

Committee Agenda



**Epping Forest
District Council**

Area Plans Subcommittee D Wednesday, 28th March, 2007

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.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

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), 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 (Pages 5 - 8)

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

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 and copies of the recording could be made available for those that request it.

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 9 - 10)

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

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 11 - 20)

To confirm the minutes of the last meeting of the Sub-Committee held on 28 February 2007 as correct record (attached).

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 21 - 44)

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

Background Papers: (i) Applications for determination – applications listed on the

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

8. DELEGATED DECISIONS

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

9. EXCLUSION OF PUBLIC AND PRESS

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.

EPPING FOREST DISTRICT COUNCIL

**PROTOCOL FOR WEBCASTING OF
COUNCIL AND OTHER MEETINGS**



Introduction

The Council has agreed that certain meetings should be the subject of live web transmission ('web casting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose and there is a mobile unit for use in other locations

This protocol has been produced to assist the conduct of web cast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be web cast by the Council:-

Main provisions:

1. The Chairman of the meeting has the discretion to request the termination or suspension of the webcast if in the opinion of the Chairman continuing to webcast would prejudice the proceedings of the meeting.

This would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) Exclusion of public and press being moved and supported;
- (iii) Any other reason moved and seconded and supported by the Council/Committee or Subcommittee.

2. No exempt or confidential agenda items shall be webcast.

3. Subject to paragraph 4 below all archived webcasts will be available to view on the Council's website for a period of six months. Council meetings are recorded onto DVD, which will be stored in accordance with records management procedures.

4. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action she must notify all elected Members in writing as soon as possible of her decision and the reasons for it via the Bulletin

Council expects the Chair of the Council and the Monitoring Officer to ensure that Council meetings are conducted lawfully. Therefore, Council anticipates that the need to exercise the power set out above will occur only on an exceptional basis.

5. Any elected Member who is concerned about any webcast should raise their concerns with the Head of Research and Democratic Services

Agenda Front Sheets and Signage at Meetings

On the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-

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.

Meetings of the Area Plans Subcommittees, District Development Control Committee, Licensing Committee and other 'Quasi Judicial' Hearings

In any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, the following advice will be included if the particular meeting has been chosen to be web cast:-

"Please note that Council meetings may be filmed for live or subsequent broadcast via the Authority's Internet site. If you do not wish the hearing of your application to be filmed, please contact the Senior Democratic Services Officer to discuss their concerns. The Council will not film speakers if they do not wish to appear in the webcast"

Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be web cast, and that the Chairman may also terminate or suspend the web casting of the meeting, in accordance with this protocol. This will be confirmed by the Chairman making the following statement:-

"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.

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Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and members of the Subcommittee. A map showing the venue will be attached to the agenda.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers presentations. The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Plans Subcommittee D **Date:** 28 February 2007

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.10 pm
High Street, Epping

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

Other Councillors:

Apologies: D Spinks and Ms S Stavrou

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer), S Mitchell (PR & Internet Assistant) and M Jenkins (Democratic Services Assistant)

51. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

52. 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.

53. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 29 November 2006 be taken as read and signed by the Chairman as a correct record.

54. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs A Cooper declared personal interests in agenda item 7 (3) (EPF/2189/06 Crossways, 1 Middle Street, Nazeing). The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Lea declared a personal interest in agenda items 7 (2) (EPF/2176/06 Land rear of 81 Monkswood Avenue, Waltham Abbey) by virtue of being a ward councillor. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Smith declared a personal interest in agenda items 7 (5 & 6) (EPF/0067/07, EPF/0069/07 Richmond Farm, Parsloe Road, Epping Upland) by virtue of being a member of Epping Upland Parish Council. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared a personal interest in agenda item 7 (2) (EPF/2176/06 Land rear of 81 Monkswood Avenue, Waltham Abbey) by virtue of being a ward councillor. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(e) Pursuant to the Council's Code of Member Conduct, Councillor Mrs D Borton declared personal interests in agenda item 7 (3) (EPF/2189/06 Crossways, 1 Middle Street, Nazeing) by virtue of being a Nazeing Parish Councillor. The Councillor declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

55. ANY OTHER BUSINESS

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

56. DEVELOPMENT CONTROL

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

RESOLVED:

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

57. DELEGATED DECISIONS

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

CHAIRMAN

Report Item No: 1

APPLICATION No:	EPF/2086/06
SITE ADDRESS:	Broughton Hall Woodman Lane Waltham Abbey Essex E4 7QR
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	TPO 9/86; Cypress: Fell and replace.
DECISION:	GRANT (with conditions)

CONDITIONS

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Report Item No: 2

APPLICATION No:	EPF/2176/06
SITE ADDRESS:	Land to rear of: 81 Monkswood Avenue Waltham Abbey Essex EN9 1LD
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Erection of a detached two bedroom house with parking.(Resubmitted application)
DECISION:	GRANT (WITH CONDITIONS)

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country

Planning Act 1990 (as amended).

- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

- 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.

Reason:- In the interests of visual amenity.

- 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 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.

Reason: To safeguard the privacy of adjacent properties.

Report Item No: 3

APPLICATION No:	EPF/2189/06
SITE ADDRESS:	Crossways 1 Middle Street Nazeing Waltham Abbey Essex EN9 2LB
PARISH:	Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of existing dwelling and erection of 2 no. house and 1 no. chalet bungalow.
DECISION:	GRANT (with conditions) and subject to an agreement under section 106 of the Town and Country Planning Act 1990 in respect of a contribution of £6000 to the provision of community facilities in the Parish of Nazeing

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the building hereby approved the proposed window openings in the first floor rear elevations of plots 1 and 2 shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 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 the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank and rear walls of the building hereby permitted 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 Prior to the commencement of the development details of the proposed surface materials for the accesses and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be

completed prior to the first occupation of the development.

- 7 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 8 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained.
- 9 Before the building is occupied, a suitably surfaced area shall be provided, and thereafter maintained to the satisfaction of the Local Planning Authority, within the curtilage of the site to enable a vehicle to turn and leave the property in forward gear. Details of this should be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.
- 10 The development hereby approved shall not be commenced until details of the design and dimensions of the vehicle accesses to the site have been submitted to and approved in writing to the Local Planning Authority.

Reason: In the interests of highway safety.

- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development.

Report Item No: 4

APPLICATION No:	EPF/2312/06
SITE ADDRESS:	Springfields (1-96) Waltham Abbey Essex EN9
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Building refurbishment, alterations and landscape

	improvements.
DECISION:	GRANT (with conditions)

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 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place 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 Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Report Item No: 5

APPLICATION No:	EPF/0067/07
SITE ADDRESS:	Richmond Farm Parsloe Road Epping Upland Essex CM16 6QB
PARISH:	Epping Upland
DESCRIPTION OF PROPOSAL:	Change of use of Essex barn to single dwelling, incorporating two former farmyard buildings to be converted to integral work units.
DECISION:	GRANT (with conditions)

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Prior to first occupation of the building hereby approved the proposed window opening on the first floor of the northeast elevation shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 5 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 6 The proposed work units to the rear of the converted dwelling shall only be used as ancillary with the main dwelling by the occupiers of that property.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1 Class A to H shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved.
- 9 Prior to the commencement of the development details of the proposed surface materials for the driveway 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.
- 10 The work units hereby approved shall only be accessed from the curtilage of the dwelling house hereby approved and shall not be accessed from other land other than in emergency or for repair and maintenance of the buildings.

Reason: To ensure the work units are only used for purposes ancillary to the use of the dwelling house hereby approved.

Report Item No: 6

APPLICATION No:	LB/EPF/0069/07
SITE ADDRESS:	Richmond Farm Parsloe Road Epping Upland Essex CM16 6QB
PARISH:	Epping Upland
DESCRIPTION OF PROPOSAL:	Curtilage Grade II listed building application for change of use of Essex Barn to single dwelling and use of former farmyard buildings as integral work units.
DECISION:	GRANT (with conditions)

CONDITIONS

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

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AREA PLANS SUB-COMMITTEE 'D'

Date 28 March 2007

INDEX OF PLANNING APPLICATIONS

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0144/07	100 Honey Lane, Waltham Abbey	GRANT	23
2.	EPF/0306/07	The Compasses PH, Sewardstone Street, Waltham Abbey	GRANT	26
3.	EPF/0202/07	Land Rear of Antiques Centre, Paynes Lane, Nazeing	REFUSE	34
4.	EPF/0002/07	34 North Street, Nazeing	GRANT	40

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Report Item No: 1

APPLICATION No:	EPF/0144/07
SITE ADDRESS:	100 Honey Lane Waltham Abbey Essex EN9 3BG
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Honey Lane
APPLICANT:	Mr & Mrs R Hunt
DESCRIPTION OF PROPOSAL:	Side extension to form garage with study extension over with front and rear dormers, and first floor extension to form gable end.
RECOMMENDED DECISION:	GRANT PERMISSION

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 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.

Description of Proposal:

It is proposed to erect a single storey side extension to the northwest flank together with front and rear roof dormers and conversion of hipped roof at the southeast flank to a gabled roof.

Description of Site:

The site comprises a detached bungalow (built in 1930s), which is situated on the south-western side of Honey Lane. The property, which has been extended is sited on a wide 'double-width' plot, which features access ways for neighbouring properties along both boundaries. The plot has a well-screened rear garden area.

Relevant History:

Various recent extensions in last 3 years.

Policies Applied:

DBE9 – Amenity considerations.
DBE10 – Extension design criteria.

Issues and Considerations:

The main issues with this application relate to the design and appearance of the finished building, together with any impacts on amenity.

1. Design and appearance.

This bungalow has previously been enlarged from a small pyramid roofed 1930s building to a large modern unit. The current proposal would result in the building extending from boundary to boundary. Council design policy relating to extensions seeks to maintain an appropriate visual separation between buildings where this is an element of the established local character. In this particular case the extension and roof alteration will not affect its detached character nor the character of either of the adjoining properties because the site is separated from neighbouring properties by access roads on either side. Furthermore, given the roads serve a number of properties it is extremely unlikely they will ever be built on with the consequence that the character of the locality will be preserved by the extensions.

This proposal follows the style and pattern of the modernized bungalow with small discrete dormers and with the main roof now gable-ended in place of hips. The overall design is acceptable.

2. Impact on neighbours

The location of the property in relation to surrounding neighbours (being separated by the access roads) is such that the extensions would not cause any unacceptable overlooking or light loss. Consequently, the extensions are acceptable in terms of their impact on amenity.

Conclusion

The proposed extension and roof alteration complies with the requirements of Council policy and is considered to be acceptable. Accordingly it is recommended for approval.

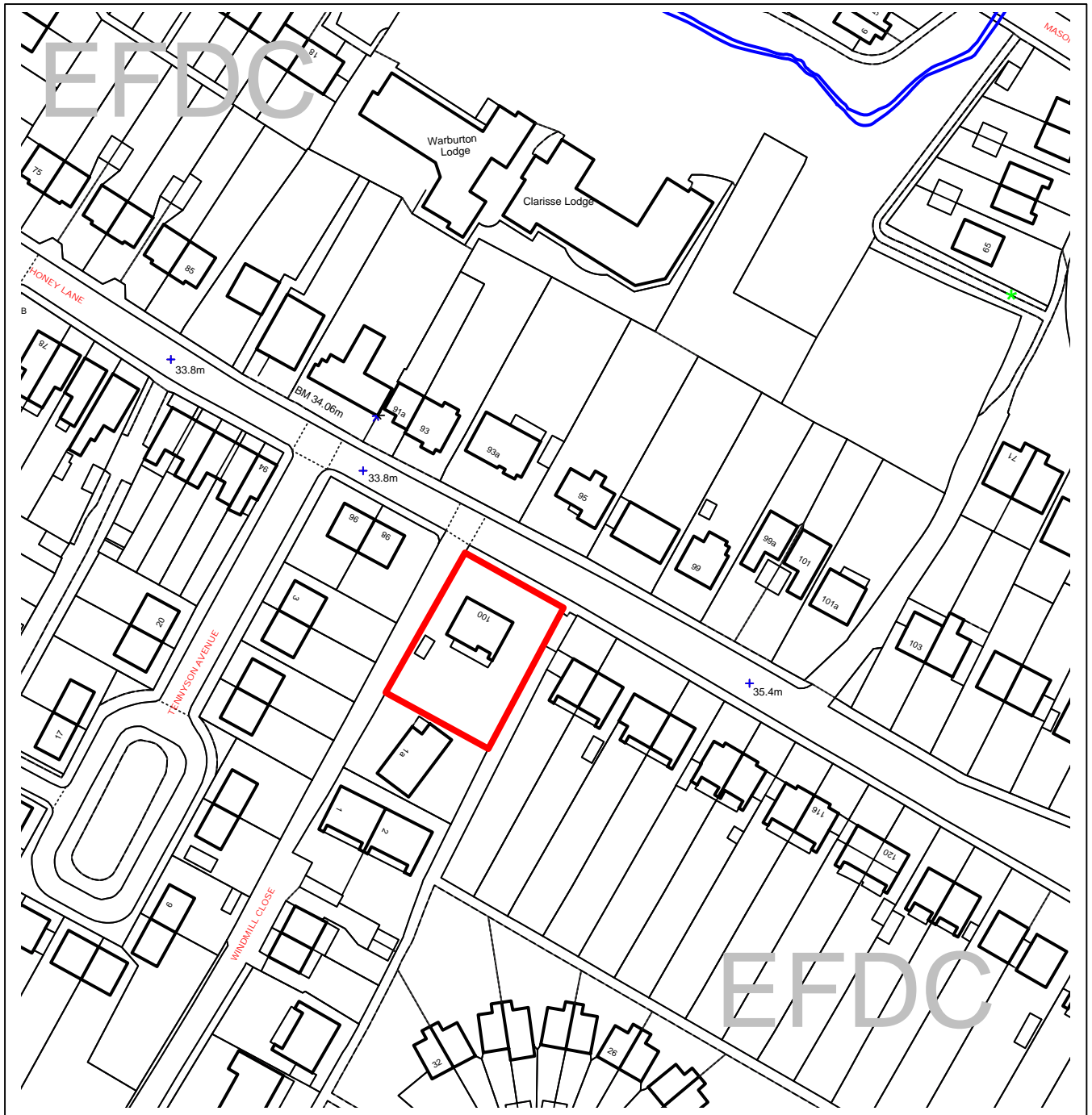
SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL – Objection; overdevelopment of site.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	1
Application Number:	EPF/0144/07
Site Name:	100, Honey Lane, Waltham Abbey
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0306/07
SITE ADDRESS:	The Compasses PH Sewardstone Street Waltham Abbey Essex EN9 1HZ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	The Compasses (Waltham Abbey) Ltd
DESCRIPTION OF PROPOSAL:	Demolition of all existing buildings and erection of a block of six flats with access and parking. (Revised application)
RECOMMENDED DECISION:	GRANT PERMISSION

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 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.
- 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 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.
- 5 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 6 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the

boundary of noise sensitive premises, shall only take place 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 Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 7 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 8 Notwithstanding the details shown on the approved plan, details of a building for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and shall be constructed in accordance with the agreed details prior to the first occupation of any of the dwellings hereby approved.
- 9 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 10 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 11 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.

- 12 Prior to the commencement of the development details of the proposed surface materials for the access and 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.

Description of Proposal:

Demolition of existing Public House and erection of a block of 6 flats with access and parking for 6 cars. The proposed building is two and a half storeys high with front dormer windows and roof lights to the rear and provides 4 two-bedroom flats and 2 one-bedroom flats. The proposed vehicular access is through the centre of the building with accommodation above the access. Two areas of amenity space are provided to the rear, together with a motorcycle/bicycle store and a refuse area.

Description of Site:

The site is currently occupied by a two-storey building comprising a small Public House at ground floor with a flat at first floor. The building is set right on the pavement frontage and actually restricts the pavement width. There is a patio and garden area to the rear and some single storey outbuildings, and a parking area. There is a row of leylandii trees along part of the rear boundary. There are terraced houses immediately to the north of the site and there is a single storey, Territorial Army Hall to the south. The rear boundary backs on to the garden of Number 14 Orchard Gardens, which is at right angles to the site, and the rear of 41 Townmead Road, which appears to be market garden. Opposite the site are two storey flats and there is a social club about 30m to the southeast.

Relevant History:

There have been various applications over the years for extensions and alterations to the public House, but the last was in 1983.

An earlier application by the same applicant for development of this site was withdrawn to enable the applicant to provide additional information.

Policies Applied:

Structure Plan:

CS1 Sustainable urban Regeneration.
CS2 protecting the Natural and Built Environment.
CS4 Sustainable New Development.
BE1 Urban intensification
H2 Sequential approach to Housing.
H3 Location of residential Development
H4 Development Form
T6 Walking and Cycling.
T12 Vehicle Parking.

Local Plan and Local Plan Alterations:

CP1 Achieving Sustainable Development Objectives.
C2 Protecting the quality of the environment.
CP3 New Development
CP6 Sustainable urban development patterns
CP7 Urban Form and Quality
H2A Previously Developed Land
H3A Housing Density
CF12 Retention of Community Facilities
ST1 Location of new development
ST4 Road Safety
ST6 Vehicle parking.
DBE1 Design of new buildings
DBE2 Effect on surrounding properties
DBE3 Development in Urban Areas
DBE6 Parking location.
DBE8 Amenity Space Provision
DBE9 Loss of amenity to neighbours
LL10 and LL11 Landscaping provision
U2A Development in flood risk areas

Issues and Considerations:

The site is within the urban area and is a brownfield site close to the town centre of Waltham Abbey. Redevelopment of such a site for relatively high density housing is broadly in line with national guidance and local policies.

There are several issues that need to be considered in the determination of this application.

1. Loss of a community facility.
2. Design and impact on visual amenity
3. Impact on neighbours
4. Living conditions
5. Sustainability

6. Parking and Access

1. Loss of a Community Facility

The existing use of the site as a Public House is considered to be a community use. Community facilities provide a wide range of leisure, health, social and cultural services for all residents of the district, and can provide focal points for the local community. Loss of a community facility can impoverish a locality. Policy CF12 of the adopted Local Plan and Local Plan Alterations, seeks to ensure that permission is only granted for proposals which entail the loss of a community facility where it is conclusively shown that the use is no longer needed or viable in its current location and the service, if still needed, is already or is to be provided elsewhere and accessible within the locality to existing and potential users. Where there is an identified need for another facility the council will have to be satisfied that the site is unsuitable for that use prior to considering the site for open market housing or other commercial proposals.

In this instance, the pub is still operating. The applicant however states that the licensee could not make a living from the current business. Only one member of staff needs to be on duty at any one time and the licensee has failed to attract local people to the premises, which apparently has a poor reputation dating back to the previous owners. The pub is too small to hold many people and has poor toilet and kitchen facilities. Additionally due to the proximity of residential properties the use has resulted in complaints to Environmental Health, over noise and disturbance emanating from the building. The building does not lend itself to easy adaptation, and is too small in size to make it economical to carry out major improvement works, as it cannot accommodate the number of people necessary to make the use profitable.

Additionally the pub is located within easy walking distance of Waltham Abbey Town Centre, and it is difficult to argue that the Compasses provides a facility that is not provided elsewhere within the locality. There is a social club within 30 metres of the site and at least 10 pubs within about a 350m radius of the site. It is not therefore considered that it is vital to the local community to retain this facility as a public house. Nor, given the proximity of other community facilities is it considered vital that the site be kept free and available for other forms of community provision.

2. Design and Visual Amenity.

The site is within an urban area of mixed development with a variety of architectural styles. It is not within a conservation area. Although the nearest buildings are 1 and two storeys in height there are 3 storey flats further down the road. The proposed building has been designed to maintain the eaves line of the adjacent terrace, and although 3 stories of accommodation are provided it is not excessive in height and will not dominate the street scene. The frontage is articulated such that it will not appear as a single mass but as smaller units and it is considered appropriate in the street scene. The building is sited close to, but not abutting the pavement edge, slightly forward of the adjacent terrace but further back than the existing building and this is considered appropriate to this location. Overall the scale and massing of the development and its detailed design is considered to fit well within this area of mixed development.

The proposal includes the loss of two of the large leylandii trees located on the rear boundary of the site, but these are not considered to be of sufficient public amenity value to warrant their retention.

3. Impact on Neighbours.

The removal of the existing pub use is likely to generally improve the residential amenity of the nearest neighbours to the site, by removing the late night noise and disturbance associated with that use. The proposed development has been designed to minimise physical impact on neighbouring properties, and due to its scale and siting will not result in loss of light or

overshadowing of neighbours. The rear elevation has first floor bedroom windows that will face towards the rear garden of No.14 Orchard Gardens, but this is at a distance of about 17 metres and with screening between, this relationship is not considered harmful to privacy. No. 14 also has a side facing bedroom window in its gable, but this is about 21m from the nearest proposed first floor window and would only be viewed at an angle. This overlooking distance is considered reasonable, between bedroom rather than living room windows and would not amount to a reason for refusal. The second floor flats within the roof of the proposed development do not have any rear facing windows, only roof lights, to avoid additional overlooking and the perception of being overlooked.

The proposal introduces additional parking into the rear of the site, adjacent to the rear garden of no.73 Sewardstone Street. If this were the redevelopment of a single dwelling plot to 6 flats then the potential increased noise and disturbance from the proposed parking may have been cause for concern, but in this instance, however the existing use is potentially far more unneighbourly than that now proposed and it is not considered that the introduction of parking for 6 cars will adversely impact on the adjacent properties, subject to the provision and maintenance of suitable screen walls, which can be required by condition.

Concern has been raised that the proposed refuse storage area, located adjacent to the boundary of No.14 Orchard Gardens could be unneighbourly, and such concerns are understandable, however a condition requiring details of the proposed store is suggested, to ensure that a roofed building is constructed that will minimise the risk of odour problems to the adjacent garden.

4. Living Conditions

The proposed flats have been designed such that the living rooms are at the front of the building adjacent to the road and bedrooms are to the rear, additionally they have been designed to minimise noise disturbance between flats. Two small communal garden areas are proposed, each of which logically would serve 3 flats, these spaces although relatively small are separated from the parking areas by walls and planting and are convenient and useable. It is considered that the proposed flats will provide suitable living conditions for the future residents.

5. Sustainability.

This site is ideally located for residential development of this type. It is close to local facilities, employment opportunities and public transport, which means that the occupants of the flats will not need to be heavily reliant on the car for their everyday needs. As such the development of this site for residential use is in accordance with the core policies of the Local Plan and the Core strategy of the Structure Plan.

6. Parking and Access

The access to the site meets current adopted standards and is not considered to pose a hazard to highway safety, subject to conditions. The proposed 6 parking spaces are in line with the adopted maximum standards and are considered suitable for this location close to town centre facilities.

Conclusion

In conclusion it is considered that the proposed development is in accordance with the adopted policies of the Structure Plan and the Local Plan and Local Plan Alterations and that it will improve the residential amenity of local residents. The application is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS:

41 TOWNMEAD ROAD – No objections in principle. However concerned that the development should have a secure boundary wall between it and my property to prevent trespassing, the current wall is not adequate. Concerned that there is insufficient parking provision, which will lead to increased on-street parking.

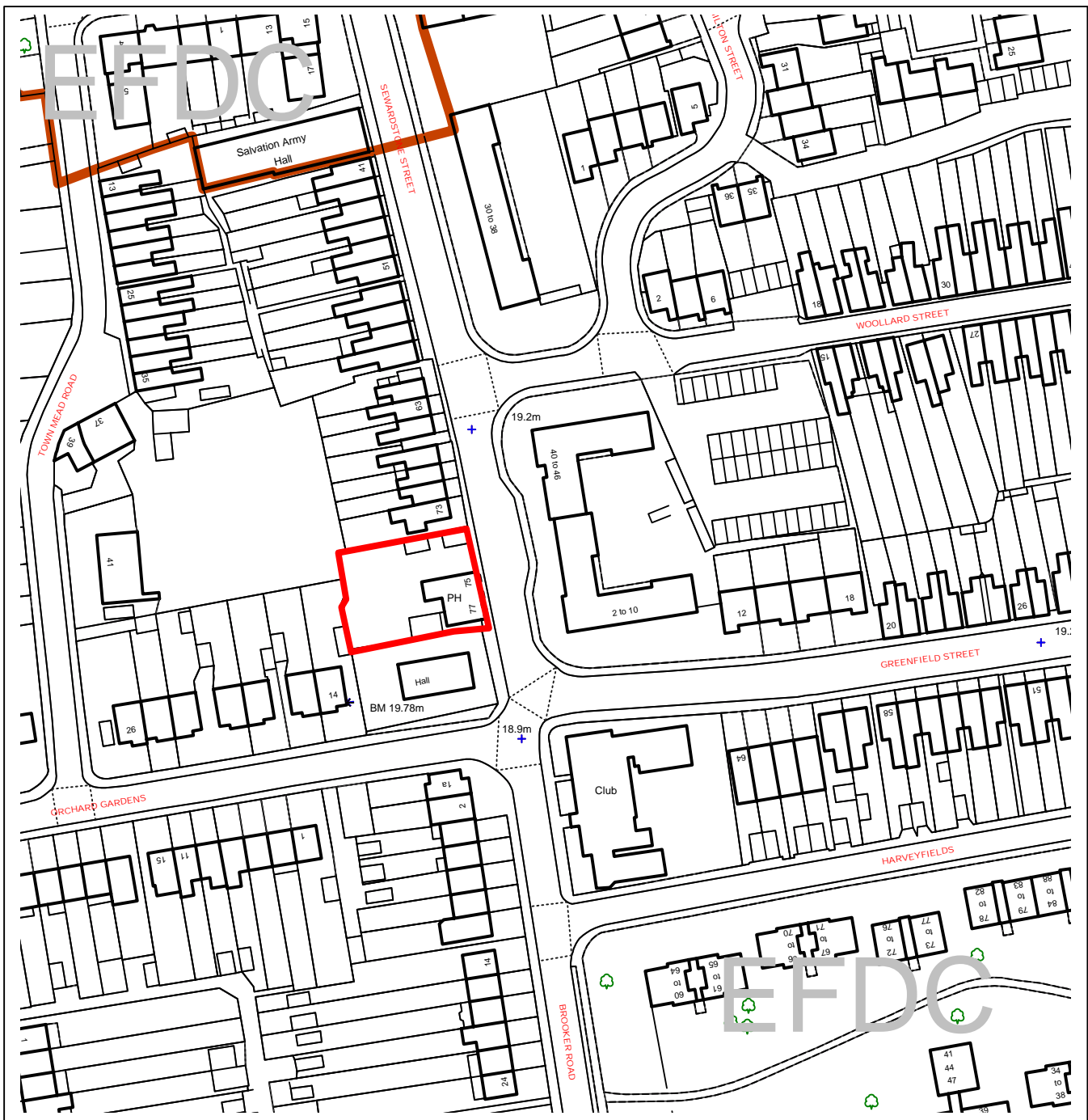
14 ORCHARD GARDENS – More than happy for the public house to be demolished, but have objections to the proposed flats. Loss of privacy. The rear of the flats would be directly overlooking my bedroom window, which is in the gable end of my property. The communal refuse bin is adjacent to my fence line and with fortnightly collections I do not want 6 families refuse sitting near my property for 2 weeks at a time.

16 ORCHARD GARDENS – Object to loss of two leylandii trees, which will reduce privacy, and to the location of the refuse store, which will be unneighbourly.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	2
Application Number:	EPF/0306/07
Site Name:	The Compasses PH, Sewardstone Street, Waltham Abbey
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0202/07
SITE ADDRESS:	Land rear of Antiques Centre Paynes Lane Nazeing Essex EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	West Essex Primary Care Trust
DESCRIPTION OF PROPOSAL:	Retention of temporary modular building for use as a GP Surgery for a further period of two years.
RECOMMENDED DECISION:	REFUSE

REASON FOR REFUSAL

- 1 The increased use of the junction of Paynes Lane and Nazeing Road, which has inadequate levels of visibility, creates conditions prejudicial to highway and road safety, contrary to policy ST4 of the Adopted Local Plan and Alterations.

Description of Proposal:

The application seeks consent for the retention of the existing temporary modular building for use as a GP surgery for a further period of two years. The use includes the continuation of the use of land to the west of the building as a car park and overspill car park. The development is restricted to the southern part of the site.

Description of Site:

The application site is located to the rear of a single storey building, presently used as an antiques shop, at the junction of Paynes Lane and Nazeing Road. The plot is bounded in many places by a mixture of trees and hedges. Prior to the erection of the existing surgery the site comprised fallow land. The site is located within an area that has been designated flood plain and metropolitan green belt.

Relevant History:

EPF/0393/86 'Farm shop and car park' Refused (1986).

EPF/0178/87 'Stationing of vehicle for use as farm shop' Refused (1987) and allowed at appeal (1988).

EPF/0639/89 'Farm shop and parking area' Granted (1989).

EPF/1366/90 'Provision to use existing Greengrocery shop for the sale of cooked food - tea room/ restaurant' Refused (1991).

EPF/1446/97 ' Change of use of shop to children's day nursery' Refused (1998).

EPF/1939/03 'Erection of temporary modular building for use as GP surgery' Granted (2004).

Policies Applied:

Structure Plan:

C2 Green Belt

LRT2 Lee Valley Regional Park

Adopted Local Plan and Alterations:

GB2A Green Belt

CF2 Health Care Facilities

DBE1 Design

DBE2 Amenity

DBE4 Design and Setting

DBE9 Amenity

RST24 Lee Valley Regional Park

U2A Flooding

U2B Flooding

LL2 Rural Landscape

LL3 Rural Landscape

LL10 Landscaping Schemes

LL11 Landscaping Schemes

ST1 Development Location

ST2 Accessibility

ST4 Road Safety

ST6 Parking

Issues and Considerations:

The main issues in this case are the continuing need for local health facilities in the area, balanced against the impact of the proposal in terms of parking, highway safety, green belt, Lee Valley Regional Park, amenities of the locality and occupiers of the surrounding properties and highway safety. Potential concerns regarding the location of the development on the flood plain also need to be considered.

1. Background

Epping Forest Primary Care Trust (PCT) has for some time been looking to provide permanent GP facilities in the Nazeing and Roydon area. They have stated that it is their intention to develop a surgery on the site of the former police houses in North Street, Nazeing. While the most recent application at site was refused by this committee, it is expected that a fresh application will be made seeking to overcome the reasons for finding the previous scheme unacceptable.

At the time of the previous application for the temporary surgery at this site the PCT stated that there was considerable pressure from local residents to supply GP facilities, as there was not another NHS facility in the area. This means residents would need to travel to Harlow, Broxbourne or Hoddesdon if the present temporary facility were to be removed. They are therefore seeking to

continue to provide temporary facilities to deal with the demand and retain the two GPs working in the area.

The PCT stresses that the building is temporary and will be removed at the end of the further two year period and the site returned to its original condition. They accept that the building is in the green belt and that there are other issues which require addressing. However, they consider that the need for this facility, and its temporary nature, should overcome these matters. The previous application was recommended for refusal by officers on highway safety grounds, but granted consent by the committee.

2. Green Belt Matters

The site is located in the green belt and in terms of green belt policy the proposal as a whole represents inappropriate development. Inappropriate development in the green belt is by definition harmful to the green belt since it represents encroachment into the countryside and has an impact on the openness of the land. However, national guidance on development in the green belt refers to the possibility of very special circumstances existing, which can justify setting aside the general presumption against inappropriate development.

In this case the applicant has put forward the need for this facility and its temporary nature as very special circumstances. In determining the previous application at this site the committee concluded that these circumstances were sufficient to outweigh the acknowledged harm the development causes to the green belt. In this instance officers consider that, on balance, such a position is once again the correct view.

3. Community Facilities

Council policies state that proposals for health care facilities will be granted consent where they meet certain criteria. In terms of its accessibility, the site is deemed to be acceptable as it is accessible by car and, being located on a bus route, public transport. It is considered that any impact on amenity and the environment could be adequately addressed with suitable conditions.

4. Lee Valley Regional Park

The site is located within the Lee Valley Regional Park. Correspondence from the Lee Valley Regional Park Authority states that they recognise the need for the facility and raise no objection to the granting of a further temporary permission. Officers agree that the temporary nature of the proposal makes it acceptable in terms of the Lee Valley Park.

5. Design and impact on amenity

The building is a temporary structure and therefore utilitarian in design 3.2m high. The car park is constructed of tarmac planings on hardcore with a level matching that of the tarmac forecourt of the antiques shop. The overspill car park between the building and main car park is formally laid out with a tarmac surface 0.9m below that of the main car park. It appears to be the parking area that is used most frequently. Lighting columns are situated at the edges of the overspill car park. The building is a relatively low structure, well set back from the road and located against a background of trees and hedges while the overspill car park at low level, is similarly screened from view. The main car park is the only part of the site seen from Paynes Lane. The development as a whole is harmful to the visual amenities of the green belt but the community benefit of the surgery on the site for a temporary period outweighs these concerns in the short term.

It is noted that the proposal generates traffic, activity and noise. However, it is considered that any concerns that this may impact upon the amenities of the occupiers of surrounding residential properties can be adequately addressed with a suitable hours of use condition. Similarly Officers

consider that any concerns relating to impact from lighting of the area could be addressed with a condition. The Council Environmental Health Group have not objected to the scheme or requested that conditions be placed on any grant of consent.

6. Flood risk

The site is located within a flood plain. However, the Environment Agency has considered the flood risk assessment submitted with the application and have not raised any objections to the scheme or requested that any conditions be placed upon a grant of consent. The Council Land Drainage Group have also not objected to the scheme. Having had regard to these opinions the development is considered to be acceptable in terms of flood risk.

7. Highway Considerations

Paynes Lane is a private no through road, which joins Nazeing Road. Vision at this junction is limited to the west. Vehicles and pedestrians entering and leaving the site access the surgery via a forecourt in front of the permanent antiques shop building, which leads to the site car park. The County Council Highways Group have stated that they continue with the objection they raised to the application that was given the original temporary permission. This objection stated that they considered the sight lines at the junction to be inadequate and that increased use of the access is prejudicial to highway safety. In light of this, while it is acknowledged that the Committee previously found the proposal to be acceptable in this regard, the application is considered by officers to remain contrary to policy on road safety.

8. Other Matters

A number of objections have been received from residents of Paynes Lane. Apart from the issues already addressed above they have also expressed concerns regarding the length of time requested for the temporary permission. While refusal is recommended, it is not considered that a two year consent period is in itself an unreasonable request, were the proposal thought to be acceptable.

Conclusion

It is accepted that this facility meets an important community need. However, the officer recommendation must be one of refusal on highway safety grounds, as it was with the previous application. While the proposal, controlled by conditions, is deemed to be acceptable in other regards, officers remain of the opinion that the development raises highway issues which cannot be overcome.

Nevertheless, if the committee feels that the granting of further consent is appropriate based upon the continuing need for the facility and the fact that there has been no reported accidents as a result of the surgery, officers recommend that conditions should be imposed relating to the two year temporary period only, the reinstatement of the site at the end of the period, the retention of existing trees and hedgerows and hours of use for the premises.

SUMMARY OF REPRESENTATIONS:

PARISH COUNCIL: Although Members have no objections to this application, it was considered necessary to approach the Primary Care Trust regarding the danger to visiting patients of leaving the car park and entering into Paynes Lane. Although Paynes Lane is a private road, it was considered that a notice should be erected asking visitors to look left when leaving and also that the owner of the land be instructed to paint lines indicating the extent of his land before joining Paynes Lane.

WILLOW LODGE, PAYNES LANE: Objection on grounds that it is not in accordance with the local plan policies for green belt and transport, with particular concerns regarding highway safety. They have also stated that any additional period granted should take account of the fact that the building has already been on the site for longer than 2 years.

OAKLEIGH, PAYNES LANE: Objection on grounds that the application does not comply with local plan policies relating to green belt, community facilities, design and the built environment, landscape and highway safety and that the applicants have not upheld their undertaking to vacate the property or not extend their lease beyond January 2006. They also consider that if the Council grant consent it should not be for an additional two years and should instead only give a further period up to November 2007.

Report Item No: 4

APPLICATION No:	EPF/0002/07
SITE ADDRESS:	34 North Street Nazeing Waltham Abbey Essex EN9 2NN
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Messrs J Wilkinson
DESCRIPTION OF PROPOSAL:	Change of use from builders yard to use as a tool and plant hire depot.
RECOMMENDED DECISION:	GRANT PERMISSION

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 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site outside of the following times; 07.00 - 18.00 Monday to Friday and 08.00 - 13.00 Saturday, nor at any time on Sundays and Bank/Public Holidays.
- 3 No plant or machinery exceeding 3 tonnes in weight shall be kept at the site at any time.
- 4 No external lighting shall be installed at the site in connection with the use hereby approved without the prior written approval of the Local Planning Authority.
- 5 Vehicular access to the site in connection with the approved use shall be via the existing access at the front of the site directly off North Street and no vehicular access shall be taken via the access drive that runs between 36 and 38 North Street.
- 6 Vehicles operating from the site shall not exceed 7.5 Tonnes in weight.
- 7 Prior to the first use of the site for the use hereby permitted details of a turning space and parking area shall be submitted to and agreed in writing by the Local Planning Authority and shall be constructed and surfaced in accordance with the agreed details. The turning and parking areas shall thereafter be retained free of obstruction and used only for turning and parking in connection with the approved use.

Description of Proposal:

Application for change of use of existing established builders yard, (currently vacant and last used by a scaffolding company) to a tool and plant hire depot. It is proposed that the maximum size of plant handled would be 3 tonnes and include small excavators, with deliveries being undertaken either in a transit sized van or a small (7.5 tonne) lorry. The suggested hours of operation are 7.00 am to 6pm on weekdays and 8am to one on Saturday with no Sunday or bank holiday working.

Description of Site:

The site is an L shaped area of land, some 960 square metres in area located within the residential area of Nazeing and surrounded by residential properties. There is a two storey building fronting North Street, built in the 1950s which comprised a builders office, showroom and store. To the side and rear the site is open. The site slopes up from east to west by about 1.5m. The surrounding area is characterised by both semi detached and detached dwellinghouses. Numbers 41- 45 Highland Road to the rear are sited between 12 and 15 metres from the rear boundary of the site.

Relevant History:

EPO/293/56 rebuilding of builders office, showroom and store – Approved
EPO/133/58 Rebuilding of builders office with flat over Approved June 1958
EPF/269/89 Erection of storage building Approved with conditions 1989 but not implemented.
EPF/243/06 Conversion of existing building into 5 flats with second floor mansard roof and two storey extension and erection of 3 new dwellings. Refused 9/05/06

Policies Applied:

Structure Plan:

CS1 Sustainable Urban Regeneration
CS2 protecting the natural and Built Environment.
BE6 Polluting, Hazardous or Noisy Development
BIW4 Safeguarding Employment Land

Local Plan and Local Plan Alterations:

CP1 Sustainable development Objectives
CP2 Protecting the Rural and Built Environment
RP5A Adverse environmental Impacts
DBE9 Protection of residential amenity
ST4 Road Safety
ST6 Vehicle Parking

Issues and Considerations:

This site is somewhat of an anomaly in the residential area; it has been used since the 1950's and possibly earlier as a builders yard with associated office, workshop and sales. More recently it has been used, without the need for further planning permission, by a scaffolding company. There are currently no controls over the hours of use of the site, or the number and size of vehicles

accessing the site in connection with its lawful use, as the use predates planning controls. Both the existing and the proposed uses are clearly not compatible within the residential area and have considerable scope to cause noise and disturbance to the adjacent properties and to cause highway concerns.

The main consideration therefore, is not whether the proposed use is appropriate in this location, but whether the proposed use would have any greater impact on the locality than the existing lawful use as a builders yard with associated office, sales and workshop.

Essentially the two uses are very similar. The yard area will be used for open storage, the buildings within the yard will be used for storage of smaller items and part of the fronting building will be used as a shop. Both uses involve members of the public arriving at the site and both involve movement of relatively large vehicles while materials or plant are loaded.

The current application is not a speculative application but is for a potential tenant, Mr O'Brien, who currently operates a Tool and Plant Hire Business in Hoddesdon, and wishes to relocate to this site. The supporting statement from the applicants agent states that at present the maximum size of plant handled is three tonnes and includes small excavators. (The website for the existing Hoddesdon business confirms this). The statement claims that the majority of business is currently conducted over the internet or telephone arranging to deliver and collect the plant and equipment to the site where it is required. Deliveries are either by small transit type van or in the business's one small (7.5 tonnes) lorry. The plant and equipment is normally loaded in the afternoon ready for delivery the following morning. Based on the current operation in Hoddesdon the operator considers that the business is unlikely to generate much custom actually to the site, with no HGV movements.

Clearly the loading of a three tonne mini digger on to a 7.5 tonne lorry within metres of adjoining residential gardens is likely to cause some noise and disturbance, but if the site were used as a builders yard it is possible that similar equipment would be stored and loaded/unloaded at the site, and the last use, by a scaffolding company involved considerable noise and disturbance early in the mornings and again in the evenings,(although it was relatively quiet during the day.)

With regard to highway issues, County highways have not raised any objection to the proposal on highway safety grounds as the site could be used as a builders yard including sales and the proposed use is unlikely to generate more traffic than that use.

On balance, from the information provided it is not considered that the proposed development would have any greater impact on the residential amenity of adjacent residents than the existing lawful use. Additionally, the application provides the opportunity to introduce reasonable conditions regarding the hours of use that can be operated and the size of equipment and vehicles that can be operated from the site, whereas the existing lawful use has no such controls.

Environmental Health have not raised any objection to the scheme although they have raised concern about the 7am start proposed. The applicant has stated that the 7am weekday start is necessary for his business to operate properly. Whilst a later start would be preferable, again this must be compared with the existing situation in which there is no planning control at all over the hours of use.

Neighbour concerns.

Most of the concerns relate to noise, disturbance and traffic and have been addressed above; Concerns raised by neighbours regarding loss of property value are of little weight in the determination of the planning application. Restrictions regarding the safe storage of gas canisters are covered by legislation other than planning and would not therefore be a reason for refusal.

Concern regarding use of the access adjacent to 36 North Street to access the site can be addressed by condition.

Conclusion.

It is considered that the proposal will have no greater impact on the surrounding properties and on highway safety than the existing lawful use of the site and, with the potential to control the use by conditions, the application is recommended for approval subject to conditions.

SUMMARY OF REPRESENTATIONS:

47 HIGHLAND ROAD – Strongly object. Only recently moved in to quiet residential area, proposed use would be harmful to quality of life, and property prices. Concerned about noise, air pollution, also that gas canisters may be stored on the site, which would be hazardous.

49 HIGHLAND ROAD – Moved in July 2006 and chose house because it is in a pretty, quiet, family area. Concerned about storage of gas cylinders in a residential area, noise, due to loading and unloading equipment, testing equipment, pollution, possibility of servicing of equipment on site that would be noisy.

The proposal is not suitable, safe or fair to residents living around it.

43 HIGHLAND ROAD – Strongly protest. Noise would be increased to an unacceptable level, increased lorry and heavy vehicle movements would cause more problems, noise issues with regard to repairing plant and equipment on site, diesel smoke pollution adjacent to residential gardens where children play, environmental issues regarding servicing and disposal of oils from maintaining machinery, storage of gas cylinders close to residential, security risk as the site is insecure, significant impact on property value in the locality.

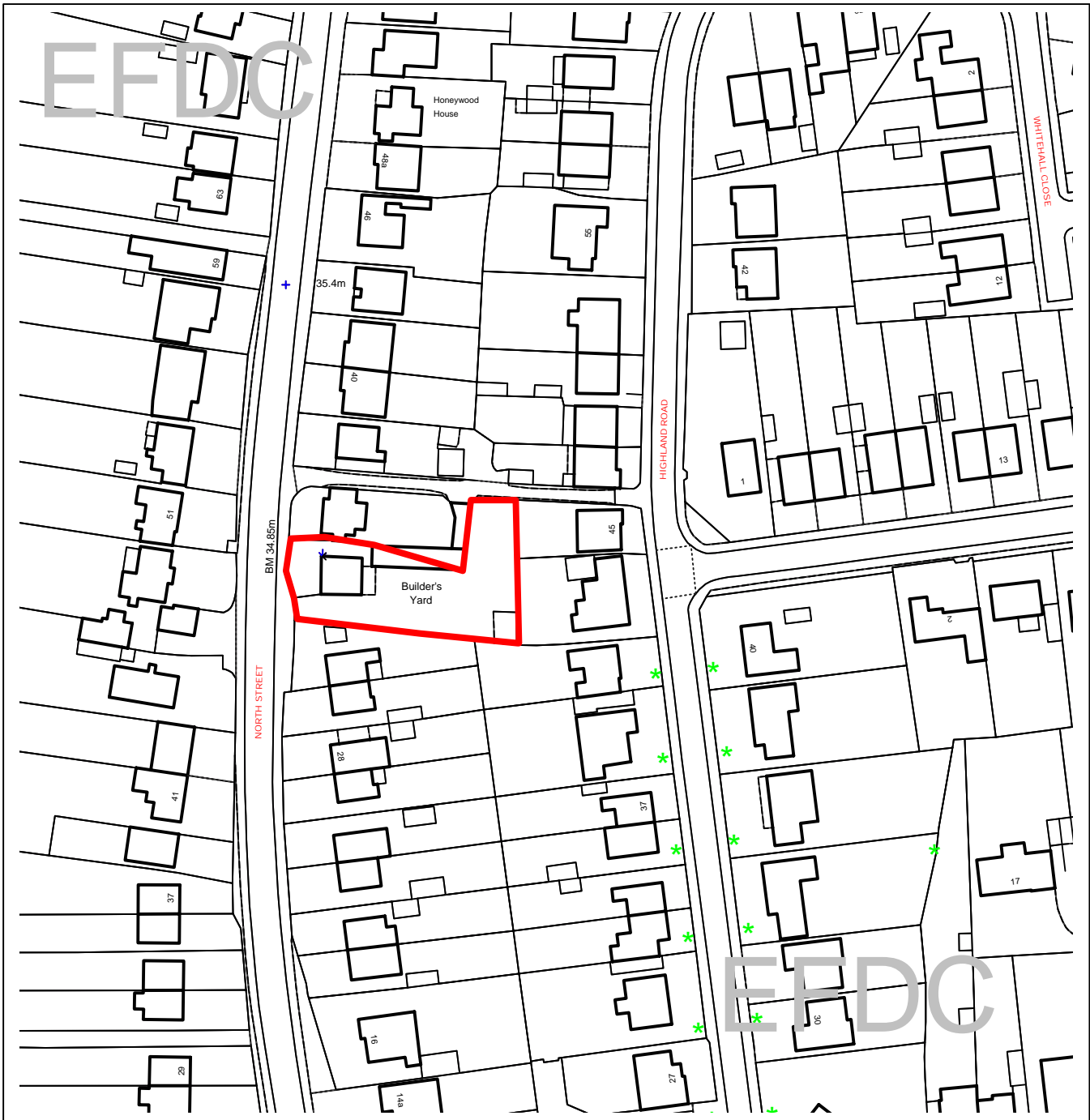
41 HIGHLAND ROAD – Strongly protest. Residential area and use as a builders yard has so far been an acceptable use, without much intrusion although it has been noisy when used as a scaffolding yard, plant hire raises concern of large vehicles being involved, with maintenance requirements, a previous application for development was refused for work shops that would have included industrial plant and machinery, noise will increase from density of cars and people coming and going, affecting surrounding residents, potential highway danger from heavy plant.

36 NORTH STREET – Strongly disapprove and object. Commercial operation in the residential area will cause heavy trucks and plant hire equipment movements on an already overloaded B road, noise and pollution from, servicing and maintaining plant and equipment, possible use of the access to our garaging bringing heavy traffic along the opposite side of our house causing noise, pollution and damage to the access road. Loss of property value.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	4
Application Number:	EPF/0002/07
Site Name:	34 North Street, Nazeing
Scale of Plot:	1/1250