directly opposite the site, adjacent to No. 57 Homefield.

The area contains examples of both hipped and gable ended roofs and, subject to the appropriate control of materials, the proposed designs would also be acceptable.

The height of the dwellings would be similar to those of the adjacent properties and would not look unduly prominent within the streetscene. The siting of the houses on the plot would not appear overly cramped and would make a positive contribution to the character and appearance of the area, over and above the current situation.

The parking, contained in a shared area to the rear of the dwelling would not result in cars dominating the streetscene. Close boarded fencing is proposed to the sides and rears of each property, which would result in an acceptable level of privacy being achieved.

The Impact On The Amenities Of The Neighbouring Properties

The relationship of the proposed houses to neighbouring houses accords with the criteria set out in the Essex Design Guide.

Although the semi detached house on the north side of the site would be set some 4.8m further back, there is a separation of over 4m between the existing dwelling at No. 61 Homefield and it is considered that whilst there would be some loss of outlook it is not to such a material level to warrant a refusal. The loss of sunlight or daylight, again is not so great to result in a material loss of amenity to that property.

The distance between the flank elevation of proposed detached house would be approximately 30m from the rear elevation of No. 17 Harriescourt and would not result in a material loss of amenity to the occupiers of that house. Similarly, the shortest distance between the proposed dwellings and the dwellings to the west along Pick Hill would be over 55m. Even though they would be sited on higher ground and could impact on views, the separation is considered acceptable not to result in an excessive loss of residential amenity.

Private Amenity Space

Policy DBE8 expects rear gardens of new houses to have a minimum area of 100m². This accords with Essex Design Guide specifications for the garden size of three bedroom or larger houses. The garden sizes here are 57m², 61m² and 93m² for house 1, 2 and 3 respectively. However, the policy argues that *“inevitably there will be exceptions and the Council must be prepared to relax these standards in certain circumstances . These may include where; i) the housing is “affordable” and the amount of land available is likely to be at a premium.”*

Therefore in this case it is considered that whilst the garden space for two of the houses is significantly smaller than what the policy requires, since these houses would be for much needed affordable housing, a relaxation in the policy can be justified. Moreover, none of the gardens are so small as to warrant opposing the scheme on this matter alone and they would all be a usable shape so the aim of the policy of ensuring the provision of good amenity space is met.

Impact On Highway Conditions, Road Safety and Parking

The site is served by an existing access and the Highway Authority is satisfied that the development would not result in a hazard to road safety. The number of parking spaces is in accordance with adopted parking standards.

Conclusion:

Whilst this proposal is larger than the scheme granted outline consent in 2002, the principle remains the same. This is an ideal location for affordable housing, would be a positive contribution to the character of the area, would not result in a material loss of amenity to neighbouring properties and is served by an existing access. Officer recommendation is to approve.

Summary of Representations:

WALTHAM ABBEY TOWN COUNCIL – Objection – Overdevelopment of the site

PATERNOSTER NORTH RESIDENTS ASSOCIATION – Objection – development extends beyond the existing building lines of surrounding properties; would result in loss of light and privacy; houses would tower over homes, overpowering and be clearly visible; overdevelopment; maybe single storey houses would be more suitable; out of character

4 PICK HILL – Objection – would dominate the skyline; should be single storey; would spoil aspects of area.

7 AMESBURY – Objection – out of character; loss of privacy; overlooking; unsightly; clearly visible.

2 PICK HILL – Objection – would look out of place; should be single storey.

61 HOMEFIELD – Objection – would cut down light and privacy on my house; overdevelopment

14 HARRIESCOURT – Objection – would not follow suit of neighbouring houses.

63 HOMEFIELD – Objection – will house large families with children; most of estate are retired or middle aged; putting families smack in the middle doesn't seem fair to anyone; invasion of privacy and loss of light; out of character; why not housing for the elderly.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	2
Application Number:	EPF/1639/06
Site Name:	Former garage site, Homefield, Waltham Abbey
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1418/06
SITE ADDRESS:	Land adj, 40 Orchard Gardens Waltham Abbey Essex EN9 1RS
PARISH:	Waltham Abbey
APPLICANT:	Mr and Mrs Eglington
DESCRIPTION OF PROPOSAL:	Outline application for a new attached dwelling.
RECOMMENDED 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 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.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.

Description of Proposal:

This is an outline application and all matters of detail are reserved for subsequent consideration should consent be granted however, the indicative drawing submitted with the application gives clear indication of the design principles for the development.

It is proposed to form a new house to the western flank of the original house. This would be achieved by erecting a 3.5m wide two-storey side extension in addition to an existing 4.25m wide two-storey side extension and using the space in the existing and proposed extensions to form the proposed house. The new dwelling would therefore be 7.75m in width. The proposed extension would be the same depth and height as the existing house and the flank wall of the proposed addition would be set between 1.3 and 2.3m of the western site boundary. The formation of the

new house would result in 38 and 40 Orchard Gardens ceasing to be semi-detached and becoming part of a terrace of 3 houses. Vehicular access could only be from Orchard Gardens.

Description of Site:

The application site comprises a semi-detached dwelling in the urban area of Waltham Abbey, located on the northern side of Orchard Gardens. The property was extended with a two storey side extension in 1993 prior to the adoption of the Local Plan in 1998. To the west of the site is Town Mead Recreational Ground and a Council depot while to the east and south are short two-storey terraces. The adjacent land to the west forms part of the Metropolitan Green Belt. The plot shape is irregular being wider in the front but narrower at its rear. The property also reached by a rear access serving 28 to 40 Orchard Gardens and No. 32 Tower Mead Road, Waltham Abbey.

Relevant History:

Planning permission for the erection of a two storey side extension was approved under application number EPF/364/93 in May 1993. This permission has been implemented.

Policies Applied:

Structure Plan

BE1 Urban intensification

H4 New residential developments.

Local Plan and local Plan Alterations

CP3 New Development

CP4 Urban Form and Quality

H2A Previously Developed Land

DBE1 Design of new buildings

DBE2 Impact on existing, surrounding properties

DBE3 Development in urban areas

DBE8 Private amenity space

DBE9 Impact on amenity

DBE10 Design of residential extensions.

LL11. Provision of Landscaping

ST6 Vehicle Parking

Adopted Supplementary Planning Guidance

Essex Design Guide 1997

Essex Planning Officers Society Vehicle Parking Standards 2001

Issues and Considerations:

The main issues raised by this application are the appearance of the development, impact on the amenities enjoyed by the occupants of the adjoining property and impact on the adjoining Green Belt.

There are no planning policy objections to the extension and formation of the new dwelling. Indicative plans submitted with the application show the design of the dwelling would be traditional and in respect that of nearby houses. Accordingly, it has been demonstrated that the final form of the development could easily fit in with the established local character

The overall siting, size and height of the proposed structure is such that it would not cause any demonstrable harm to the living amenities of number 38 Orchard Gardens. The boundary on its western side has currently marked trees/shrubs and the separation side gap provided clearly shows that there would be no detrimental impact to the amenities of the adjoining property, No 38 Orchard gardens, which has a single storey rear extension.

Views from Green Belt land would be partially obscured by existing vegetation but even if it were not, the extension/new dwelling would not appear materially different to the existing extended house when seen from the Green Belt. Accordingly the development would not have any adverse impact on views to or from the Green Belt and certainly would not affect its openness.

Other planning issues include parking and amenity space provision for the new and existing house. Two parking spaces, one in the front and a detached garage at the rear, for the benefit of the occupant of number 40 Orchard Gardens are proposed. Two parking spaces for the parking needs of the new dwelling are also proposed. Highway officers have raised no objections to this proposal which accords with adopted standards. With regard to amenity space provision, both houses would have garden areas that are usable and accord with adopted amenity space standards.

Conclusion

Although the proposal will result in an additional dwelling slightly wider than the other dwellings in this street but the overall appearance of the proposed property will not be dissimilar in terms of scale/form/bulk and will not be out of keeping to the existing development in this locality. The proposal also due to its design, side gap and tree/hedge screening will not be harmful to the adjacent Green Belt. Furthermore, the proposal would not cause harm to the amenities enjoyed by the occupants of neighbouring properties. The proposal on its planning merit therefore is accepted and recommended for approval.

REPRESENTATIONS RECEIVED

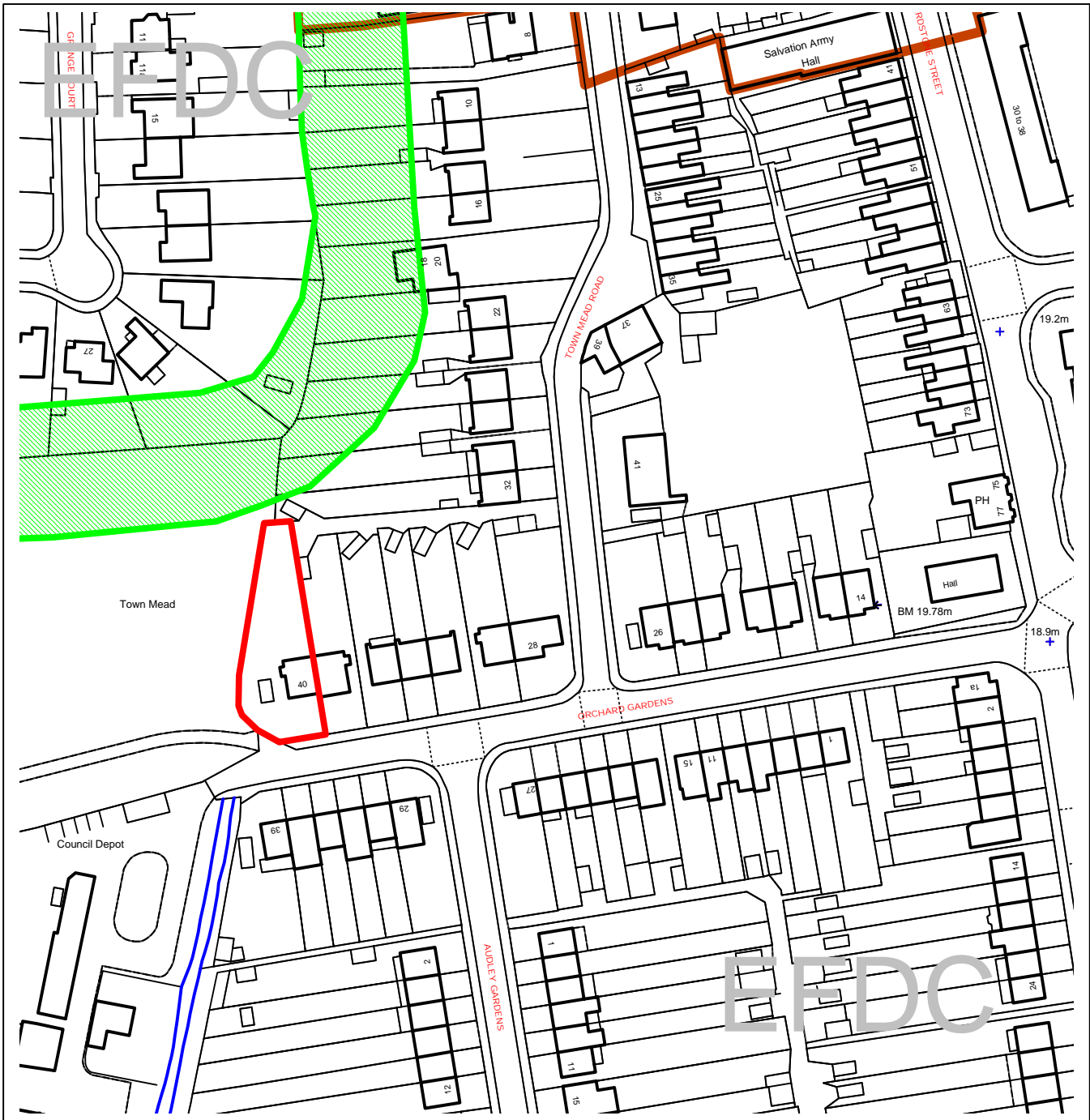
TOWN COUNCIL - The Council has objected to this proposal on the grounds that it would be an over-development of this site.

NEIGHBOURS - no replies been received.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	3
Application Number:	EPF/1418/06
Site Name:	Land adj.40 Orchard Gardens, Waltham Abbey
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1350/06
SITE ADDRESS:	Land adj. to 21 Albion Terrace Sewardstone Road Waltham Abbey Essex
PARISH:	Waltham Abbey
APPLICANT:	Homestyle Properties
DESCRIPTION OF PROPOSAL:	Redevelopment of site to provide 13 x 2 bedroom flats and 5 x 1 bedroom flats with parking at rear.
RECOMMENDED DECISION:	REFUSE

REASONS FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. The proposal represents inappropriate development and is therefore at odds with Government advice, Policy GB2a of the adopted Local Plan Alterations and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea. The policies state that within the Green Belt permission will not be given, except in very special circumstances for the construction of new buildings or for the change of use or extension to existing buildings except for the purposes of agriculture, mineral extraction or forestry, small scale facilities for outdoor participatory sport and recreation, cemeteries, or similar uses which are open in character. This application for dwelling houses fails to comply with Policies GB2A and C2, resulting in a considerable harm to the Green Belt. No very special circumstances have been put forward to outweigh the harm to the Green Belt.
- 2 The site is within the Lee Valley Regional Park. The proposed development is at odds with Policy GB10 of the adopted Local Plan Alterations and Policy RST24 of the adopted Local Plan, in that the use of the site for residential would have an adverse affect on the character and appearance of the Regional Park.
- 3 The site is adjacent to the A112, a classified highway. The proposal will intensify vehicular traffic using the highway, which would cause deterioration in the efficiency of the through road and also cause a danger to highway safety. In addition the vision splays would be inadequate causing a highway hazard. Both are contrary to policy ST4 of the adopted Local Plan Alterations, and policies T7 and T8 of the replacement Structure Plan.
- 4 Due to the differences in design of the northern flank of the building as shown on drawing numbers WSEF/06/26/B and WSEF/06/20, the Council is not convinced that the relationship with No. 21 Albion Terrace would not adversely impact on the amenities of that adjacent dwelling. This therefore would be contrary to Policies DBE2 and DBE9 of the adopted Local Plan.
- 5 The site lies within Flood Zone 3, which is a high risk flood zone. A proper assessment of flood risk to the proposed property has not been undertaken as required by PPG25. Furthermore, the proposed development could potentially harm

the great crested newt, which is a protected species as no survey has been carried out to show that the site is not frequented by these species. This would be contrary to policies U2A, U2B and NC4 of the adopted Local Plan and Local Plan Alterations.

Councillor Knapman has called this application to committee.

Description of Proposal:

Erection of 13 two bedroom flats and 5 one bedroom flats accommodated within a three storey building dropping down to two storey at the sides with 2 units in the roof. The main bulk of the building would be 12.5m high, with the wings at a height of 9.6m. This lower height would reflect the existing ridge heights of the properties to the north along Albion Terrace. The building would be 35.6m wide by 13.6m deep. 18 car parking spaces would be provided to rear, accessed from the south side of the site. Amenity space is provided directly to the rear of the site, with another large area of open space adjacent to the car parking spaces.

Description of Site:

An 'L' shaped area of land to the south and rear of a residential terrace at Albion Terrace. The King George Reservoir is to the immediate west. The land is flat and has been partially hard surfaced at some time in the last few years. The site is within the Metropolitan Green Belt, Lee Valley Regional Park, and adjacent to the boundary with the London Borough of Waltham Forest.

Relevant History:

WHX/140/57 Residential development - refused
EPF/1799/03 Use of land for car washing - refused and dismissed on appeal
EPF/805/05 – Erection of six 3 bedroom terraced houses – refused
EPF/1801/05 – Erection of six 3 bed terraced houses, all affordable housing – Approved subject to S106 agreement.

Policies Applied:

Structure Plan

C2 Green Belt
H5 Affordable Housing
T7 Road Hierarchy
T8 Safety

Local Plan and Local Plan Alterations

GB2A Green Belt
GB10 Lee Valley Regional Park
GB16 – Affordable housing in the Green Belt
H5A Affordable Housing
H6A Securing affordable housing
RST24 Development within or adjacent to the Lee Valley Regional Park
DBE 1 Design of new buildings
DBE 2 Amenity of new buildings
DBE 4 Design in Green belt
DBE 8 Amenity Space

DBE 9 Amenity
ST4 – Traffic Criteria
U2A Flooding
U2B – Flood Risk Assessment
NC4 – Protection of established habitats

National Planning Policy Guidance
PPS1 – Delivering Sustainable Development
PPG2 – Green Belts
PPG3 – Housing

Adopted Supplementary Planning Guidance
Essex Design Guide 1997
Essex Planning Officers Society Vehicle Parking Standards 2001

Issues and Considerations:

The main issue in this application is whether this proposal is appropriate development within the Green Belt, and if not, whether there are any very special circumstances that would outweigh the harm to the Green Belt. Any impact on the Lee Valley Regional Park, traffic implications, amenity, design and flooding are also relevant.

Green Belt

Structure Plan Policy C2 states that within the Green Belt permission will not be given, except in very special circumstances, for the construction of new buildings for purposes other than agriculture, mineral extraction or forestry or other specified purposes. Local Plan Policy GB2 states that planning permission will not be granted for the use of land or the construction of new buildings unless it is appropriate to the laid down criteria, which are similar to those identified in the structure plan.

The site is wholly within the Green Belt, and the proposed units are not intended to serve the purposes of agriculture or forestry. Therefore this proposal would represent inappropriate development in the Green Belt, which is by definition harmful, and that it is considered that the loss of this plot to a new ribbon development would be detrimental to the amenity of the Green Belt, reducing the openness of the area, which is its fundamental characteristic.

The issue here is whether any very special circumstances exist in this case that are of sufficient weight to justify allowing inappropriate development that would, by definition, be harmful to this Green Belt site.

Members may recall that a previous application was submitted for a terrace of six 3 bedroom dwelling houses. Originally three of the six were to be affordable housing, however this was still not considered to constitute very special circumstances. The scheme was then altered to ensure that all six properties were to be affordable. The application was approved at Area Plans sub-committee D and subsequently at District Development Control Committee subject to a Section 106 agreement stating that all of the houses would be sold to a Housing Association for rent. Given that the scheme was a departure from the development plan and that Lee Valley Regional Park were unwilling to withdraw their objection to the scheme, the application was sent to the Government Office for the East Of England. They decided it was a local matter and the approval was upheld subject to the section 106 agreement. However, the applicants were unwilling to sign the agreement given that the scheme could not be financially viable if all the houses were to be for rent by the Housing Association.

At that time, this current application was submitted for consideration. In the meantime the applicants considered that if the units could be sold under shared ownership that would make the scheme viable and they would be willing to sign the agreement. Currently, the matter is being dealt with by the Council's lawyers and it is expected that that permission will be issued in the very near future.

However, before the option of shared ownership arose, the applicants submitted a scheme for this larger number of properties.

The Council's Head of Housing is of the view that, from an affordable housing perspective only, this scheme provides greater flexibility in the mix between rented, shared ownership and market housing. It has been established that 80% of the total 18 flats could be provided as affordable housing with the remaining 20% provided as market housing.

Regardless of the figures involved, it is still considered that given the site's green belt status the provision of only 80% affordable housing does not overcome the harm that would result to the green belt at this location, especially given the vast increase in size and bulk of the proposal, which would adversely affect the open character and appearance of the green belt which would be contrary to Government and Local policy.

Design & Building in Context

The main bulk of the building would be 12.5m high, with the wings at a height of 9.6m. This lower height would reflect the existing ridge heights of the properties to the north along Albion Terrace. It is considered that whilst the main bulk of the building would be approximately 3m higher than the neighbouring properties, the design of the flats is symmetrical and would not look out of place in this location, notwithstanding its green belt status. However, the existing access to the rear of the properties would be closed off, with development stretching across this road, adjacent to the flank wall of No. 21 Albion Terrace. The relationship between the flank wall of the proposed flats and No. 21 Albion Terrace appears relatively tight. There are slight differences between the design of the flank wall of the development as shown on the block plan (drawing no. WSEF/06/26/B) and that shown on the detailed drawing showing the ground floor layout, (drawing no. WSEF/06/20/A). However when seen from within the streetscene, the development would not appear so cramped as to warrant a refusal here.

Amenity

The property that would be most affected by the scheme is No. 21 Albion Terrace to the north of the site. As mentioned above, the submitted plans differ slightly which makes it difficult to be clear about the impact of the proposal on the amenities enjoyed by the occupants of 21 Albion Terrace. Consequently, officers are not wholly convinced that the impact on this property is acceptable. A 45 degree line to show the impact on this property on the drawings is nearer to 60 degrees and the design differs between two drawings. Measurements were taken on site, but given the differences in the drawings, officers are not able to make an accurate assessment of this impact. One way in which this could be overcome should Members wish to grant planning permission is through the imposition of a condition on the consent requiring that the rear building line of the proposed development at this point does not project rear of the rear wall of No. 21 Albion Terrace.

Lee Valley Regional Park

The site is within the boundaries of the Park, and the Park authority has requested that this application be refused, as they object to the loss of any further land in this area from the park and green belt to residential uses and object that the detailed design on the grounds that it constitutes overdevelopment and therefore would overpower and be incongruous next to Albion Terrace and the adjoining open land along this side of Sewardstone Road.

Flooding

The site lies within a flood plain. Although a flood risk assessment was submitted with the previous scheme and was considered acceptable, the Environment Agency object this time round as a proper assessment of flood risk to the proposed property has not been undertaken as required by PPG25 and that the proposal could potentially harm the great crested newt that may frequent this site. The applicants were notified of this representation made by the Environment Agency on the 22nd August, although no FRA has been submitted nor has a survey been submitted regarding the newts to overcome their concerns.

Highways

Although a number of revisions to the design of the proposed vehicular access have been made to the original submission to deal with 5 objections by the Highway Authority, the revisions have not gone far enough for the Authority to withdraw all of their objections. Therefore, there are still highways objections on the grounds that the proposal would intensify the use of an access onto a classified highway, which would be detrimental to road safety and that the applicant does not appear to control sufficient land to the northern side of the access to provide sufficient visibility splays, which again would result in an unacceptable degree of hazard to all road users.

Conclusion

This application is contrary to Green Belt policy, Regional Park policy, and would have an adverse effect on highway safety. Special circumstances of sufficient weight have not been demonstrated to override the harm this proposal would cause, particularly bearing in mind that some affordable housing is likely to be provided on this site anyway.

The application is recommended for refusal.

REPRESENTATIONS RECEIVED

WALTHAM ABBEY TOWN COUNCIL – object on the grounds of overdevelopment.

LONDON BOROUGH OF WALTHAM FOREST - object on the grounds that the proposed development would have a negative visual impact on the adjacent Green Belt and therefore be contrary to guidance as set out in PPG2. In addition the application is contrary to proposals set out in the Park Plan 2000.

LEE VALLEY REGIONAL PARK – object to the loss of any further land in this area from the park and green belt to residential uses and object that the detailed design on the grounds that it constitutes overdevelopment and therefore would overpower and be incongruous next to Albion Terrace and the adjoining open land along this side of Sewardstone Road.

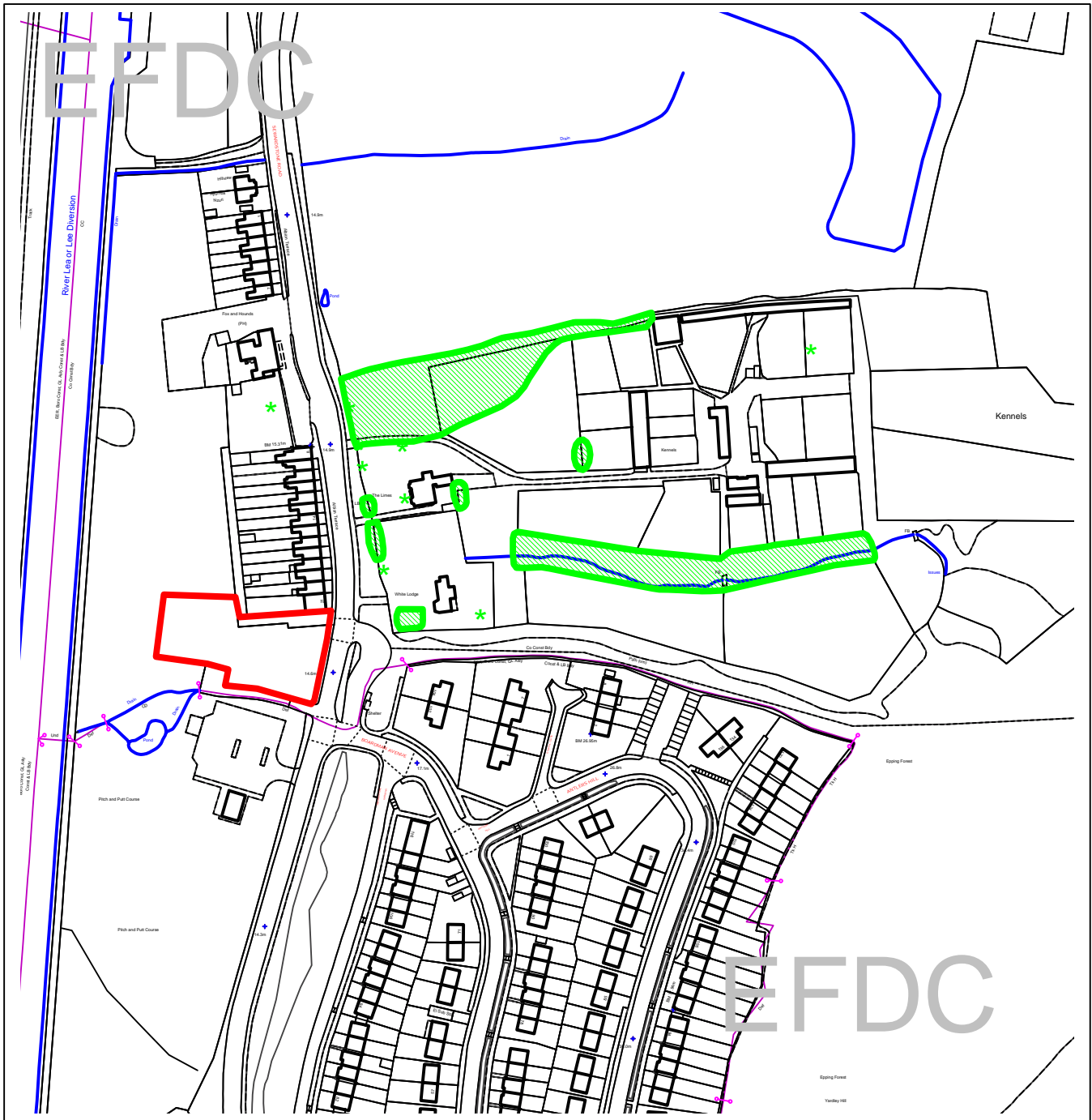
CAMPAIGN TO PROTECT RURAL ESSEX – object because the site is within the Green Belt and backs onto the Regional Park. In addition it will obscure the attractive view from the existing houses on the other side of the road.

SIGNED PETITION FROM NOS. 9,10,11,12,13,14,15,16,17,18 – object on the grounds that the proposal would drastically alter the cottage atmosphere; influx of 60 people would ruin environment and create car parking problems, and noise; any threat to access to the rear would be strongly opposed; increase in traffic would present hazard; 6 houses reasonable this is not.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	4
Application Number:	EPF/1350/06
Site Name:	Land adj.21, Albion Terrace, Sewardstone Road, Waltham Abbey
Scale of Plot:	1/2500