

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 29th 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

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.

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. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. The Council has adopted a protocol for the webcasting of its meetings which is attached.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

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

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

3. MINUTES (Pages 7 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 1st November 2006 as correct record (attached).

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

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

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

7. DEVELOPMENT CONTROL (Pages 17 - 52)

(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. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL TO SEPTEMBER 2006 (Pages 53 - 56)

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

9. DELEGATED DECISIONS

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

10. EXCLUSION OF PUBLIC AND PRESS

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.

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:** 1 November 2006

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.03 pm
High Street, Epping

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

Other Councillors: J Knapman

Apologies: J Demetriou

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

36. 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.

37. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 4 October 2006 be taken as read and signed by the Chairman as a correct record subject to application EPF/1608/06 including the erection of a detached garage in the front of the house.

38. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interests in agenda items 8 (Variation of Terms of Section 106 agreement in respect of the Cobbins Brook Flood Alleviation Scheme) and 9 (1) (EPF/1720/06 Field North of Cobbins Brook, between Brookmeadow Wood and Fernhall Wood, Upshire, Waltham Abbey). She declared that her interests were prejudicial and indicated that she would leave the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda item 9 (2) (EPF/1639/06 Former Garage Block, Homefield, Waltham Abbey) by virtue of being the local ward councillor. 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.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Ms S Stavrou declared a personal interest in agenda item 9 (4) (EPF/1350/06 Land Adj. To 21 Albion Terrace, Sewardstone Road, Waltham Abbey) by virtue of being the local 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 D Spinks declared a personal interest in agenda item 9 (1) (EPF/1720/06 Field North of Cobbins Brook, between Brookmeadows Wood and Fernhall Wood, Upshire) by virtue of this application backing on to his property. 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.

39. ANY OTHER BUSINESS

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

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

An order was served to protect a Monterey Cypress at the above named premises.

RESOLVED:

That the Tree Preservation Order EPF/02/06 be confirmed.

41. VARIATION TO THE HEAD OF TERMS OF THE SECTION 106 AGREEMENT IN RESPECT OF THE COBINS BROOK FLOOD ALLEVIATION SCHEME

On 14th September 2005 the Sub-Committee (Area Plans D) 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.

The applicant had proposed that the Section 106 Agreement does not require the implementation of an approved landscape management plan. The justification put forward by the applicant was 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 all landowners affected by it must sign the Section 106 Agreement, 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.

The applicant had 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.

RESOLVED:

1. That the Section 106 Agreement not require the implementation of an approved landscape management plan; and
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.

42. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 4 be determined as set out in the annex to these minutes.

43. 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/1720/06
SITE ADDRESS:	Field North of Cobbins Brook between Brookmeadow Wood and Fernhall Wood Upshire Waltham Abbey
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Temporary storage of soil in relation to the construction of the Cobbins Brook Flood Alleviation Scheme (EPF/0120/05).
DECISION:	GRANT

It was requested that details of the Section 106 agreement completed for application EPF/120/05 be reported to the sub-committee.

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.

Report Item No: 2

APPLICATION No:	EPF/1639/06
SITE ADDRESS:	Former Garage Block Homefield Waltham Abbey Essex EN9 3LS
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Erection of 3 no. four bedroom residential houses with parking. (Revised application)
DECISION:	REFUSED

REASONS FOR REFUSAL

- 1 By reason of its height, proximity to the northeast site boundary and distance behind the rear wall of 61 Homefield, House 3 as indicated on drawing no. 0549 (PL) 01 Rev. A would appear overbearing when seen from 61 Homefield and would cause unacceptable overshadowing of the rear elevation and adjacent garden area of 61 Homefield. This impact would be exacerbated by the difference in levels between the two houses. Accordingly, the development would cause excessive harm to the amenities enjoyed by the occupants of 61 Homefield, contrary to policies DBE2 and DBE9 of the Epping Forest District Local Plan.

- 2 The layout of the proposed development is unsatisfactory and, in particular, would result in an unacceptable under provision of private amenity space for Houses 1 and 2 as indicated on drawing no. 0549 (PL) 01 Rev A. Accordingly, the development fails to meet the requirements of policies DBE3 and DBE8 of the Epping Forest District Local Plan and the Essex Design Guide.

Report Item No: 3

APPLICATION No:	EPF/1418/06
SITE ADDRESS:	Land adj, 40 Orchard Gardens Waltham Abbey Essex EN9 1RS
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Outline application for a new attached dwelling.
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.

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
DESCRIPTION OF PROPOSAL:	Redevelopment of site to provide 13 x 2 bedroom flats and 5 x 1 bedroom flats with parking at rear.
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.

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AREA PLANS SUB-COMMITTEE 'D'

Date: 29 November 2006

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/1843/06	64 & 66 North Street, Nazeing	GRANT	19
2.	EPF/1908/06	Land rear of Pecks Hill / Maplecroft Lane, Pecks Hill, Nazeing	GRANT	25
3.	EPF/1451/06	Tower Nursery, Netherhall Road, Roydon	GRANT	30
4.	EPF/1680/06	The Limes / White Lodge, Sewardstone Road, Waltham Abbey	REFUSE	35
5.	EPF/1989/06	2 Hollyfield Cottages, Hollyfield, Waltham Abbey	REFUSE	48

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Report Item No: 1

APPLICATION No:	EPF/1843/06
SITE ADDRESS:	64 & 66 North Street Nazeing Essex EN9 2NW
PARISH:	Nazeing
APPLICANT:	FPI Nazeing) Ltd
DESCRIPTION OF PROPOSAL:	Amendments to RES/EPF/2321/04 for erection of a GP surgery with reduced no. of spaces for surgery car park from ten to eight.
RECOMMENDED DECISION:	GRANT

CONDITIONS

- 1 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.
- 2 Prior to first occupation of the building hereby approved the proposed door opening in the northern elevation shall be obscured glazed, and permanently retained in that condition.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 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 that Order) no enclosure or balcony shall be formed at any time on the roof of the extension hereby approved without the prior written approval of the Local Planning Authority.
- 5 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been 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.

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.

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.

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.

- 6 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
- 7 Prior to the commencement of the development details of the proposed surface materials for the car parking area shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 8 No planting within the sight line across the site shall occur.
- 9 The door opening in the northern flank shall only be used as a means of emergency escape and not as a general entrance/exit.
- 10 The hours of operation for the surgery shall be:

Monday to Friday	07.30 - 19.00
Saturday	09.00 - 14.00
Sunday and Bank Holidays	- not open
- 11 All construction/demolition works and ancillary operations (which include deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place on site between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- 13 The rating level of noise (as defined by BS4142:1996) emitted from the Plant room and any other air conditioning, condenser units, mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.
- 14 The premises shall be used solely as a doctors surgery and health clinic and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that

Class in any Statutory Instrument revoking or re-enacting that Order,.

Description of Proposal:

This application seeks amendments to approved layout of car park for doctor's surgery granted planning permission on 23 March 2005, ref. RES/EPF/2321/04. It is proposed to reduce the number of spaces for surgery car park from ten to eight.

Description of Site:

The site is located on the eastern edge of North Street, Nazeing. The site is occupied by two semi-detached houses on a rectangular plot in the urban area of Nazeing. The site is not used but was previously used as housing for Police Officers and a Police Office. Planning permission has been granted to redevelop the site to provide a doctor's surgery.

The surrounding area is residential with semi-detached and detached dwellings surround the site.

Relevant History:

EPF/0029/04: - Outline application for demolition of police houses and erection of GP Surgery. Approved

RES/EPF/2321/04: - Reserved matters application for the demolition of police station and houses, and erection of G.P. surgery. Approved

Policies Applied:

Structure Plan
None relevant

Local Plan Alterations
ST4 – Road Safety
ST6 – Vehicle Parking

Issues and Considerations:

The main issue here is whether the proposal would result in an appropriate amount of off-street parking spaces for the approved surgery and if it is not, whether any harm caused is outweighed by the benefit of securing the provision of purpose built medical facilities in Nazeing.

At the outline and reserved application stage, the Highway Authority did not have any objection to the provision of 10 parking spaces.

The car parking area would be situated at the front of the approved building. In support of their application the applicants explain that two of the parking spaces previously approved would be on land that is currently a grassed verge to North Street that is part of the public highway. They say

the extent of the Highway has only been established since the details of the development as a whole were approved. The parking spaces affected cannot, therefore, be provided without the consent of the Highway Authority, which would require a Highway Stopping Up Order. Although this might be given, this is uncertain and would in any event take some time to secure. Because of the amount of time it is likely to take to secure the land, a requirement for the provision of the two parking spaces would result in a long delay in the implementation of the approved surgery. It would also result in a continued requirement for the practice to operate from a temporary building at the junction of Paynes Lane with Nazeing Road. The applicants also say that site and funding is also unlikely to be available in the long term and securing this amendment will allow the development to progress in the near future.

When the original outline planning application for the redevelopment of the site to provide a surgery was submitted the applicants pointed out that the Primary Care Trust has been hoping to develop a permanent facility in Nazeing for some time since the nearest permanent facilities available to residents of Nazeing and Roydon are in Broxbourne and Harlow. Since then the temporary surgery at Paynes Lane has been provided but this is not considered to be a satisfactory long term solution because it is inappropriate development in the Green Belt, is situated on land at risk from flooding and is not adequately accessible by a variety of modes of transport including by foot. The need for a permanent facility without those drawbacks continues to exist.

Objections has been raised to this development by the Highway Authority on the basis that the reduced level of parking provision may result in vehicles being parked on the Highway leading to conflict and interference with the passage of through vehicles to the detriment of highway safety. In response to that objection the applicants reiterate their case for the development and went on to say that they will progress an application with Essex County Council to secure the land for the parking spaces once the scheme is secured on the reduced parking basis.

Adopted vehicle parking standards for surgeries are a maximum of 1 space per full-time staff members and 2 spaces per consulting room. The approved surgery building would have the equivalent of 4 consulting rooms (2 consulting rooms and 2 nurses rooms). In addition there would be 2 treatment/minor operations rooms, a reception, practice manager/admin, interview and meeting rooms. In support of the reserved matters application the applicants said the expected maximum number of staff on duty would be 6 and the maximum foreseeable staffing level would be 8. This translates to the maximum number of parking spaces that should be provided for the development is between 14 and 16 spaces.

The proposal is therefore for a level of off-street parking provision below the maximum permitted. There is no minimum level of parking provision required by the adopted standards. This part of North Street also an urban road subject to a 30mph speed limit with no parking restrictions. It is not unusual for cars to park on urban roads in such situations and therefore it is considered that the objection on highway safety grounds is weak and unsubstantiated. Set against the accepted wider community need for the development, the reduction in the level of car parking provision proposed is considered to be acceptable.

Conclusion:

The reduction in the amount of off-street parking provision proposed is in accordance with adopted vehicle parking standards. Some on-street parking would be generated by the approved surgery and the demand for it would increase by 2 cars as a result of this proposal, however, since this part of North Street is an urban road with a low speed limit and no parking restriction, the need for on-street parking is not unacceptable. Given the size of the approved surgery this would not result in a demand for on-street parking that could not be accommodated. The threat to the implementation of the approved surgery is real and in the circumstances the acknowledged need

for the development is outweighs the possibility that the loss of 2 off-street parking spaces might be prejudicial to highway safety. Furthermore, the objection raised is not substantiated. Accordingly, planning permission should be granted.

SUMMARY OF REPRESENTATIONS

NAZEING PARISH COUNCIL – Concerned in the reduction of parking space, North Street is a busy road and any parking on the highway could be dangerous. Object to the reduction of parking spaces.

89 NORTH STREET – Concerned only 8 car parking spaces will be available for staff and patients, North Street is a busy area and this will provoke people to park in the street who are visiting the site, even 10 spaces would not be enough yet alone 8.

72 NORTH STREET – Object to the reduction of car parking space as the parking space will not be enough for staff, sick and old patients will be less likely to walk and will use their cars, the road has recently had a number of accidents due to the high speeds of the vehicles, commercial lorries use North Street to turn around and the area at the rear of the site could be used as further parking space.

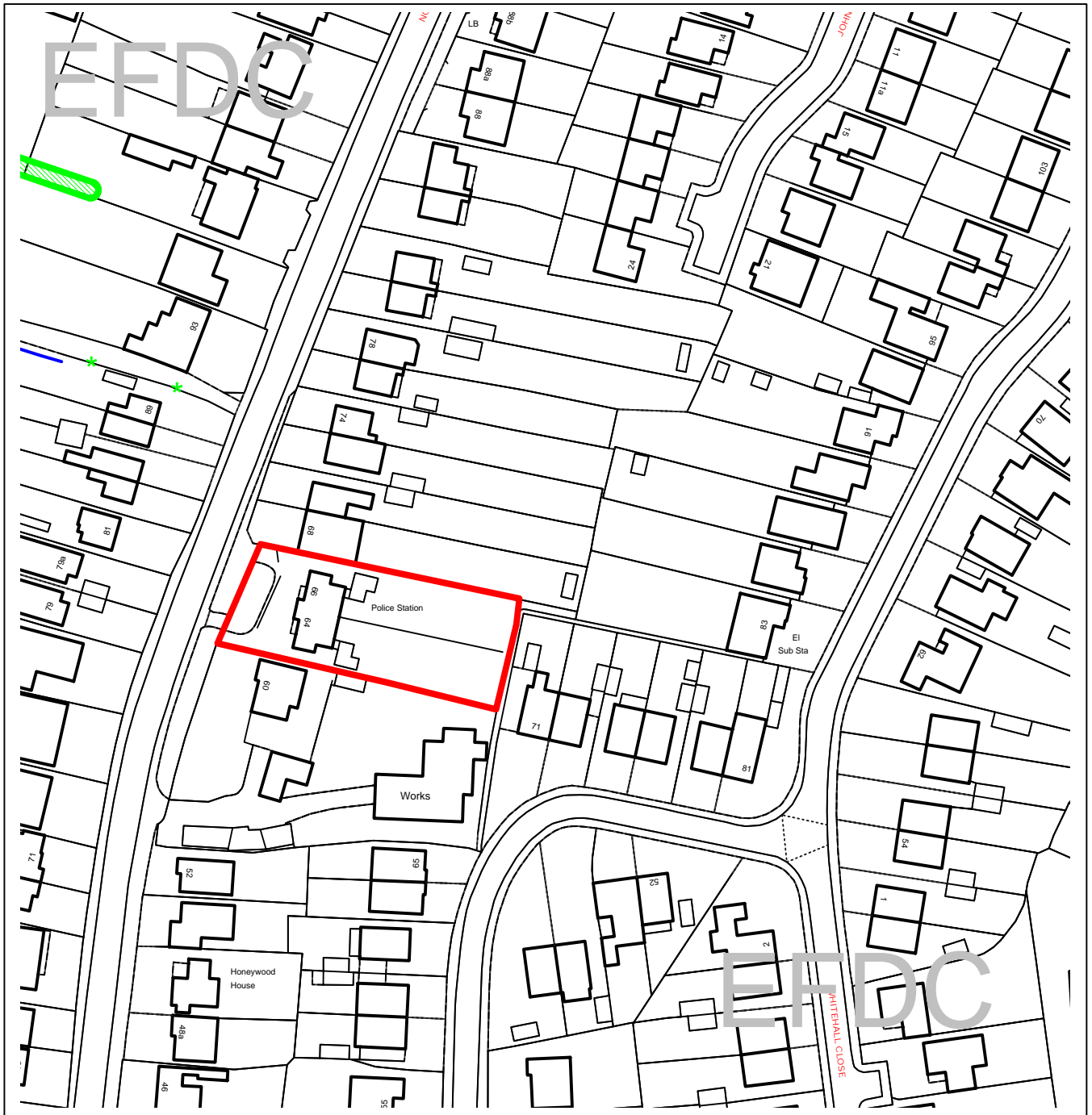
60 NORTH STREET – Concerned and object to the proposed reduction of car parking spaces for the proposed surgery. Locals are concerned with the huge parking problems with this proposal; the 10 spaces were already inadequate. Concerned about the possible parking on the highway or on neighbouring residents' property.

87 NORTH STREET – Object to the proposal as the local residents opposed the 10 parking spaces in the first instance and reducing to 8 is unacceptable. Some of the spaces will be taken by staff of which only a few will be left for patients. If patients or visitors cannot park in the allocated parking space, they will park on the road. North Street has been in the news lately with the constant stream of HGV's and speeding cars. Road safety should be taken into consideration.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	1
Application Number:	EPF/1843/06
Site Name:	64 and 66, North Street, Nazeing
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1908/06
SITE ADDRESS:	Land rear of Pecks Hill/Maplecroft Lane Peck's Hill Nazeing Waltham Abbey Essex
PARISH:	Nazeing
APPLICANT:	Mrs Frances Hodge
DESCRIPTION OF PROPOSAL:	Erection of two loose boxes for horse stabling. (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 The stables hereby permitted shall only be used for the accommodation of 2 horses or ponies for private use by the owner of the stables and shall not be used in connection with any business use.
- 3 Prior to commencement of the development hereby permitted, adequate provision for drainage shall be provided in accordance with details previously submitted to and approved by the Local Planning Authority. Such details shall include details of the design and location of manure stores. The approved drainage details shall be retained unless otherwise agreed in writing by the Local Planning Authority.
- 4 The development shall not be commenced until details of the means of access to the development from Maplecroft Lane has been submitted to and approved in writing by the Local Planning Authority. The building shall not be used until the approved details have been implemented. The details of the access including its surface shall not vary from the details approved unless otherwise agreed in writing by the Local Planning Authority.
- 5 The building hereby approved shall not be used for keeping animals until details of a walled manure store have been submitted to and approved in writing by the Local Planning Authority and the approved store constructed. Manure shall not be stored on the land other than in the approved manure store. The approved manure store shall be retained on the land unless otherwise agreed in writing by the Local Planning Authority.

Description of Proposal:

This revised application seeks planning permission for the erection of a stable building forming 2 loose boxes measuring a total of 22m² in floor area.

The building as a whole would measure 7.3 x 3.6 mm. It would have a slack gabled roof incorporating a canopy that would project 1.2m from the front wall of the building. The building would and have a ridge height of 3m while the eaves would be 2.2m high.

The scheme also proposes the formation of a new vehicular crossing from Maplecroft Lane and new accessway adjoining those serving 17 Maplecroft Lane together with an associated vehicle turning area immediately to the west of the stables.

Description of Site:

The site area measures some 4400m² and forms an L – shape around the curtilage of number 17 Maplecroft Lane. It is used as a grassed field.

This site is situated within the Metropolitan Green Belt, with the rear gardens of those properties in Maplecroft Lane just outside.

Relevant History:

Various enforcement investigations regarding the access to this site, in which excavations were begun without obtaining planning permission. The access driveway was subsequently not implemented and enforcement investigations concluded planning permission not required provided the access was not completed.

EPF/1120/06- Erection of 2 loose boxes for horse stabling - Refused

Policies Applied:

Southend on Sea and Essex Structure Plan
C2- Development within the Metropolitan Green Belt
CS2- Protecting and managing the built environment

Local Plan Policy
GB2A - General Constraint
DBE4 - Development in the Green Belt
DBE9 – Impact on amenity and neighbouring properties
RST4 - Horse-keeping
RST5 - Stables

Issues and Considerations:

The key issues for consideration relevant to this proposal are the acceptability of the stable building in terms of the Green Belt location, the suitability of this area of land for the keeping of 2

horses, the impact upon the amenities of neighbouring properties and highway considerations. In addition, whether the previous reasons for refusal have been addressed in this revised application.

Green Belt Considerations

Green Belt policy as set out in the Development Plan and PPG2 states that, in principle, small-scale buildings for use in association with sport and recreation is not inappropriate development within the Metropolitan Green Belt. These stables are small in size and from a visual impact perspective, would not detract from the open character of the Green Belt. Whilst the Parish Council objections are noted regarding a new building in the Green Belt, this application does not conflict with the reasons for including land within this policy designation.

The main concern in terms of Green Belt policy, as detailed in PPG2, is that of 'openness'. This current revised application has moved the loose boxes to the far south east of the site, (which occupies lower ground) and the site is generally well screened at the eastern boundary. On this basis, the nature of the 'built' development on the site is minimal and in an appropriate location.

In essence, this is a rural area and as such it is not unreasonable for the land to be used for the grazing of horses. The scheme only intends to provide a small loose box for the keeping of 2 horses (or ponies), which is perfectly acceptable in light of Green Belt policy. Perhaps of greater concern is the provision of adequate space, (both grazing and stabling) to meet adequate standards in terms of horse welfare. These issues are discussed in the ensuing subsections below.

Amenities of residential properties

The application site is located on the edge of the Green Belt close to residential properties, in particular number 17 Maplecroft Lane. The stables are located some 45m from number 17 and whilst the occupants of this property feel this is an obtrusive location, given the low height of the stables (3035mm) the visual impact would not be excessive.

The site is currently unused pastureland, although the new use of the site will not lead to an excessive intensification of the site. The imposition of a planning condition can ensure that the stables are only used for the keeping of 2 horses for domestic purposes and on this basis additional traffic movements in the area will be minimal. Furthermore, the impact of the very low numbers of vehicles using the access to the site on the occupants of neighbouring houses would be mitigated through its separation from them by the existing access to number 17 Maplecroft Lane.

There is some potential for odour nuisance as a result of this stabling proposal and this has been the source of some objections from neighbours in the locality. However, provided manure is stored in an appropriate walled manure store with a concrete base, then the amenities of the residential properties close by are unlikely to be adversely affected by odours. The above requirement has been requested by Land Drainage as a condition to any planning consent granted, although it is likely to be the applicant's intention to provide this facility regardless.

Site Suitability and horse welfare

The stables comply with the requirements of the Countryside Commission, (previously the Countryside Agency and now Natural England), for a suitable sized stable in terms of horse welfare. The scheme therefore provides an acceptable compromise between the constraints of Local Plan Green Belt policy GB2A and the welfare of the animals to be accommodated.

The Countryside Commission recommended that between 0.6 and 0.8 Ha of pasture can provide grazing for a horse during the summer months. The previous application was refused partly because the applicant had not demonstrated that this area of land (approximately 0.4 Ha) could suitably accommodate 2 horses. This may be dependant on other factors rather than solely the area of land provided, such as extent to which grazing is relied upon for food.

In light of the above, the applicant has now provided sufficient information regarding the keeping of horses on the site. It is proposed that the site will be used for the keeping of Welsh ponies and that furthermore supplementary feeding of hay and pony feed will be required in addition to the grazing land. This information therefore satisfies the principles detailed in Local Plan policy RST5.

Highway, and boundary considerations

This proposal is for only 2 horses and on this basis would not present any undue strain on local right of way infrastructure and use of public open spaces as detailed within the policy RST4. It is intended that this proposal be for private use and not for a commercial livery, (although the applicant does not live in the vicinity). A planning condition can also be added to any consent ensuring that the stables are solely for domestic use and in no way permitted for commercial purposes.

Policy RST 5 states that adequate parking is also required to be provided in association with the erection of stables. Information regarding the above was also lacking in the previous application, although some further details have now been provided. The exact nature of the layout and surfacing of the access and car turning area can be ensured through the imposition of the relevant planning condition.

The fencing to be provided is appropriate for the keeping of horses as detailed in policy RST4 and consists of existing mature hedging.

Conclusion

The revised application adequately addresses the previous reasons for refusal. The scheme is acceptable both in Green Belt terms and the location is not considered to now impact upon the amenities of number 17 Maplecroft Lane. On this basis approval is recommended.

SUMMARY OF REPRESENTATIONS RECEIVED

NAZEING PARISH COUNCIL - Object. Location is close to neighbouring properties and the movement of traffic will increase noise and traffic in the area. Also the stables are a new building in the Green Belt.

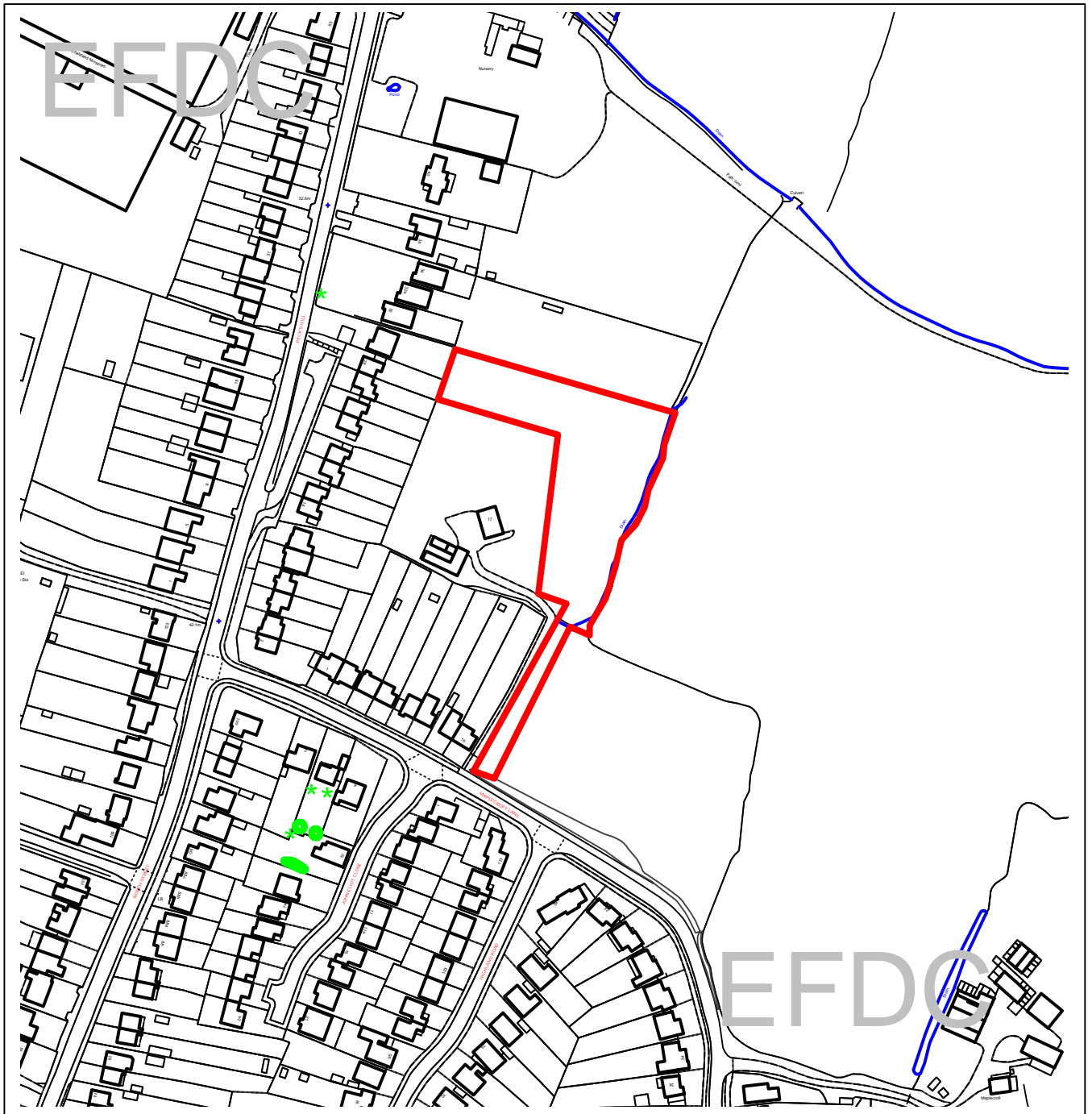
15 MAPLECROFT LANE - Horse boxes only 10 yards from the boundary therefore impact upon amenity. Size of site inadequate for number of horses. There is no existing access to the site and car park area inadequate for the turning of vehicles.

17 MAPLECROFT LANE - Disturbance due to the coming and going of people. Visual impact of stables as well as amenity, (noise and smell). No access to site and development inappropriate in the Metropolitan Green Belt.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	2
Application Number:	EPF/1908/06
Site Name:	Land rear of Pecks Hill and Maplecroft Lane, Nazeing
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/1451/06
SITE ADDRESS:	Tower Nursery Netherhall Road Roydon Essex CM19 5JP
PARISH:	Roydon
APPLICANT:	Mr & Mrs G Abella
DESCRIPTION OF PROPOSAL:	Extension to existing glasshouses.
RECOMMENDED DECISION:	GRANT (subject to the prior completion of a section 106 agreement)

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 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.
- 3 The development shall be carried out in accordance with the amended plans received on 27/10/2006 unless otherwise agreed in writing with the Local Planning Authority.

It is further recommended that this application is also subject to the prior completion of a **Section 106 Agreement** to secure landscaping on land owned by the Lee Valley Park Authority to the north of the access road and the landscaping on the application site to details and specifications to be set out in the Agreement.

Description of Proposal:

The proposal is for an extension of the existing 15,900m² northern block of glasshouses at Tower Nursery towards Netherhall Road by a distance of 51.2m. It would result in an additional 2500m² being under glass. The extension would wrap around existing water storage tanks that would be retained. Landscaping is proposed on a 650m² triangular area of land that would separate the extended glasshouse block from Netherhall Road.

The extension to glasshouses will be constructed of the same materials as the existing block with its overall height at 4.23m matching that of the existing block. The overall width of the extension would be marginally narrower than that of the existing block.

Description of Site:

The site is located on the eastern side of Netherhall Road and is on the northern side of the nursery unit, known as Tower Nursery. To the north and to the west are open fields, with the land to the north known as Netherall Common and being in the ownership of the Lee Valley Regional Park Authority. Glasshouses at Tower Nursery and Netherhall Nursery continue to the south of the application site on the east side of Netherhall Road. Southwest of the site on the west side of Netherhall Road and set back from it a distance of 30m is the remains of Netherhall, a scheduled Ancient Monument. A row of closely planted mature trees serves as a substantial visual barrier between the road and the scheduled Ancient Monument.

The site is situated within the Metropolitan Green Belt and the Lee Valley Regional Park. It is not in a Conservation Area and no public footpaths pass near the proposed extension.

Relevant History:

This nursery site has a long and complex history. The planning applications most pertinent to this current scheme are as follows:

EPF/455/93- Outline application for the erection of glasshouses- refused

The above application was also dismissed on appeal

EPF/123/99- Outline application for horticultural glasshouses- refused

The above application was allowed on appeal

EPF/96/00- Proposed erection of glasshouses- approved

Policies Applied:

Structure Plan

CS2 – Protecting the Natural and Built Environment

C2 – Development Within the Metropolitan Green Belt

Local Plan

GB2A - Development within the Green Belt

GB11A - Agricultural buildings

DBE4 - New buildings within the Green Belt

E13A - new and replacement glasshouses

Issues and Considerations:

This application represents acceptable development within the Green Belt in principle and the location of the site within a designated employment area, (Local Plan Alterations policy E13A) is also an appropriate one in terms of the relevant planning policies. On this basis, the key issues to consider are the overall impact on the openness of the Green Belt, landscaping, highways, flooding and drainage issues. Also relevant is whether the extension would affect the setting of a Scheduled Ancient Monument.

Green Belt policy and landscaping

Essentially, the impact of the surrounding landscape and appropriate landscaping is the most important issue in relation to this scheme.

The site was not originally part of the Lee Valley Regional Park at the time of the 1966 Act, although it was incorporated into the park boundary in 1972 with the aim to relocate glasshouses from elsewhere in the park. This intended relocation did not happen and the area was sold to UK Salads Ltd in 1992 for the extension of their nursery.

In terms of the impact on the openness of the Green Belt, the visual impact is particularly noticeable from the north and to a lesser extent from the west. Views from the south and east are from within Tower Nursery and therefore are not so sensitive.

The Lee Valley Regional Park has concerns about the lack of landscaping to the north of the site access. It is noted that landscaping is indeed lacking on this boundary and furthermore that it should form an integral part of the scheme. Conversely, for this development to be a viable proposition for the applicant, a reduction in area of the glasshouses is not practicable. In resolution of these 2 conflicting priorities, given that the land is outside of the site area, the most appropriate step to take would be for both parties to enter into a section 106 agreement. This has been suggested to both the Park Authority and the applicant and agreement has been confirmed in writing that, in principle, a Section 106 agreement to secure off-site landscaping would be agreeable.

It has also been negotiated with the applicant and the Lee Valley Regional Park that the triangular area to the west of the glasshouses will also be used for landscaping and not for the manoeuvre of vehicles. On this basis the visual impact from the glasshouse extension when seen from the north and west will be mitigated and acceptable in light of Green Belt policy. This view is consistent and not in conflict with the appeal decision in 1999 on the site, in which the inspector concluded that the 'proposed development would add a further strip of glasshouses...but relatively shallow in relation to the glasshouse area as a whole. The proposed development would not therefore not form such an extensive salient into the open part of Netherhall Common'.

Flood Risk Issues

This scheme also raises the issue of increased flood risk to the locality, which is a concern expressed by the Parish Council. This includes the use and capacity of the existing sustainable drainage system on site and also additional strain to the drainage ditches along Netherhall Road.

The applicant contends that the current sustainable drainage system can adequately cope with the increase in runoff from the glasshouse extension, despite the development site being designated as a runoff attenuation area as part of the previous application. Whilst precise drainage calculations have not been provided with this application, given that Land Drainage have not objected in principle since they feel an engineering solution can be forthcoming and that this development is an extension to existing glasshouses, it is considered that the imposition of a relevant planning condition can ensure these concerns are addressed prior to development commencing.

Highways issues

County Highways have been consulted and have no objections to the possible extra traffic generation from the glasshouses. Given that this is only an extension to existing glasshouses, it is not anticipated that additional vehicle movements on site will significantly increase.

Impact on setting Scheduled Ancient Monument

The Scheduled Ancient Monument is separated from the site by a distance of 45m including a road and existing robust tree planting adjacent to the monument. Moreover, further landscaping is proposed between the extension and east side of Netherhall Road. In the circumstances the proposed extension would not have any discernable impact on the setting of the Scheduled Ancient Monument.

Conclusion

To conclude, the impact upon the openness of the Green Belt can be mitigated through a legal agreement, to ensure that a proper scheme of landscaping is carried out. In addition, whilst there are concerns regarding additional runoff, a full flood risk assessment to include runoff calculation can be imposed through condition to a planning consent. The proposed extension would also have no discernable impact on the setting of the Scheduled Ancient Monument. In light of the above, approval is therefore recommended.

SUMMARY OF REPRESENTATIONS RECEIVED

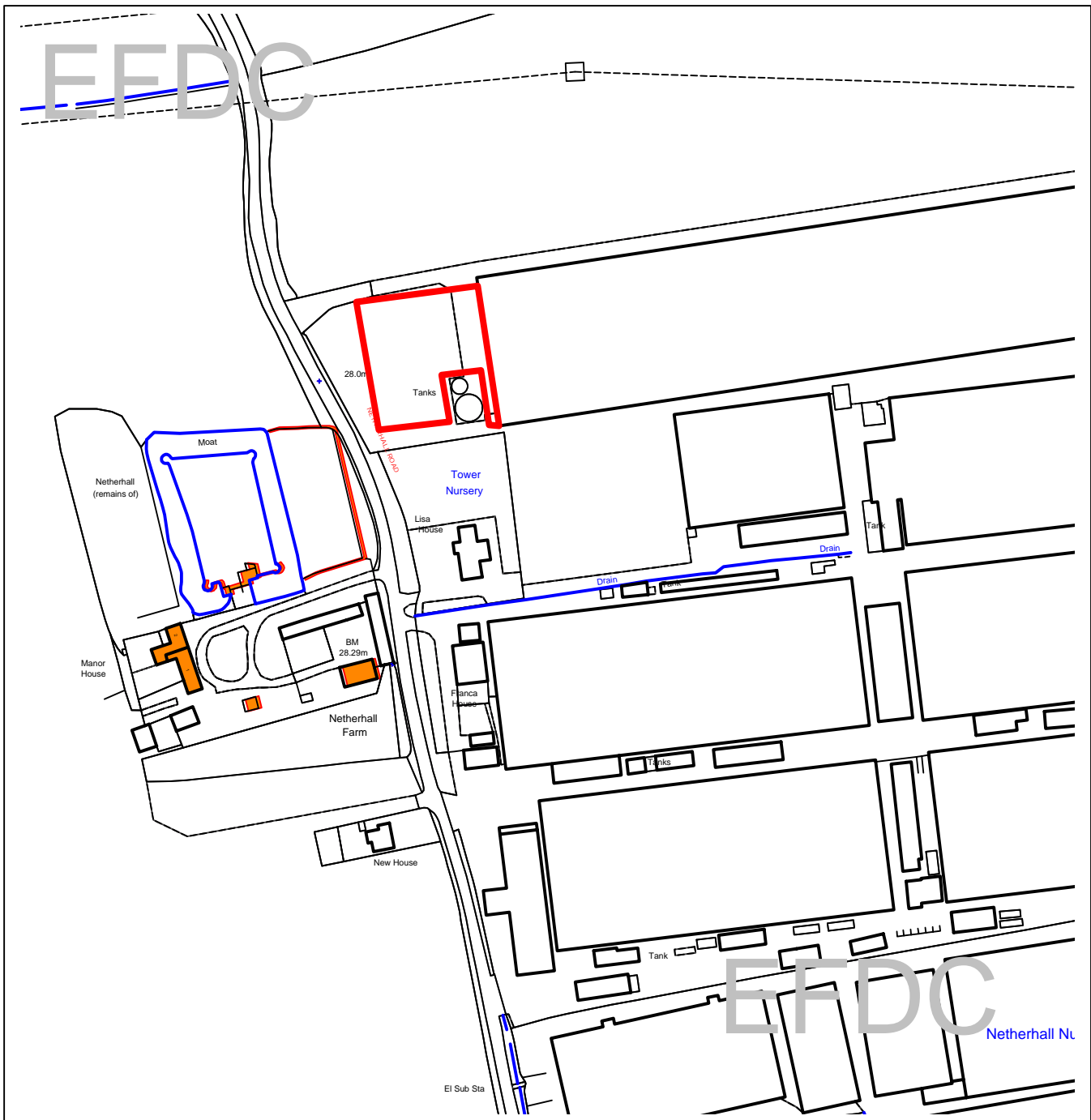
PARISH COUNCIL - Concerned regarding water rainfall runoff arrangements and the flooding of ditched along Netherhall Road.

57 HIGH STREET, ROYDON - There should be tree planting along the road frontage given the rural location and relationship to a very significant historical site. Netherhall Road is subject to flooding and therefore the impact of the development on the potential for flooding should be carefully considered.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	3
Application Number:	EPF/1451/06
Site Name:	Tower Nursery, Netherhall Road, Roydon
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1680/06
SITE ADDRESS:	The Limes/White Lodge Sewardstone Road Waltham Abbey Essex E4 7SA
PARISH:	Waltham Abbey
APPLICANT:	Silver Property Development Company
DESCRIPTION OF PROPOSAL:	Outline planning application for redevelopment of site to provide 119 dwellings, car parking, community use, shop, means of access and other works ancillary to the development.
RECOMMENDED DECISION:	REFUSE

REASONS FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. The proposed works represent inappropriate development and are therefore at odds with Government advice, as expressed in PPG2, the policies of the adopted Local Plan and the Approved Essex Structure Plan. The latter 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. In the view of the Local Planning Authority the application does not comply with these policies because the exceptional circumstance proposed are not considered to outweigh the harm to the openness of the Green Belt as a result of this development.
- 2 The development involves a new access onto Sewardstone Road, which is a main distributor road, the principle function of which is to carry traffic freely between major centres. As such this scheme compromises this function and is therefore contrary to policy T7 of Southend on Sea and Essex Structure Plan and policy ST4A of the Adopted Local Plan.
- 3 The location of the development relates poorly to existing service centres within the Epping Forest District and represents further ribbon development along Sewardstone Road. As such this application is contrary to Local Plan Policy GB16A.
- 4 This site is divided by the White Lodge ordinary watercourse and some of the western area of the site is also at risk from flooding. From the initial flood risk assessment supplied, the Local Authority is not convinced that the development will not increase the risk of flooding either on site or elsewhere. As such this is contrary to Local Plan policy U2A of the Adopted Local Plan.

Description of Proposal:

This application seeks outline approval for the development of the site to provide 119 homes, car parking, community shop, means of access and other works ancillary to the development.

The housing type is intended to be a mix of semi detached houses and flats of 2 or 3 storeys in height with an indicative amount being 52 flats and 67 houses and maisonettes.

The development proposes the provision of 80% affordable accommodation and 20% for private ownership.

Matters of siting, design, landscaping and external appearance are all reserved for subsequent approval, the means of access however is not a reserved matter.

Description of Site:

The site is situated on the eastern side of Sewardstone Road (A112) and covers an area of approximately 4.1 ha. To the southwest of the site stands a single dwelling known as 'White Lodge' and immediately to the north of this property is the remains of 'The Limes', another dwelling which has subsequently been demolished due to fire damage.

There is a watercourse which runs through the development site (known as the White Lodge Brook ordinary Watercourse), which runs approximately east to west. Preliminary sketches submitted with the application indicate that there are to be 2 road bridges crossing this channel.

To the south of the site is a corridor of land owned by the conservators of Epping Forest, which runs adjacent to the site from east to west, beginning from the Sewardstone Road. Within this strip of land is a public bridleway, (reference number 77).

The site is located wholly within the Metropolitan Green Belt.

Need for Environmental Impact Assessment (EIA):

The development proposed falls within the description at paragraph 10(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, and exceeds the threshold in column 2 of the table in that Schedule. However, in officers opinion, having taken into account the criteria in Schedule 3 of the 1999 Regulations and having regard to the information included with the application, the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location. Accordingly, the development for which planning permission is sought is not EIA development.

Relevant History:

EPF/139/93- Outline application for demolition of 2 existing houses and erection of 4 new houses of 2500sq feet each- Refused.

EPF/1111/95- Demolition of 2 houses and outline application for block of 14 flats- Refused.

EPF/533/96- Outline application for demolition of 2 houses and erection of 2 no. 2 storey blocks of 4 flats with car parking areas; plus clearance of all redundant kennel buildings and hard standing areas rear of site- Refused.

EPF/823/97- Outline application for the removal of kennels, hard standing and 2 houses and replacement with 2 new houses- Approved.

EPF/456/98- Reserved matters application for 2 replacement dwellings- Approved.

EPF/1607/99- Conversion of 2 no. detached houses into 8 self contained flats- Approved.

EPF/1775/01- Revised application for a replacement dwelling- Approved.

EPF/218/05- Change of use of land and erection of replacement building for restaurant with ancillary use (revised application)- Withdrawn.

EPF/1205/06- Renewal of planning permission EPF/1775/01 for a replacement dwelling- Approved.

Policies Applied:

National Government Guidance

PPS1 – Delivering sustainable development

PPG2 – Green Belts

PPG3 – Housing

PPS3- Consultation paper on a new Planning Policy Statement 3

PPG Note 3- Housing update: planning for sustainable communities in rural areas

PPS7 – Sustainable development in rural areas

Supplementary planning guidance

The Essex Design Guide

Southend on Sea and Essex Structure Plan

CS2 – Protecting the Natural and Built Environment

CS4 – Sustainable New Development

C2 – Development within Green Belt

H2 – Housing Development – The sequential approach

H3 – Location of residential development

H5 – Affordable Housing

T1 – Sustainable Transport Strategy

T3 – Promoting Accessibility

T7 – Road Hierarchy

Adopted Local Plan (July 2006)

CP1- Achieving sustainable development objectives

CP2A- Protecting the quality of the rural and built environment

CP3A- New Development

CP4A- Energy Conservation

CP5A- Sustainable building

CP6- Achieving sustainable urban development patterns

CP7A- Urban form and quality
CP9A- Sustainable transport
GB2A – General Restraint
GB16A – Affordable Housing
DBE1 – New Buildings
DBE2 – Impact of buildings on neighbouring property
DBE4 – Design and location of new buildings within Green Belt
DBE8 – Private Amenity space
DBE9 – Amenity
H3A- Housing Density
H5A- Affordable Housing
H6A- Site thresholds for affordable housing
H7A- Levels of affordable housing
LL2 – Resist inappropriate development
LL10 – Retention of trees
LL11 – Landscaping schemes
U2A- Development in flood risk areas
ST1A- Location of development
ST2A- Accessibility of development
ST6A – Vehicle Parking
ST7A– Criteria for assessing proposals (new development)

Issues and Considerations:

The key issue for consideration relevant to this outline application, is the appropriateness of the proposal in light of Green Belt policy constraint. This includes a consideration of the special circumstances proposed to justify the scheme in light of this policy. This analysis and other matters related to the proposal are discussed below as follows:

- 1) Green Belt Constraint and sustainability
- 2) Affordable Housing provision
- 3) Renewable energy provision
- 4) Highways issues
- 5) Trees and landscaping
- 6) Proposed design and Layout
- 7) Flood risk issues

In support of this application, the applicant has provided a draft Heads of Terms for a Section 106 agreement to the Planning Authority, some of which forms the basis of the special circumstances proposed in support of the application. These terms are briefly summarised below:

- *Affordable Housing:* Prohibition in perpetuity against the occupation of Affordable Dwellings for any purpose other than as Affordable Housing by a qualifying person. Prohibition of the occupation of any of the market dwellings until all of the affordable dwellings have been constructed and the prohibition of the occupation of more than 50% of the market dwellings until all of the affordable dwellings have been transferred to a Registered Social Landlord (RSL). It would be furthermore required that the RSL provide a lettings plan to the Council prior to any occupation of any of the affordable dwellings.
- *Sustainable housing design:* A commitment to retaining trees on site, construction methods to ensure a reduction in carbon emissions, rainwater harvesting technology, solar panels, ground source heat pumps, water saving devices, timber products from sustainable sources and dwelling to achieve an 'excellent' Ecohomes standard in accordance with Lifetime Homes Standards.

- *Landscaping:* Access for occupiers to the surrounding woodland and removal of 'permitted development rights' for the occupants of the new dwellings.
- *Donation of woodland and widening of Bridleway:* Transfer of an area of woodland to the Corporation of London and bridleway improvement, should the Corporation of London be willing to enter into this agreement.
- *Socially inclusive housing mix:* Affordable dwellings will not be readily identifiable from the market dwellings. The dwellings will conform to the Essential Requirements of Housing Corporation Development Standards as issues by the Housing Corporation.
- *Community facility and shop:* Prohibition against more than 50% of the dwellings before completion of works to construct the community facility and shop on site. A Community Use Management Plan would also be submitted to the Council with details of management body, hours of access and those groups to benefit from the facility.
- *Off-site Highways Improvements:* The agreement to prohibit against occupation of the development before the completion of off-site highway works. This includes commitments to restrict access to the development view the northernmost access, take appropriate measures to close off the middle access entirely and take appropriate measures to ensure that the southernmost access is used by pedestrians and cyclists only.
- *Measures to promote alternatives to the car:* To prohibit the occupation of the development until the submission of a travel plan to be approved by the Council. This plan to include at the developers cost a bus pass for each dwelling for a period of 12 months commencing with the dwellings' first occupation enabling free travel along Bus Routes 215, 505, 379 and 853 between the site/Chingford, the site/Walthamstow and the site/Waltham Abbey or alternatively an allowance for each dwelling for the purchase of a bicycle.
- *Education Contribution:* Developer to pay to the Council an education contribution to be agreed with the Local Authority prior to development and prohibition against the commencement of development until this contribution has been paid.

Applications on this scale within the Green belt are rare, and there will no doubt be mixed opinions as to the merits of the scheme. Many of the details of the development may be familiar, as members have already received a presentation from the applicants. This report focuses on the key planning arguments.

1) Green Belt Constraint

This scheme, despite the provisions contained within the suggested legal agreement, amounts to inappropriate development within the Green Belt. Government Guidance in PPG2 makes it very clear that inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The core of this proposal turns, therefore, on whether the overall scheme provides those very special circumstances.

Those special circumstances (which are detailed along with other provisions within the Draft Heads of Terms), are contained in the following provisions:

- Provision of 80% affordable accommodation

- Sustainable building design in a sustainable location
- Provision of community facilities
- Promotion of public transport
- Use of renewable energy and water conservation technologies
- Improvements to the ecological value of the site and donation of land to the Conservators of Epping Forest.

The above special circumstances are examined in the ensuing subsections of this report. However, notwithstanding the above provisions associated with this scheme, due consideration must be paid to the impact of this development on the character and appearance of the area and specifically on the openness of the Green Belt. In addition, the principle policy conflict of allowing development on land which serves several crucial purposes and underlines why this land in particular is included within the Green Belt.

The applicant contends that this section of land is 'more a part of the built up area than the open Green Belt area to the north' and that furthermore that the site is in fact 'Brownfield land' and in accordance with the government objective for 60% of housing to be sited on Brownfield land. In addition, a strong emphasis is placed on the apparent contaminated state of the site from previous uses and that a distinction should be made from the 'strong Green Belt which surrounds it'. However, government guidance within PPG2: Green Belts, makes no distinction between the 'quality' of the landscape and this should not be a material consideration or a factor in its' continued protection.

In light of the above, whilst there is agreement that the site is in a state of neglect from previous uses, it remains predominantly open, with previous buildings on the land having been removed as a condition of the planning permission for dramatically less intensive form of development, (EPF/823/97). National policy does not support a scheme for housing development on the proposed scale simply because of the condition of the land. It would furthermore be an inaccurate description to label this application as 'urban regeneration' given the land is not within an urban area.

The land, despite its condition, fulfils several of the five main purposes of including land within the Green Belt. It clearly serves to check the unrestricted sprawl of a built up area (in this case Chingford) and as such it assists in safeguarding the countryside from encroachment. To this end, the land in its current state is fulfilling this designation. Whilst previous approval has been granted on site for a replacement dwelling, this relatively small scale approval is incomparable and cannot be compared to complete redevelopment of the site for 119 homes.

At a wider level, the site of the development is a fundamentally a poor one for a large residential development. The core policy objectives as detailed in PPS7, are to focus development in or next to existing towns and villages and to discourage the development of Greenfield land. This is reflected in the key principles of the guidance that development should be carefully sited and that accessibility should be a key decision. Further reflection of PPG3 housing, gives a similar analysis that development should be focused on existing towns and crucially, identified service areas.

In light of the above, this site is a currently undeveloped part of Sewardstone Road and is neither within an established recognised settlement (with strong existing services provisions), or a site which has been identified within the local plan as a desirable site for small scale affordable homes. (Local Plan policy GB16A).

On this basis, the site of this development does not integrate well with the core policies of the current Local Plan. Notably sustainability objectives and appropriate locations for new development set out in policies CP1A, CP3A, CP6A, CP9A, ST1A and ST2A.

In terms of Local Plan Green Belt policy, GB16A states that consent may be granted for the small scale housing schemes within existing smaller settlements. Suitable sites are identified within the Local Plan Alterations, which specifically states Sewardstone is not a location that would be appropriate for such a scheme. The general site would represent urban sprawl rather than an extension to an existing Epping Forest settlement. Green Belt status washes over much of the Epping Forest District and other sites that are in poor physical condition could be found to have no apparent 'use' and in need of 'improvement'. However, ad hoc development, which in this case would contribute to ribbon development along the Sewardstone Road, does not meet with the spirit and principles of this Local Plan policy exception detailed in GB16A.

2) Affordable housing provision

This aspect of the proposed development provides the most compelling 'exceptional circumstance' within the application for the Epping Forest District. The proposed 80% affordable accommodation would provide a healthy contribution to the housing targets for the District, of which there has been an identified need. (Epping Forest District Housing Needs Survey, 2003).

The Local Authority's Housing Services, together with the applicant and Moat Housing (the Council's selected Preferred RSL Partner for this proposed development) have led to an agreement in principle that the 80% affordable housing would be provided by Moat Housing as follows:

- 60% (of the 80%) would be social rented accommodation, with affordable rents set at levels in accordance with Housing Corporation guidance.
- 40% (of the 80%) would be shared ownership - a form of 'low cost home ownership', whereby applicants purchase, and get a mortgage for, usually between 40% and 80% of the equity (depending on their means), and then pay a pro-rata affordable rent to the housing association for the remaining equity.

The above provision is noted as a generous proposal towards affordable housing need, although crucially the deficiencies of the scheme again relate to the greenfield nature of this site and Green Belt policy. This scheme is not the only application offering such a high percentage of affordable accommodation in the District, and as such this special circumstance is not unique.

In addition to the above, the evidence suggests (Epping Forest District Council Housing Needs Survey 2003) that the projected need for affordable housing in the District of 642 units per year over the 8 year period until 2011, is unlikely to be met from new delivery or conversions. On this basis, schemes such as this which erode the vulnerable areas of Green Belt on the urban fringe, are not long term solutions to tackling affordable housing need within the District.

As a separate issue, this application does not demonstrate how the Local plan commitment for 10% of large schemes to be constructed in accordance with the 'Lifetime Homes' Standard, will be incorporated into this development. This policy is intended to ensure that ease of access and movement for those with limited mobility is built into the design stage, in accordance with standards set by the Joseph Rowntree Foundation, as detailed in policy H9A.

3) Renewable Energy Provision

As part of the very special circumstances to support this scheme, the development proposes to use where practicable, renewable energy sources. In addition, the initial intention for dwellings to achieve at least a 'very good' Ecohomes rating has been raised to 'excellent' within the draft Heads of Terms recently submitted by the applicant.

In terms of renewable energy, the following systems are proposed:

- Solar panels
- Geothermal ground source heat pumps
- Rainwater harvesting

The above provisions within the development are welcome and in accordance with the core policies of the recently adopted Local Plan. However, the design and access statement, Planning Statement and draft Heads of Terms do not detail specifically which houses will benefit from these initiatives. Furthermore, whilst the accompanying design and access statement claims the renewable activities will reduce CO² emissions, there is no breakdown and quantifiable figures for this claim.

If the scheme aspires to provide exceptional circumstances beyond Local Plan policy CP5 (sustainable building), then a more detailed breakdown should be provided.

In light of the above, the provision of renewables within this development is unlikely to amount to exceptional circumstances to justify development within the Green Belt. The mere inclusion of renewable energy 'off set' should not be considered 'exceptional', but a necessary element of any large scheme. This is in light of emerging policy, particularly that of the Local Plan Alterations core policy CP5A. A more detailed breakdown of how the renewable provision would work on site would be required, if consent was granted for this scheme.

4) Highways Issues

The Highways Authority object to this proposal on a single, although fundamental issue. This is the increased use and intensification of the A112, Sewardstone Road. Sewardstone Road, is a main distributor route, of which the primary function is to carry traffic freely and safely between major centres within the region. On this basis, a new or intensification of an access is contrary to this function and should be refused.

The applicant has argued that the policy provides an opportunity for development to proceed if there is an 'overriding public need'. The overall scheme, it is argued, together with the Traffic Assessment, sustainable location and Section 106 contributions, is a strong case for overriding this policy. In addition, the enforcement of this policy would 'sterilise development of the site' which is contrary to government guidance to support the use of 'brownfield' land.

However contrary to the above assertions, as previously discussed within the Green Belt sub section, this is not an urban brownfield site and should not be assessed under this criteria. The development relates poorly to the existing highway hierarchy (structure plan policy T7 and Local Plan Policy ST4A) and the above circumstances are not considered to outweigh the objections of the highways Authority.

In terms public transport provision, the site would benefit from a regular bus service into Chingford, although public transport provision to serve the Epping Forest District is somewhat poorer at this site. Essentially the development could benefit from the current bus services around Chingford, although in terms of local shops and services, (notwithstanding the proposed shop on site) the residents are likely to be largely car dependant.

5) Trees and Landscaping

The preserved trees are (along with others) are a constraining factor for the final layout of built development on site. Whilst landscape consultation has concluded that preserved trees on site would grow better if the site were to remain as open Green Belt, the imposition of the relevant planning conditions can ensure that the 95% of the existing trees on site which are intended to be retained, are protected.

To the schemes' merit, the development proposes to encourage nature education and information throughout the site, with barrier planting reinforcing strong boundaries and bat and bird boxes to encouraged natural diversity and nesting.

6) Proposed Design and Layout

Although matters of design and layout are reserved for subsequent approval, the applicant has provided an indicative layout to explain the appropriateness of the site for the scale and nature of new development. In this instance it is relevant to reiterate that the site will be fundamentally constrained in terms of design and layout, by the existence of the watercourse (and subsequent engineering requirements discussed in the subsection below) and the protected trees.

The density, in terms of emerging Planning Policy Statement 3 guidance, is within an acceptable range at 38 dwellings per hectare. This is not ideal in terms of the most efficient use of land, although the very location of this site within the countryside, means that a high density is not appropriate.

The proposed layout contains several flaws which are contrary to *The Essex Design Guide* principles. Namely, there are too many spaces between and around the houses and the numerous parking areas break up the street scene, hindering the enclosure of spaces through new buildings in the development. Furthermore, there are too many detached and semi detached house types, which results in a lack of variety of different buildings, in which to form specific functions within the overall design.

For example, the design is particularly weak in enclosing space through buildings rather than landscaping. This is particularly evident with reference to the central open space feature of the plan. The buildings which front this space are fragmented and provide poor definition in terms of street scene.

To conclude, the layout is neither that of a rural low dense form, or a higher density suburban layout. This again is related to the poor location of this development. Given that a higher density is not appropriate in this location, (in accordance with Local Plan policy CP7), the development might at least seek to minimise the built form on site and conform to urban design principles, by concentrating the buildings to the lower western side of the site. The thin spread of new buildings over the entire hill side, (adding to the existing residential suburban sprawl along Sewardstone Road) is neither an efficient use of land or a particularly sustainable form of development, which is in turn illustrated by the indicative site plan.

7) Flood Risk

In terms of flood risk, the Environment Agency has raised 4 specific concerns with regard to this development scheme. Firstly, the application may present a significant flood risk from the generation of surface runoff and that furthermore the application is not accompanied by a Flood Risk Assessment. Secondly, the White Brook Ordinary Watercourse runs directly underneath the site location. The location of this development will therefore restrict access for future maintenance, thus prejudicing flood defence interests. Thirdly, There is insufficient information

provided to fully assess the proximity of the proposed development to the White Lodge Brook. Lastly, there is insufficient information provided to determine the acceptability of bridge design.

The Environment Agency have supplemented the above on concerns with a number of mitigating measures to overcome these issues. Namely, the submission of a full flood risk assessment, the opening up of the culvert watercourse, the provision of a buffer strip at least 5m wide from the watercourse and the provision of full plans and cross sections of the bridges.

In light of the above, the site layout is fundamentally constrained by the Ordinary Watercourse which runs through the development site. The applicant has responded to the Environment Agency concerns and whilst it is not believed to be possible to totally open the culvert because of the roads which will cross the site, partial opening is hoped to be negotiated with the Environment Agency, through the relevant detailing in the Section 106 Agreement.

With regard to the other concerns, the applicant has also committed to the 5m buffer strip being imposed from the nearest edge of the culvert, in order to ensure that future flood defence is not prejudiced. This commitment, combined with the future submission of bridge designs can overcome these objections from the Environment Agency.

To date, only a 'Level 1 Flood Risk Assessment' has been submitted to the Local Authority in support of this development scheme. This reports essentially advises on the extent of the work required to produce a full Flood Risk Assessment, which will include evidence that the runoff rate can be balanced to the Greenfield runoff rates and evidence of the use Sustainable Drainage Systems (SUDs). In consequence, the applicant has recently submitted a 'level 2 full flood risk assessment' for the consideration of the Environment Agency.

To conclude this subsection, the reservations and concerns of the Environment Agency have in part been addressed by the applicant, although clearly there are outstanding issues regarding the watercourse and its impact upon design and site layout. However, at this juncture a full flood risk assessment has not been considered and approved by the Environment Agency. On this basis this uncertainty is reason in itself for refusal in accordance with Local Plan policy U2A.

Conclusion:

This application on the face of it has, with the provision of 119 homes 80% of which would be affordable, clear advantages and benefits to Epping Forest District. In addition, the provision of a range of renewable energy features within the development is both a bold and welcome feature of this proposal. The site will also be visually improved and the developer offers attractive short term incentives to encourage sustainable uses of transport in the locality.

The scheme however possesses fundamental deficiencies insomuch as the location is poor in sustainability terms. The site has no relationship with an existing community or recognised settlement or to existing service nodes, a principle factor for exceptional development in the countryside, as detailed in PPG7 and Local Plan Policy GB16A.

Whilst the site benefits from a regular bus service to Chingford, other public transport in particular that which serves the Epping Forest District is lacking. The development is therefore likely to result in a high car dependency for new residents. In addition, Sewardstone Road serves an important function as a distributor of vehicles between service centres and this development jeopardises this function.

The incorporation of energy saving principles with the submission does not demonstrate in quantifiable terms the extent of such provision, nor does it provide convincing information to satisfy the Authority on flooding grounds.

However, of crucial concern, the harm created to the Green Belt both in principle and in visual terms is not outweighed by the special circumstances argued in this case. The proposal, however worthy in itself, involves substantial inappropriate development on a vulnerable edge of the Council's boundary. Such development if approved would undoubtedly set a powerful precedent for other similar proposals elsewhere in the District which the Council could find it increasingly difficult to resist.

For all the above reasons this application is recommended for refusal in line with adopted policies of the Development Plan.

However, should the committee be persuaded that there are very special circumstances in this case to justify the development, there would need to be clarity over what distinguishes this proposal from other proposals to build houses in the Green Belt so as to avoid setting an undesirable precedent. The application would then have to be referred to District Development Control Committee for further consideration and would also need to be referred to the Government Office as a major departure from the development plan and a significant proposal to build in the Green Belt.

SUMMARY OF REPRESENTATIONS RECEIVED

WALTHAM ABBEY TOWN COUNCIL- Object. The proposal is contrary to Green Belt policy and would create a traffic hazard on what is a busy road.

CITY OF LONDON: CONSERVATORS OF EPPING FOREST: Object. The site is within the Green Belt and would encourage further urbanisation along the eastern side of Sewardstone Road to the north.

Access to the site over the roadside verge could be discussed with the applicant should planning permission be granted.

No agreement has currently taken place to incorporate the area at the eastern end of the site and this would require a section 106 agreement.

FRIENDS OF EPPING FOREST- Object. Concerned about ribbon development along Sewardstone Road and erosion of the Green Belt.

LONDON BOROUGH OF WALTHAM FOREST- Object. The proposal is contrary to PPG2 and the Council contests the description of previously developed land. The site is predominantly open and the scale of development will significantly change the character of the open countryside.

The site acts as a boundary between the built up area of Chingford and is therefore contrary to the main aim of Green Belt policy. Furthermore maximum use should be considered of brown field sites.

The application would also be a worrying precedent for the northern part of Waltham Forest.

CAMPAIGN TO PROTECT RURAL ESSEX- Object. The site is within the Green Belt and in reasonable condition.

5 ALBION TERRACE- Object. The site is within the Green Belt and there will be increased pressure in existing road networks. Also the nearest school in Waltham Forest is very full and nearest school in the Epping Forest District is some distance away. In addition, issues of the provision of recreational facilities, flood risk and property depreciation are raised.

20 ANTLERS HILL- Strongly object. The site is within the Green Belt and the development will impact upon the rural nature of the area to the detriment of wildlife in the area.

134 ANTLERS HILL- Oppose the application because the site is within the Green Belt. The owners property is situated on an elevated position which overlooks the site.

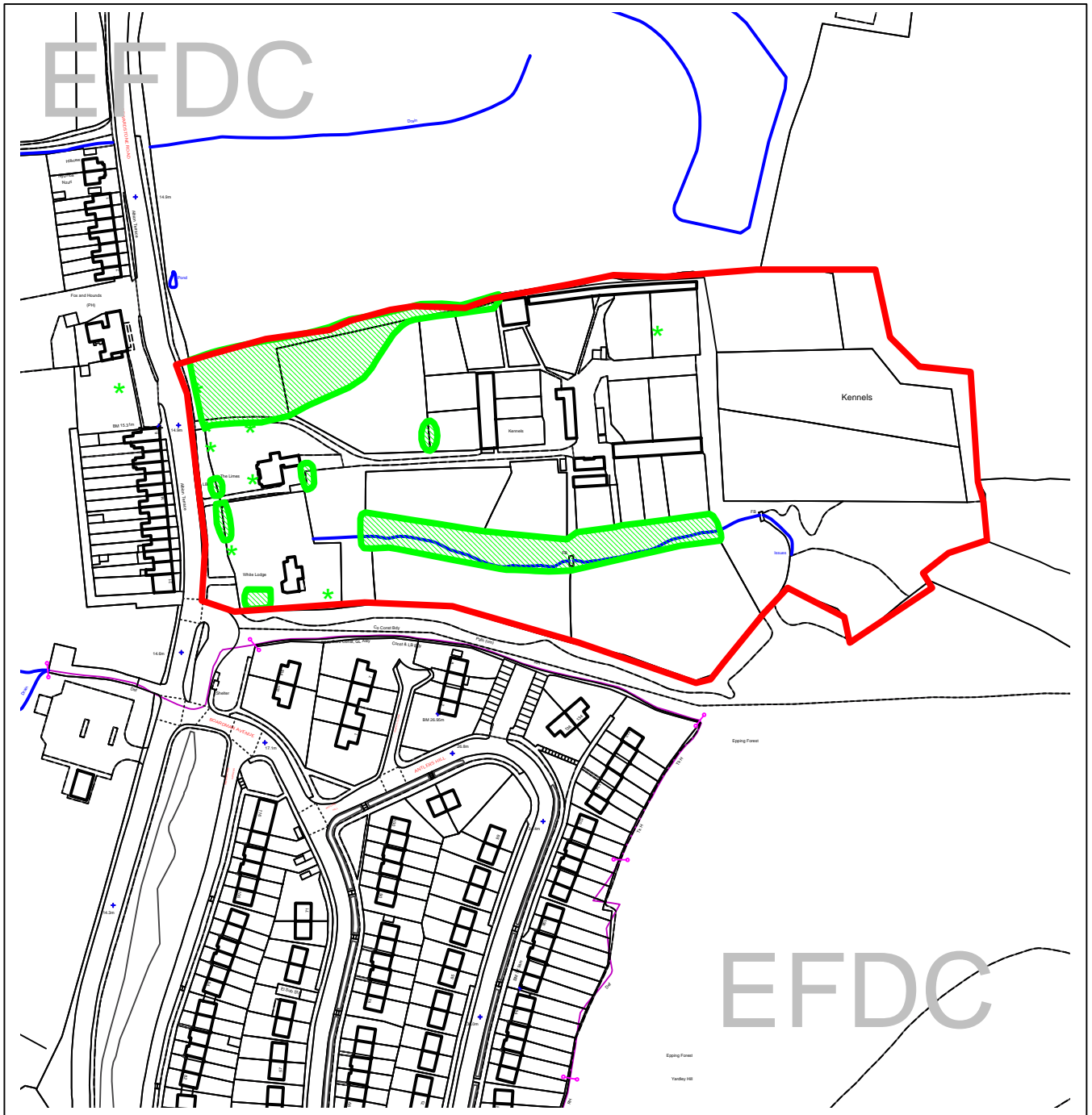
20 PICK HILL- Strongly apposes the application. The proposal shows no special circumstances and would be detrimental to the openness of the Green Belt. The site is not allocated for such on the Local Plan and as such would create a precedent for further development. Also the infrastructure is cannot sustain the increase in households and the Sewardstone Road in particular cannot cope with the increase in traffic.

'OLIVERS', DAWS HILL- Support application. The proposal will be a large improvement to the current state of the site. Also the facilities will benefit those properties in Albion Terrace.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	4
Application Number:	EPF/1680/06
Site Name:	The Limes & White Lodge, Sewardstone Road, Waltham Abbey
Scale of Plot:	1/2500

Report Item No: 5

APPLICATION No:	EPF/1989/06
SITE ADDRESS:	2 Holyfield Cottages, Holyfield, Waltham Abbey EN9 2EL
PARISH:	Waltham Abbey
APPLICANT:	Mr & Mrs J Isted
DESCRIPTION OF PROPOSAL:	Removal of dilapidated former chapel and construction of similar replacement building for ancillary living accommodation. (Revised application)
RECOMMENDED DECISION:	REFUSE

REASON FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. the proposed new living accommodation is at odds with Government advice, Policy GB2A of the adopted local Plan and Policy C2 of the Essex and Southend on Sea replacement Structure plan, in that it is inappropriate development in the Green Belt and thus, by definition, harmful. No very special circumstances have been put forward to justify the proposal that outweigh the harm that would result from the development.
- 2 The proposed building would be located in a prominent position and would relate poorly both visually and functionally with the existing dwelling and would be harmful to the visual amenity of the area, contrary to policies DBE1 and DBE4 of the adopted Local Plan.

This application is brought to Committee at the request of Councillor Pat Brooks.

Description of Proposal:

Demolition of existing former chapel building and construction of replacement building for ancillary living accommodation. The proposed building measures 5.5m in width and 9.5 metres long with a pitched roof with a ridge height of about 4.6 metres. It is to have a feather edged board finish with clay plain tile roof and has a small porch to the front. The plans indicate that the building would contain a games room, sauna, gym and toilet/shower.

Description of Site:

2 Holyfield Cottages is a semi detached dwelling on the western side of Holyfield Road, within the Green Belt and the Lee valley Regional Park. The existing chapel building (an ex mission hall) is currently used for garaging and domestic storage. It lies to the side of the dwelling and forward of the front elevation of the house in a visually prominent position.

Relevant History:

CLD/EPF/33/03 Certificate of lawfulness for use of garage as residential annexe. Issued 7/3/03.
EPF/629/05 Demolition of existing building and erection of replacement residential annexe.
Refused and dismissed on appeal 2005.

Policies Applied:

Structure Plan:

C2 - Green Belt

Local Plan:

GB2A - Green Belt

DBE1 - and 4 Design of new building.

DBE9 - amenities of neighbours.

RST24 - Lee Valley Regional Park

Issues and Considerations:

The main issue in determining this application is the same as last year when a similar proposal (although slightly larger) was refused and dismissed on appeal, that is, whether the proposed development is appropriate in the Green Belt and if not whether there are very special circumstances sufficient to outweigh the harm to the Green Belt that would result from the development. Additionally the design of the proposal and the impact on neighbours need to be considered.

Green Belt

The current building is an ex mission hall which has been used as a garage for about 20 years. It is constructed of corrugated iron over a timber frame, and retains its original appearance as a rural mission hall. A certificate of lawfulness for use of the building as a residential annexe was issued in 2003, which confirmed that such conversion of the existing building would be lawful, as it had been used as a domestic outbuilding, within the curtilage of the dwelling for more than 10 years. The building has however not been converted to residential use. The proposal would see the removal of this building and the erection of a new building, specifically built for ancillary living accommodation, 0.1m narrower and 0.1m lower in height.

The erection of new buildings in the Green Belt for such purposes is inappropriate development as set out in government guidance and is by definition harmful to the Green Belt. They should only be allowed if very special circumstances of sufficient to outweigh the harm caused by reason of inappropriateness and any other harm caused. The onus is on the applicant to demonstrate very special circumstances. This approach was agreed by the appeal Inspector in his report of January 2006.

The applicant has argued that the existing building is run down, and in considerable disrepair, that repairs and conversion would be expensive and would not be viable, and that replacement by the proposed building would improve the appearance of the site

However, in the opinion of officers, the appearance of the current building is not so bad as to justify its replacement with a new building. The building retains the appearance of its original function as a Mission Hall, of which a number remain in the district, and would appear to have been relatively common in the past. Whilst it may be that the building cannot be converted this is not grounds for its replacement. Indeed when considering re use of buildings in the green belt

Council policy requires that they are capable of conversion without major reconstruction because to allow new buildings is inappropriate. In this case although the Council has no control over the reuse for purposes ancillary to the use of the main house, it would set a dangerous precedent to allow a replacement building in its stead.

Although it is accepted that the replacement building now proposed is very slightly smaller than the existing building, it is still prominently located at the front of the site in an inappropriate position for such an ancillary building. The house has a considerable garden, with a number of existing outbuildings to the rear; erection of a further building of this size in this visually prominent location cannot be justified in Green Belt terms.

The Inspector in relation to the previous appeal considered that a replacement building would harm the openness of the Green Belt and that there were no very special circumstances sufficient to overcome this harm.

Design and the Street Scene.

The proposed building is simple and well designed with appropriate materials, but despite this it is poorly related to the existing dwelling, with its entrance facing away from the property and it will appear prominent and incongruous in this location. Whilst it is accepted that the existing ex mission hall is also prominent, this is a historic feature of the area that adds interest to the it and to try and replicate it with a new building in the same position, but with a different use would be misguided and harmful to the street scene.

Once again, the Inspector considered that a replacement building would be very visible close to the road and not subservient to the dwelling, though the current application is for a building of a little less height.

Impact on Neighbours.

The proposed building will not have any adverse impact on any neighbouring properties.

Conclusion:

The proposed development is inappropriate within the Green Belt and by definition harmful. No very special circumstances exist sufficient to outweigh the harm. Additionally the proposed siting is prominent and relates poorly to the existing dwelling and the street scene. It is not considered that the new plans overcome the reasons for refusal that were previously upheld on appeal. The application is therefore recommended for refusal.

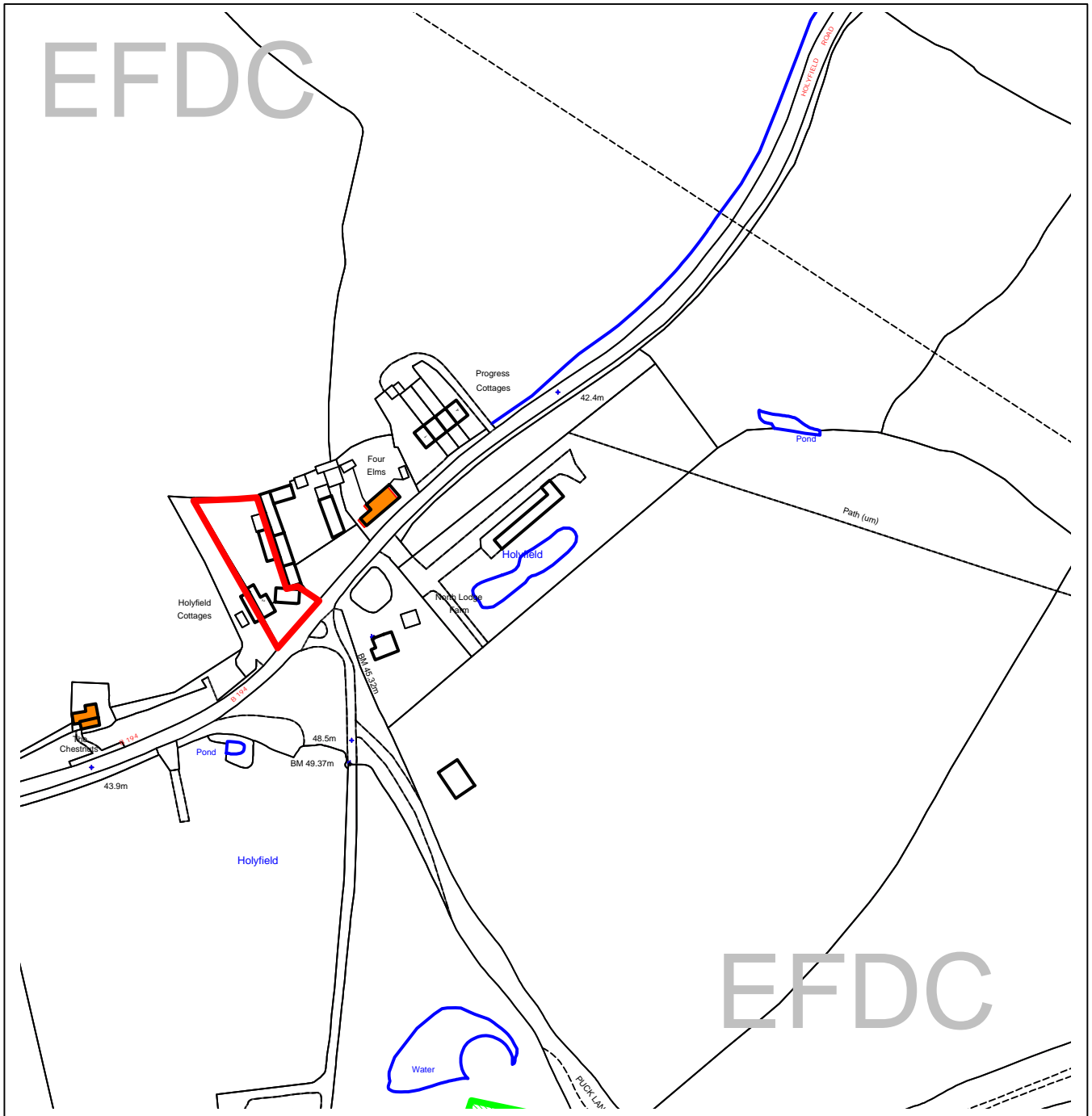
SUMMARY OF REPRESENTATIONS

This report was completed prior to the end of the consultation period. Any comments received will be reported orally at committee.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	5
Application Number:	EPF/1989/06
Site Name:	2 Holyfield Cottages, Holyfield, Waltham Abbey
Scale of Plot:	1/2500

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Report to Area Plans Sub-Committee D

Date of meeting: 29 November 2006.



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, April 2006 to September 2006.

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

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

Recommendation:

That the committee notes the outcomes of the appeals

Background:

1. (Head of Planning Services) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals, particularly those refused by committee contrary to officer recommendation. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

2. To set the context, a Best Value Performance Indicator was for district councils to aim to have less than 40% of their decisions overturned on appeal with the national average of about 33%. That BVPI was scrapped but recently replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements or tree related appeals) and where the Council sets its own target – set this year at 24%. In fact in recent years the Council has been more successful than the national average with only 25% lost in 2000/01, 24% in 2001/02, 27% in 2002/03, 18% in 2003/04, 29% in 2004/05 and 22% in 2005/06.

Performance

3. Over the six-month period between April and September 2006, the Council received 59 decisions on appeals – 54 planning and related appeals and 5 enforcement appeals. Of the 54 planning and related appeals, 13 were allowed (or part-allowed contrary to the Council's case) (24%) and none of the 5 enforcement appeals – a combined total of 22% of the Council's decisions being overturned.

4. For the BVPI, which only considers appeals against the refusal of planning permission (and regards all 'part-allowed' appeals as decisions against the Council even though the result may have been entirely in line with the Council's case), the performance figure is 26%.

Planning Appeals

5. Of those 13 appeals allowed, 5 were allowed following decisions by committee to refuse contrary to officer's recommendation. Those 5 were:

- EPF/1050/05 – 46 & 48, Albert Road, Buckhurst Hill – two x three storey blocks for 11 flats (Area Plans A 02/11/05)
- TRE/EPF/880/05 – Former Beaver Eng. Site, Manor Road, Chigwell – felling two trees (Area Plans A 07/09/05)

- EPF/181/05 – Land r/o Diggens Court, High Road, Loughton – three storey block of 12 flats (Area Plans A 07/09/05)
- EPF/1781/05 – Land r/o Diggens Court, High Road, Loughton – three & four storey block of 13 flats (Area Plans A 04/01/06)
- EPF/978/05 – 3 Upper Park, Loughton – extensions and conversion to 4 flats (Area Plans A 10/08/05)

6. To complete the picture, officers were successful in sustaining a committee decision to refuse, when officers had recommended granting permission, in 2 cases:

- EPF/1777/04 – Land at 5 Coopersale Common, Coopersale – erection of a pair of semi-detached houses (Area Plans B 09/03/05)
- EPF/1155/05 – Land at Theydon Mount – green burial ground with car park (Area Plans C 16/11/05)

Costs

7. No awards of costs were made in this 6 month period against the Council, but the Council were successful in obtaining a partial award of costs when an appellant withdrew his enforcement appeal at a very late stage, relating to Magdalen Laver Hall.

Conclusions

8. The Council's performance for this 6-month period continues to be a reflection of the quality of decision-making by both officers and members at committee, though some individual decisions were disappointing.

9. The decisions are listed in the Members Bulletin from time to time but a full list of decisions over this six month period appears at appendix 1.

Appeal Decisions April to October 2006

Planning Appeals Allowed:

1. EPF/1050/05 – Two blocks for 11 flats at 46 & 48, Albert Road, Buckhurst Hill
2. EPF/424/05 – Erection of 10 apartments at 118, High Road, Chigwell
3. EPF/2395/04 – Detached dwelling at rear of 122, High Road, Chigwell
4. TRE/EPF/880/05 – Felling of two horse chestnuts at Former Beaver Eng Site, Manor Road, Chigwell
5. TEL/EPF/1423/05 – 10m high telecommunications mast at junction of Lambourne Road and Orchard Way, Chigwell
6. EPF/978/05 – Extensions and conversion to 4 flats at 3, Upper Park, Loughton
7. EPF/181/05 – Erection of 3 storey block of 12 flats at land rear of Diggens Court, High Road, Loughton
8. EPF/1781/05 – Erection of 3 and 4 storey block of 13 flats at land rear of Diggens Court, High Road, Loughton
9. EPF/1917/04 – Conversion of barn to a live/work unit at Berwick Hall Farm, Abbess Roding
10. EPF/157/06 – Erection of detached house at land to side of 59, Homefield, Waltham Abbey
11. EPF/267/05 – Conversion of two barns to one dwelling at land adj Rosemead, Pynest Green Lane, Waltham Abbey

Planning Appeals Part-Allowed

12. EPF/1401/05 – Erection of gates and fence at Brielands, Kendal Avenue, Epping (fence was allowed but gates dismissed)
13. A/EPF/349/06 – Illuminated hotel signage at Travelodge, Epping Road, Bovinger (two signs were allowed but two dismissed)
14. EPF/324/05 – Two storey side and single storey rear extensions at 33, Laburnam Road, Coopersale (rear extension was allowed and side extension dismissed in accordance with the Council's case)
15. EPF/1512/05 – Two storey side and single storey rear extensions at 11A, Woodland Road, Loughton (rear extension allowed but side extension dismissed in accordance with the Council's case)
16. EPF/2410/04 – Erection of timber fencing to curtilage of listed building at Brick Lock Cottage, Glen Faba, Roydon (1m high palisade fencing was allowed but 2m high close-boarded fencing dismissed in accordance with the Council's case)

Planning Appeals Dismissed

17. EPF/1159/05 – Detached garage at Westwards, Ardmere Lane, Buckhurst Hill
18. EPF/270/05 – Loft conversion at 4, Fontayne Avenue, Chigwell
19. EPF/865/05 – Erection of detached house and garage on site of 'Beagles Hut', Retreat Way, Chigwell
20. EPF/2001/04 – New roof to swimming pool at 39, Stradbroke Drive, Chigwell
21. EPF/658/05 – First floor rear extension at 6A, Palmers Hill, Epping
22. LB/EPF/673/05 – Listed building application for a first floor rear extension at 6A, Palmers Hill, Epping
23. EPF/1857/05 – Change of use of barn to business use at Creeds Farm, Bury Lane, Epping
24. EPF/1777/04 – Erection of pair of semi-detached houses at 5 Coopersale, Common, Coopersale, Epping
25. EPF/2233/05 – Erection of one and a half storey side extension at Takeleys Manor, Upland Road, Epping Upland
26. LB/EPF/2234/05 – Listed building application for the above at Takeleys Manor, Epping Upland
27. EPF/2355/04 – Erection of two storey side extension at Takeleys Manor, Epping Upland

28. LB/EPF/2356/04 – Listed building application for the above at Takeleys Manor, Epping Upland
29. EPF/2188/04 – Change of use from agricultural to residential plus erection of 12 units at Nine Ashes Farm, Rookery Road, High Ongar
30. EPF/1624/05 – Detached bungalow at Harley Cottage, 202, Nine Ashes Road, High Ongar
31. EPF/1178/05 – Conversion of barn to dwelling at Forest Lodge, Manor Road, Abridge
32. EPF/1134/05 – Single storey side extension at Holmhurst, Manor Road, Loughton
33. EPF/1180/05 – First floor rear extension at 31, Connaught Avenue, Loughton
34. EPF/219/05 – Rear conservatory at 1, Slate Cottages, High Lane, Matching
35. EPF/882/05 – Single storey dwelling at Mamelons Farm, Waltham Road, Nazeing
36. EPF/1064/05 – Change of use to parking area at land at Tatsfield Avenue, Nazeing
37. EPF/1593/05 – Change of use of glasshouses to B8 storage at Oakleigh Nursery, Paynes Lane, Nazeing
38. EPF/1891/04 – Retention of building for use as offices and vehicle repairs at Lakeside Nursery, Pecks Hill, Nazeing
39. EPF/1892/04 – Retention of building for vehicle repairs at Lakeside Nursery, Pecks Hill, Nazeing
40. EPF/1893/04 – Erection of building for vehicle repairs at lakeside Nursery, Pecks Hill, Nazeing
41. EPF/111/06 – Two storey side and rear extension at 12, Bluemans, North Weald
42. EPF/203/04 – Use of land to site two mobile homes and two touring caravans at Bulls Farm, Harlow Road, Roydon
43. EPF/970/05 – Single storey side and front extensions at Hunters Brook, Epping Road, Broadley Common, Roydon
44. EPF/1229/05 – Extensions and conversion of bungalow to two houses at Inglenook, Epping Road, Broadley Common, Roydon
45. EPF/306/04 – Continuation of use as livery stables at Maybanks Farm, Epping Road, Toot Hill, Stanford Rivers
46. EPF/1658/04 – Retention of balcony, garage and car port at Homeview, Ongar Park, Stanford Rivers
47. EPF/1155/05 – Green burial ground with store building and car park at Mount End, Theydon Mount
48. EPF/2177/05 – Two storey side extension at High Warren, Theydon Mount
49. EPF/855/05 – Detached bungalow at land to side of 200, Roundhills, Waltham Abbey
50. EPF/1131/05 – Detached dwelling at 49, Broomstick Hall Road, Waltham Abbey
51. EPF/1725/05 – Erection of detached dwelling at 59, Homefield, Waltham Abbey
52. EPF/2458/04 – Gates and railings at Brookview, 2, Halley Road, Waltham Abbey
53. EPF/499/06 – Retention of illuminated shop sign at 47 Highbridge Street, Waltham Abbey
54. EPF/1297/05 – Construction of detached house at Wardens Hall Farm, Fyfield Road, Willingale

Enforcement Appeals Dismissed

55. Siting of a garden shed on a parking bay at 23, Willow Tree Close, Abridge
56. Creation of a balcony on roof of rear extension at 42, Dickens Rise, Chigwell
57. Business use of flat at 129, Pyrles Lane, Loughton
58. Retention of buildings for offices and vehicle repairs at Lakeside Nursery, Pecks Hill, Nazeing
59. Use for car washing and valeting at Rocky's Filling Station, High Road, Thornwood