

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee West Wednesday, 4th July, 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
Email: ahendry@eppingforestdc.gov.uk Tel: 01992 564246

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), J Wyatt (Vice-Chairman), R Bassett, Mrs P Brooks, Mrs A Cooper, R D'Souza, J Demetriou, Mrs R Gadsby, Mrs J Lea, Mrs M Sartin, Councillor Mrs P Smith, Ms S Stavrou, A Watts and Mrs E Webster

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. 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 5 - 6)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 7 - 24)

To confirm the minutes of the last meeting of the Sub-Committee held on 6 June 2007 as a 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 25 - 46)

(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. 42/43 ROYDON CHALET ESTATE, ROYDON (Pages 47 - 50)

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

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
10	Land on the west side of Hamlet Hill	1 and 3

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.

10. LAND ON THE WEST SIDE OF HAMLET HILL, ROYDON (Pages 51 - 54)

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

11. 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.

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 Planning Subcommittee West **Date:** 6 June 2007

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.35 - 9.00 pm

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

Other Councillors:

Apologies: Mrs A Cooper, J Demetriou, Ms S Stavrou, A Watts and Mrs E Webster

Officers Present: S Solon (Principal Planning Officer), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

1. 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.

2. 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.

3. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Brooks declared personal interest in agenda items 7 (5) (EPF/0425/07 -Claverhambury Manor, Claverhambury Road, Galley Hill, Waltham Abbey), 7(6) (EPF/0439/07 - Former Garage Block, Homefield, Waltham Abbey), 7(7) (EPF/0448/07 - 92 Crooked Mile, Waltham Abbey), 7(8) (EPF/0544/07 - 111 Monkwood Avenue, Waltham Abbey), 7(9) (EPF/0581/07 - Monkshams Farm, Hollyfield Road, Waltham Abbey) and 7(10) (EPF/0603/07 – Gilwell Park, Bury Road), by virtue of being a members of the Waltham Abbey Town Council, Planning Committee. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the items.

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs R Gadsby declared a personal interest in agenda item 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(c) Pursuant to the Council's Code of Member Conduct, Councillor Mrs M Sartin declared a personal interest in agenda item 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. The Councillor declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(d) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Lea declared a personal interest in agenda item 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. 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. She also declared a personal interest in item 7(8) (EPF/0544/07 – 111 Monkswood Avenue, Waltham Abbey) by virtue of living in that road. She declared that her interests were not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

(e) Pursuant to the Council's Code of Member Conduct, Councillor R Bassett declared a personal interest in agenda items 7 (2) (EPF/0232/07 – Langridge Barn, Paynes Lane, Nazeing) and 7(7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey). 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.

(f) Pursuant to the Council's Code of Member Conduct, Councillor Mrs P Smith declared a personal interest in agenda item 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. 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.

(g) Pursuant to the Council's Code of Member Conduct, Councillor R D'Souza declared a personal interest in agenda item 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. 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.

(h) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a personal interest in agenda item 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. 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.

(i) Pursuant to the Council's Code of Member Conduct, Councillor P McMillan declared a personal interest in agenda items 7(5) (EPF/0425/07 – Claverhambury Manor, Claverhambury Road, Galley Hill, Waltham Abbey) and 7 (7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) by virtue of being a colleague of the applicant. 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.

4. ANY OTHER BUSINESS

That Chairman proposed that item 7(7) (EPF/0448/07 – 92 Crooked Mile, Waltham Abbey) be referred up to its parent committee, the District Development Committee. This was seconded by Councillor Wyatt and agreed unanimously by the committee.

RESOLVED:

That application EPF/0448/07 – 92 Crooked Mile, Waltham Abbey be referred to the District Development Committee for consideration.

5. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2006 TO MARCH 2007

The Principal Planning Officer presented a report advising of the results of all the successful appeals, particularly those refused by committee contrary to officer recommendations. The purpose was to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupported on planning grounds, an award of costs may be made against the Council.

Over the six-month period between October 2006 and March 2007, the Council received 74 decisions on appeals – 71 planning and related appeals and 3 enforcement appeals. Of the 71 planning and related appeals 22 were allowed (31%) and none of the 3 enforcements – a combined total of 29.7% of the Council's decisions being overturned.

On this occasion, the proportion of appeals that arose from decisions of the committees to refuse contrary to the recommendation of officers was much higher than on previous occasions. Of the 71 appeal decisions, 18 arose in such circumstances and the Council lost 12 of those cases. If those 18 cases were entirely discounted from the statistics, the Council's performance figure would have been 19%, which is well within the top quartile performance nationally.

There were two cases where costs were awarded during this period – one for the Council and one against.

RESOLVED:

That the Planning Appeals decision for the period October 2006 and March 2007 be noted.

6. DEVELOPMENT CONTROL

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

RESOLVED:

That, Planning applications numbered 1 – 10 be determined as set out in the annex to these minutes.

7. 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.

Minute Item 6

Report Item No: 1

APPLICATION No:	EPF/0106/07
SITE ADDRESS:	4 The Heights Bumbles Green Lane Nazeing Essex EN9 2SG
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Erection of a storage building for garden furniture and maintenance machinery (retention of existing but with reduced ridge height).
DECISION:	REFUSE

REASON FOR REFUSAL

- 1 The application site forms part of the Metropolitan Green Belt, the most important attribute of which is its openness. Because of its excessive height and bulk, the building appears unduly prominent and fails to preserve the openness of the Green Belt. No very special circumstances exist, sufficient to override the harm caused. It therefore conflicts with the purposes of including the land in the Green Belt and is contrary to Policy C2 of the Essex and Southend-on-Sea Replacement Structure Plan (2001) and Policies GB2A and GB7A of the Epping Forest District Local Plan Alterations (2006)..

Report Item No: 2

APPLICATION No:	EPF/0232/07
SITE ADDRESS:	Langridge Barn Paynes Lane Nazeing Essex EN9 2EY
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Change of use of granny annexe to separate dwelling with garden.
DECISION:	REFUSE

REASONS FOR REFUSAL

- 1 The proposal would result in an intensification of the use of this part of the Metropolitan Green Belt for residential purposes. This would have a materially greater impact than the present use on the Green Belt and would have a significantly detrimental impact on the character of the countryside. Moreover, the Council is not satisfied that works to the building within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out. Accordingly, the proposal is contrary to policies GB2A and GB8A of the Epping forest District Local Plan Alterations and Policy RE2 of the Essex and Southend-on-Sea Replacement Structure Plan.
- 2 The proposal would result in the creation of a dwelling-house that is remote from public services and is not accessible by existing, committed or planned sustainable means of transport. This is contrary to the Council's sustainable development objectives. Accordingly, the proposal is contrary to Local Plan Alteration policies CP1 and CP3 and to Replacement Structure Plan policy CS4.

Report Item No: 3

APPLICATION No:	EPF/0552/07
SITE ADDRESS:	Willow Lodge Old House Lane Nazeing Essex EN9 2LJ
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Front and rear dormer windows and alterations to elevations. Erection of front porch. Demolition of existing rear extension and erection of new single storey rear extension.
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 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 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.

Report Item No: 4

APPLICATION No:	EPF/0302/07
SITE ADDRESS:	Greenacres Hamlet Hill Roydon Harlow Essex CM19 5LD
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
DESCRIPTION OF PROPOSAL:	Proposed front, side and rear dormers.
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 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The proposed dormer windows on the south-east and north-east roofslopes shall be fitted with obscured glass and shall have fixed frames and shall be permanently retained in that condition.
- 4 The development shall be carried out in accordance with the amended floor plans received on 31st March 2007 and the amended elevation drawing received on 21st May 2007 unless otherwise agreed in writing with the Local Planning Authority.

Report Item No: 5

APPLICATION No:	EPF/0425/07
SITE ADDRESS:	Claverhambury Manor Claverhambury Road Galley Hill Waltham Abbey Essex EN9 2BL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Conversion of domestic storage barn to dwelling.
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 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.
- 3 The two remaining outbuildings within this site, shaded black on the approved block plan (drawing G.H.5), shall be used only for garaging and domestic storage ancillary to the main use of the dwelling hereby approved and shall not at any time be converted to habitable floorspace or used for any other purpose.
- 4 Details of the types and colours of the external finish of the roof of the building 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 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

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

Should a phase 2 main site investigation and risk assessment be necessary, a

protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

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

Report Item No: 6

APPLICATION No:	EPF/0439/07
SITE ADDRESS:	Former Garage Block Homefield Waltham Abbey Essex EN9 3LS
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
DESCRIPTION OF PROPOSAL:	Erection of 1 no. three bedroom and 2 no. two bedroom residential houses with parking. (Revised application)
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 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 plans 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.
- 5 Prior to first occupation of the building hereby approved the proposed window openings in southern flank of the semi-detached dwelling facing No. 17 Harries Court shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 6 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.

- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle artefacts and structures, including signs and lighting and functional services above and below ground. Details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers / densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 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 in accordance with a management plan to be submitted concurrently with the assessment.
- 9 The parking spaces shown on plan number 0549(PL)01 Revision B shall be provided prior to the first occupation of the development and shall be permanently retained free of obstruction for the parking of residents and visitors vehicles.
- 10 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Report Item No: 7

APPLICATION No:	EPF/0448/07
SITE ADDRESS:	92 Crooked Mile Waltham Abbey Essex EN9 1QN
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Two storey side extension and change of use from residential to mixed use of residential and learning disability home.
DECISION:	REFERRED TO DISTRICT DEVELOPMENT CONTROL COMMITTEE

Report Item No: 8

APPLICATION No:	EPF/0544/07
SITE ADDRESS:	111 Monkswood Avenue Waltham Abbey Essex EN9 1LJ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Erection of a detached dwelling with garage and access and revised access to no. 111 Monkswood Avenue.
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 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.
- 5 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.
- 6 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 compliance with the principles of Sustainable Drainage Systems (SuDS). 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..

Report Item No: 9

APPLICATION No:	EPF/0581/07
SITE ADDRESS:	Monkhams Farm Holyfield Road Waltham Abbey Essex
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
DESCRIPTION OF PROPOSAL:	Demolition of buttery and Dairy Cottage and erection of one new replacement detached dwelling.
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 The construction of the dwelling hereby approved shall not be commenced until the buildings identified on the approved plans as to be demolished (The Buttery and the Dairy) have been entirely demolished above ground level.
- 3 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 4 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.
- 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 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 Classes A, B, and E of Part 1 of Schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 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.

- 8 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.

- 9 Prior to the site being used for residential occupation, adequate provision for drainage shall be submitted to and approved by the Local Authority. The approved drainage shall be retained while the site is in use.

Report Item no. 10

APPLICATION No:	EPF/0813/07
SITE ADDRESS:	Gilwell Park Bury Road E4
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
DESCRIPTION OF PROPOSAL:	TPO/EPF/21/06 - 1x Horse Chestnut, 3 x Lime, 2 x Oak - fell. 5 x Oak - crown lift to 5m on trackside only. 1x Lime, 1x Hornbeam - remove overhanging branches.
DECISION:	GRANT

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days' notice of such works.
- 2 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

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AREA PLANS SUB-COMMITTEE 'WEST'

Date 4 JULY 2007

INDEX OF PLANNING APPLICATIONS

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Report Item No: 1

APPLICATION No:	EPF/0711/07
SITE ADDRESS:	Paslea House Nursery Road Nazeing Essex EN9 2JF
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr & Mrs P Milazzo
DESCRIPTION OF PROPOSAL:	Variation of condition 2 of planning permission EPF/1268/89 for continued use of dwelling without compliance of agricultural occupancy condition. (Revised application)
RECOMMENDED DECISION:	Grant Permission (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.

Description of Proposal:

The application seeks planning permission to remove condition 2 of planning permission EPF/1268/89 to continue use of dwelling without compliance with the agricultural occupancy condition.

Description of Site:

The application property is located on the west side of Nursery Road, just south of its junction with Sedge Green. To the west of the site lies Leaside Nursery and to the east is the property known as Leaside. The dwelling has previously undergone various alterations and extensions. Three past applications for the removal of the agricultural occupancy condition, including one in 2006, have been refused.

Relevant History:

EPF/1328/83 Erection of a dwelling for an agricultural worker. The Council refused to grant planning permission but a subsequent appeal was allowed in 1984. Permission was granted subject to an agricultural occupancy condition but the consent was not taken up.

EPF/1158/89 Revised details of agricultural dwelling. Permission was granted subject to an agricultural occupancy condition but the consent was not taken up.
EPF/1268/89 'Dwelling (second revised details) Permission was granted subject to an agricultural occupancy condition. The permission was implemented.
EPF/0804/91 'Occupation of dwelling without complying with Condition '2' of Planning Permission EPF/1268/89 (Agricultural Occupancy Condition)' Refused (1991) and appeal dismissed (1992). Enforcement notice issued on 1 July 1992 requiring compliance with the agricultural occupancy condition. The notice remains effective.
EPF/0143/93 'Change of use of existing integral garage, alterations to dwelling and erection of new detached double garage' Refused (1993) and part (change of use of garage) allowed at appeal (1993).
EPF/1558/97 'Erection of a single storey side extension' Granted (1998).
EPF/0959/01 'Extension to existing garage' Granted (2001).
EPF/1181/03 'Removal of agricultural occupancy condition' Refused (2003)
EPF/1448/06 'Variation of condition 2 of planning permission EPF/1268/89 for continued use of dwelling without compliance of agricultural occupancy condition' Refused (2006).

Policies Applied:

Structure Plan:

C2 Development Within the Metropolitan Green Belt

Local Plan:

GB2A Development in the Green Belt

GB17B Removal of Agricultural Occupancy Conditions

Issues and Considerations:

Agricultural workers dwellings are only allowed in the Metropolitan Green Belt as an exception to the normal restrictions, where need on agricultural grounds and the long term viability of an agricultural enterprise are clearly demonstrated. The removal of such a condition therefore essentially allows inappropriate development in the Metropolitan Green Belt and should be resisted unless it can be clearly demonstrated that there is no longer a need for the dwelling in the locality.

Policy GB17B of the Adopted Local Plan and Alterations sets out the circumstances in which the removal of an agricultural occupancy condition is acceptable. For removal of the condition to be acceptable it must be demonstrated that:

- i) There is no longer a functional need for the need for the dwelling on the holding; and
- ii) there is no longer a need for this type of dwelling in the locality; and
- iii) the dwelling has been marketed with its agricultural occupancy status made clear throughout (with recording of responses kept) for a minimum of one year; and
- iv) a survey of the agricultural community is carried out to assess the existing agricultural need in the locality for the dwelling.

The information submitted with the application consists of the supporting statement and marketing information submitted with the most recently refused application. This includes details of a survey carried out, in which a questionnaire was sent to 181 agricultural related businesses within an 8km radius of the property, asking whether or not they had a need for the dwelling. Further subsequent marketing in various relevant agricultural publications is also included, as are valuations of the

property made in December 2006 by two different estate agents. It should be noted that the property has been marketed at a price 35% below its general housing market value, rather than the 40% required by policy. However, it is officer's opinion that since the marketing of the property began prior to the adoption of the policy requiring a 40% discount there is a reasonable case for accepting marketing of the property at a 35% reduction. The marketing information submitted with the application is more extensive than that provided with the most recently refused application and is deemed to be adequate to comply with the requirements of policy in this instance.

The supporting statement submitted with this application points out that the dwelling is no longer attached to an agricultural holding, as the holding has been sold separately and is now owned by a Mr. A. Marino. Mr. Marino has confirmed in a letter that he has no need or wish to purchase the property as it is larger than he requires and would not fulfil his requirements since his wife has mobility problems and the property has two levels of accommodation. As well as confirming his lack of interest in the property his letter goes some way to explaining his recent (determined in November 2006) application for a bungalow on the Leaside Nursery agricultural holding. That application was refused partly on the grounds that officers were not satisfied that there was a need for an agricultural worker on the site and the decision has not subsequently been appealed. While Mr Marino's proposal for a new bungalow was found to be unacceptable, his letter explains why Mr. Marino proposed a single storey dwelling at Leaside Nursery. It also deals with concerns raised by objectors that the removal of an agricultural condition proposed was unjustified since the application site is very close to a site where there was a recent planning application for the erection of a new dwelling for occupation by an agricultural worker. In addition to the fact that the dwelling is no longer part of the holding it was once part of, since the recent application for a new dwelling by Mr. Marino at Leaside Nursery was refused partly on the grounds that there was no demonstrable need for an agricultural worker on that site, that decision further supports the applicant's contention that there is no longer a functional need to retain the dwelling for the use of an agricultural worker.

As the planning history for the dwelling indicates it has undergone alterations and enlargements since its original construction and it is presently considerably larger than maximum size of 150m² which would be allowed for a new agricultural dwelling. Notwithstanding the absence of a purchaser following the marketing carried out, this lends support to claims that the property is now too large to be affordable by most agricultural workers, even with a reasonable discount. This would suggest that there is no longer a need for this type of dwelling in the locality. As such the supporting text to the policy suggests that some form of more intensive occupation, sub-division or multiple-occupancy should be explored. However, it is not considered that a property in this location is suitable for intensification of use on highway safety grounds. This is supported by a report for Capital Highways submitted with the application, which reaches the same conclusion.

The Lee Valley Regional Park Authority has confirmed that they have no objection to the scheme. However, they have requested that if the application is approved a section 106 agreement should be used to secure an investment in open space for an amount based on the difference in property values between the property with and without the occupancy condition. This comment is noted; however, it is officer's opinion that such a request would fail to comply with national guidance on seeking a contribution in this way, as it would not be necessary for the proposal to work or reasonable. This is due to the fact that the site as occupied by an agricultural worker or otherwise would not have a materially different impact on the surrounding open space.

Conclusion:

The information submitted with the application is considered to have overcome the reasons for refusing the previous proposal and is deemed to be sufficient to demonstrate that the occupation of the property without the agricultural occupancy condition is reasonable. The application is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS:

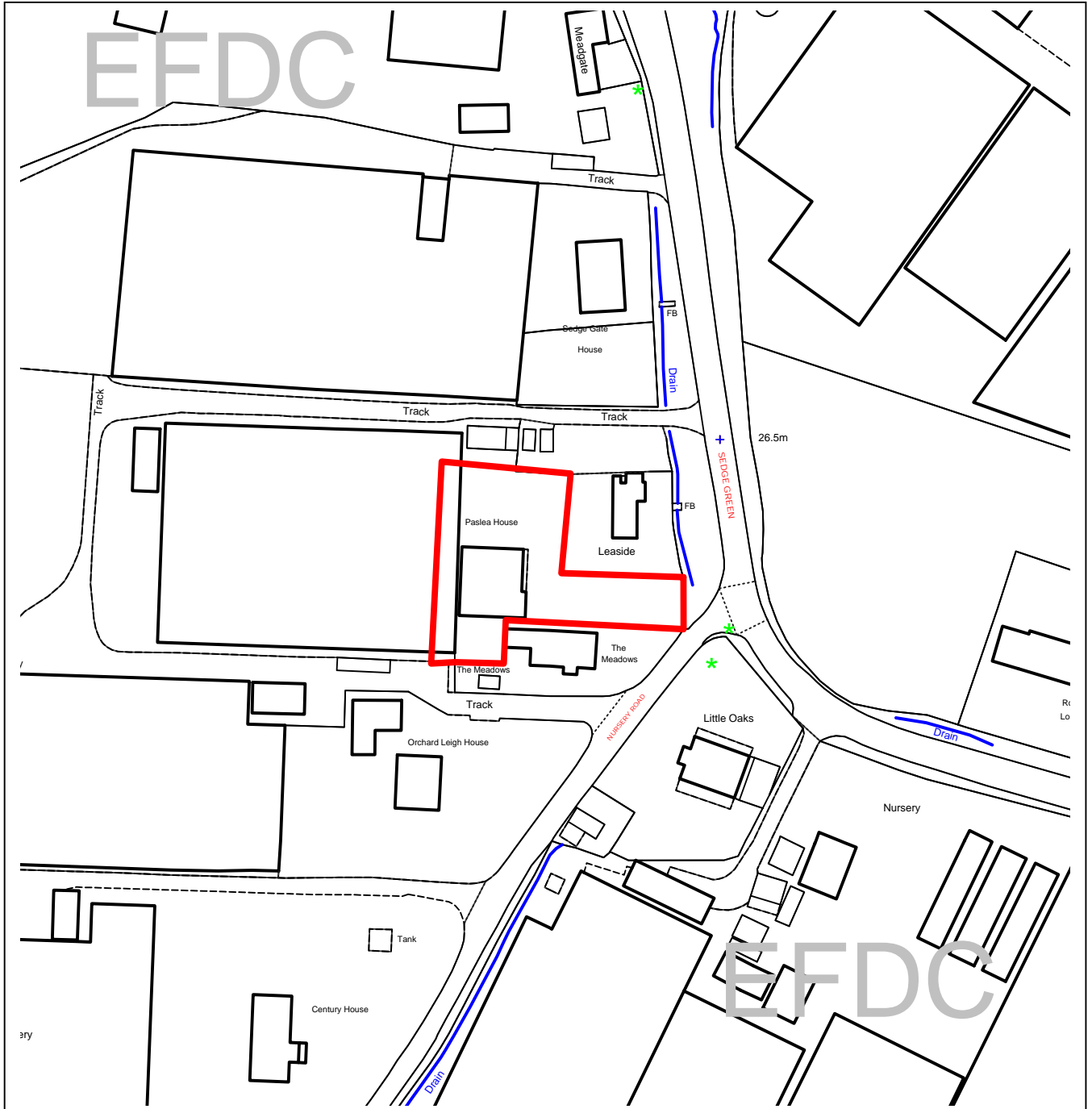
NAZING PARISH COUNCIL – This property lies within the E13 area, which of late, appears to have had a resurgence of applications for glasshouses. Growers therefore are in need of living close to crops and frequently require dwellings for agricultural workers. Although this property has been extended over the years it does not mean that there is no need for agricultural dwellings in the area. The Parish Council object unanimously and agreed that this is contrary to policies GB2 and GB17.

LEASIDE, SEDGE GREEN ROAD – Objection on grounds that the application is part of an attempt to make money, the marketing of the property has not been adequate and that an application has recently been made for a new dwelling for an agricultural worker at Leaside Nursery



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	1
Application Number:	EPF/711/07
Site Name:	Paslea House, Nursery Road, Nazeing, EN9 2JF
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0456/07
SITE ADDRESS:	11 Hillhouse Waltham Abbey Essex EN9 3EL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Mr D Thandi
DESCRIPTION OF PROPOSAL:	Change of use from A1 (retail) to A5 (takeaway) including change to shopfront. (Resubmitted application)
RECOMMENDED DECISION:	Grant Permission (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 The use of the premises for purposes within Use Class A5 hereby permitted shall not be open to customers outside the hours of 10.00 to 22.00 Monday to Saturday and not at all on Sundays.
- 3 Prior to the first use of the premises for purposes within Use Class A5 the extract system as set out in the application shall be installed. The extract system shall thereafter be used whenever cooking is taking place on the premises and shall be maintained in accordance with the submitted schedule.
- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any other Statutory Instrument revoking, further amending or re-enacting that Order) the premises shall not be used for any other purpose within Class A2 (Financial & Professional Services) or Class A3 (Restaurants & Cafes) of the Schedule to the Town & Country Planning (Use Classes) Order 1897, as amended, or in any provision equivalent to those Classes in any Statutory Instrument revoking or re-enacting that Order.

Description of Proposal:

Change of use from Use Class A1 retail to Use Class A5 takeaway (fish and chip/kebab shop) including alterations to shopfront to provide central access doors. The proposal includes details of extraction to be taken through the rear of the building, via ducting along the side boundary wall and out over the rear boundary wall. The proposed operating hours are 11am to 2pm and 4pm to

9pm Mondays and Tuesdays, 11am to 2pm and 4pm to 9.30pm Wednesday and Thursdays, 11am to 10pm Friday and 11am to 9pm Saturdays, with no opening on Sundays.

Description of Site:

Shop unit within the Hillhouse local shopping centre, currently vacant. There are flats above.

Relevant History:

EPF/1392/04	Change of use to A3 Takeaway	Refused
EPF/1974/06	Change of use to takeaway A5	Refused

Policies Applied:

Local Plan and Local plan Alterations:

TC6 local centres and corner and village shops

RP5A Development likely to cause a nuisance

DBE9 Excessive loss of amenity

Issues and Considerations:

The main concerns in the consideration of this application are, the loss of a retail unit, the impact on the amenity of neighbours, design and impact on street scene.

1. Loss of a retail unit.

The shop unit is within an identified Local Centre, wherein Policy TC6 of the Local Plan Alterations applies. Loss of retail units in such locations is to be resisted unless it can be demonstrated that there is no market demand for retail use, or the service is to be continued in another location in the locality or the new use would meet an identified community need. In this instance the unit, which is Council owned, has been vacant since November 2004 and was last used for the sale of security equipment with ancillary office. It has been marketed since then by a Local Estate Agency, but there has been no interest from any retail business. There have however been 12 tenders to use the site for A5 Takeaway use.

Given that the unit has now been vacant and marketed for over two and a half years and that there has been no interest from any retail business it is considered that there is no market demand for retail use. The Local Centre does still provide a variety of shops that meet the day to day needs of the local residents and it is not considered reasonable to continue indefinitely to resist the loss of this unit to a non retail use. Generally it is considered that it is preferable for the unit to be in use rather than standing empty, which inevitably has a negative effect on the centre.

2. Impact on neighbours.

The unit is located within a pedestrianised square and there are residential flats above all the shops around the square, which could be affected by the proposed use.

The previous application for change to A5 use was refused in December last year on the grounds that the proposed extraction method was inadequate and would cause unacceptable odour

problems and that the use would result in late night noise and disturbance harmful to residential amenity. Since then the applicant has worked closely with Environmental Health officers to achieve an extract system that will minimise nuisance from cooking odours. The proposed hours of opening have remained unchanged, with the latest closing time being 10pm on a Friday.

Given that this is a shopping parade location where several of the existing units are open until quite late it is not considered that the opening hours proposed are unreasonable. As in town centre locations there will inevitably be greater levels of activity and potential for disturbance where facilities of this nature are present. Environmental Health officers have welcomed the suggested restricted hours.

Litter has also been raised as an issue, but this is a matter of individual responsibility and cannot amount to a reason for refusal of a legitimate business.

Whilst it is accepted that there is local concern about the possibility of anti social behaviour, given the nature of the location, within an established Local Centre, where one would expect a mix of shops and services including takeaways, and wherein a number of units are already open until 10pm it is considered that the additional impact on residential amenity from the introduction of the proposed use would not be so great as to warrant refusal of the application. This is based on the restrictive opening hours requested by the applicant that can be controlled by condition.

A condition preventing change of use to a café or restaurant can be imposed and it is considered that this is necessary to prevent excessive noise transference from within the unit to the flats above.

3. Design and Impact on Street Scene

The proposal includes provision of a new shop front, which is considered to be appropriate in design terms and in keeping with the existing street scene.

Conclusion

In conclusion it is considered that in this instance sufficient evidence has been provided to show that there is no market demand for the unit as a retail use, and that use as a takeaway is appropriate to the location and will not harm the vitality and viability of the shopping centre. Additionally, although it is accepted that the use has the potential to result in additional noise and disturbance it is not considered that in this location and with controlled hours of use the harm would be sufficient to warrant refusal of the application.

The proposal is therefore in accordance with the adopted policies of the Local Plan and Local Plan Alterations and is recommended for approval.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL – No objection to the amended description. However this is a new sub committee and has taken into consideration residents views. We have strong reservations about health and safety and crime and disorder issues this development might generate.

3 copied letters from 15, HILLHOUSE, 16 HILLHOUSE and 18 HILLHOUSE - Object. Already suffer from gangs of youths congregating and this will make it worse. Stairs to flats already have people sitting, drinking, eating and urinating on them. This can only make the problem a lot worse. The building is not designed for this type of use which will result in Increased rubbish, smell and noise. All bedroom windows face the square, so smells and noise will badly affect us, the design of the square seems to amplify noise. By 22.00hrs all the shops in the square have closed and

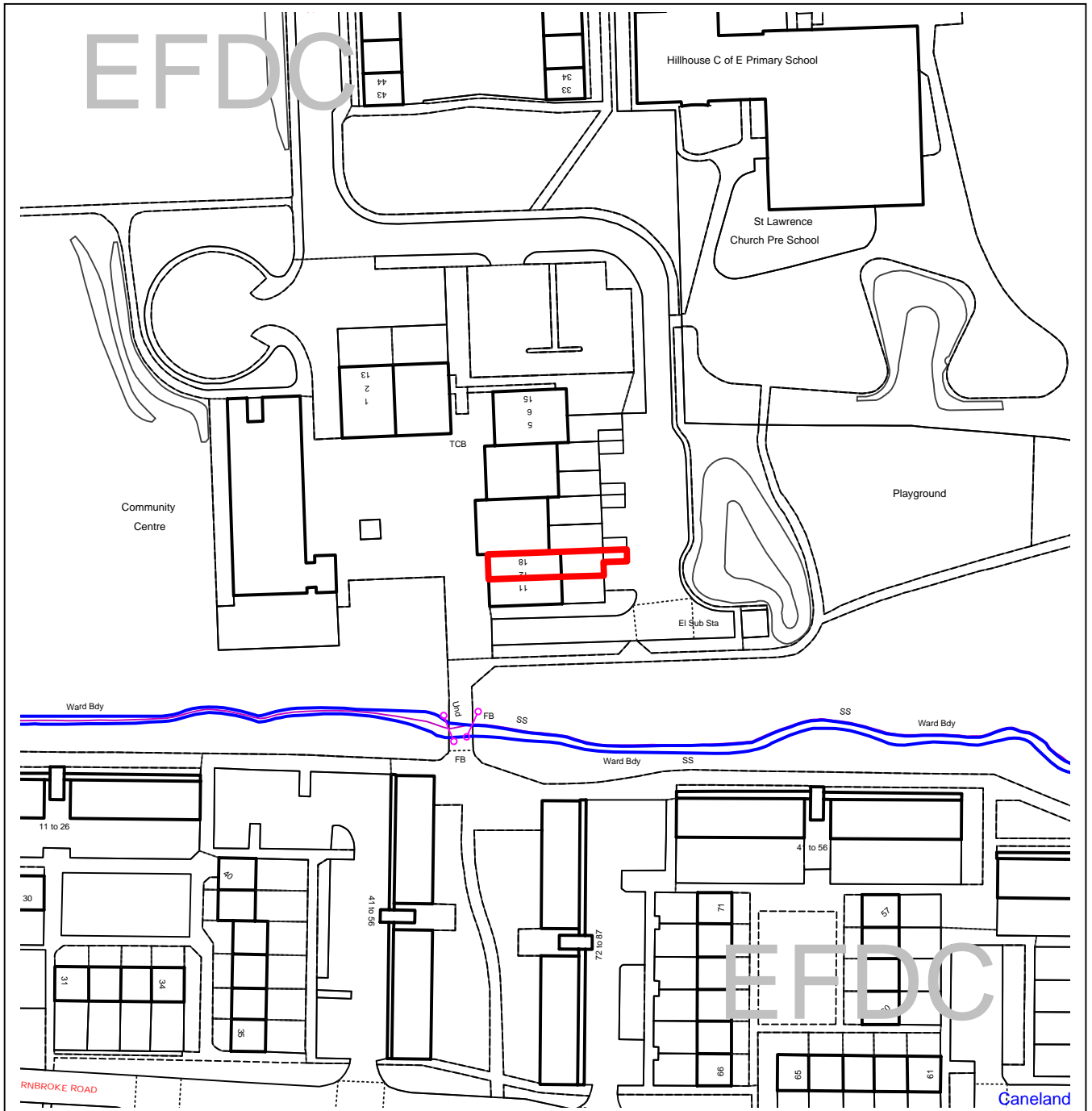
most if not all of the youths start to move off, as I would not think the takeaway would want to close at this time it will keep them longer. There are takeaways within easy distance and free delivery.

9 HILLHOUSE – No objection - will be better for locals.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	2
Application Number:	EPF/0456/07
Site Name:	11 Hillhouse, Waltham Abbey, EN9 3EL
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0488/07
SITE ADDRESS:	Beechview Nurseries Avey Lane Waltham Abbey Essex EN9 3QH
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Vincenzo Culora and Jennifer S Culora
DESCRIPTION OF PROPOSAL:	Change of use of building to B8 use (storage and distribution).
RECOMMENDED DECISION:	Grant Permission (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 No items shall be delivered to or dispatched from the site outside of the following hours 08:00 to 19:00 Monday to Friday, 08:00 to 16:00 Saturdays and 10:00 to 14:00 Sundays and at no time on Bank Holidays
- 3 There shall be no open storage in connection with the approved use of this building.

Description of Proposal:

Change of use of existing agricultural building to B8 storage use.

Description of Site:

Recently constructed agricultural building 18m x 8m located within an established nursery site on the northern side of Avey Lane. There is an agricultural dwelling to the front of the site and a small area of glasshousing. To the rear there is a large area of hardstanding and two other buildings, (originally agricultural,) in use for storage and distribution. There is another nursery to the west and agricultural land to the east.

Relevant History:

EPF/1067/01 retention of use of building for retail and storage Refused and appeal dismissed. Enforcement Notice issued.
EPF/691/02 Change of use of building to Storage. Approved

EPF/400/03 Change of use from boiler house to storage. Approved
EPF/2239/04 Demolition of existing building and rear addition and construction of replacement agricultural building. Approved 14/1/05.
EPF/1131/06 Removal of agricultural occupancy condition. Refused. 12.10.06

Policies Applied:

Structure Plan:

C2 Development Within the Metropolitan Green Belt
RE2 Reuse of rural buildings

Local Plan:

GB2A Development in the Green Belt
GB8A Change of Use or Adaptation of Buildings
E13B Protection of Glasshouse Areas.
ST4 Road Safety

Issues and Considerations:

The main concerns are the impact of the proposed change of use on the Green Belt and the character of the area, the loss of horticultural facility in a glasshouse area and impact on traffic and highway safety.

1. Green Belt

Change of use of buildings within the Green Belt can be acceptable provided the new use will not have a greater impact on the locality and the building is capable of re use without major reconstruction. In this instance the building is a typical modern agricultural building, which is not out of place within this horticultural area. It is set back from the road and adjacent to 2 other buildings in use for storage and distribution. The proposed use will not entail any external alterations to the building and it is not considered that the 120sq m of floor area involved would result in significant additional traffic or parking that would result in harm to the openness or the character of the area. It is therefore considered that the development is appropriate in the Green Belt.

Policy GB8A however also states that the council needs to be satisfied that works within the last ten years were not completed with a view to securing a use other than that for which they were carried out. In this instance the building was only approved in 2005 as a replacement agricultural building. It is difficult now to prove that it was not built for that purpose, although there is inevitably suspicion. The applicant's agent has argued that the previous building had to be replaced due to the presence of asbestos. However as this building was not constructed as permitted development, we are not able to require its removal if not used for agriculture, therefore to refuse consent solely on the basis of a suspicion that it was built for storage rather than horticulture, would result in an unusable building being retained indefinitely on the site, which would not be a tenable position to adopt.

2. Loss of Horticultural Facility

This site is within an identified Glasshouse area within which other uses are normally resisted, to ensure that the area remains available for the growth of the horticultural industry. However the inclusion of this site in that policy does appear to be an anomaly. The rear of this site is already essentially in storage and distribution use, and has not been used for horticulture since about 1999. On site there is a clear distinction between the front of the site, which retains horticultural use, and the rear area that is fenced off and is in storage use. It is not considered that the further loss of this small building to storage use would in any way undermine the future vitality or viability of the Lea Valley Glasshouse Industry.

3. Traffic and Highway Safety

It is not considered that the proposed use is likely to generate significantly more traffic or larger traffic than use of the site for horticulture. Avey Lane is not ideally suited to use by commercial vehicles, but given that it has been identified as an area suitable for more intensive horticultural use it is difficult to argue that additional traffic would not be acceptable. The access to the site itself is wide with good turning facilities and adequate sight lines. Essex County Highways have raised no objection to the proposal.

Given the type and nature of the traffic that already utilises this road it is not considered that the traffic that the proposed use will generate will have a significantly adverse effect on the character of the area or the amenity of neighbouring residents.

4. Sustainability

The site is not in a remote location, being only about 200m from the A112 Sewardstone Road and quite close to the urban areas of Chingford and Waltham Abbey with good access to the motorway system. It is therefore considered that although the development is not ideally located it is not directly contrary to the sustainability policies of the Local Plan Alterations.

Conclusion

In conclusion it is considered that the proposed change of use would have little impact on the Green Belt, the character and amenity of the area and highway safety and therefore the application is recommended for approval subject to conditions restricting the hours of use and preventing open storage.

SUMMARY OF REPRESENTATIONS:

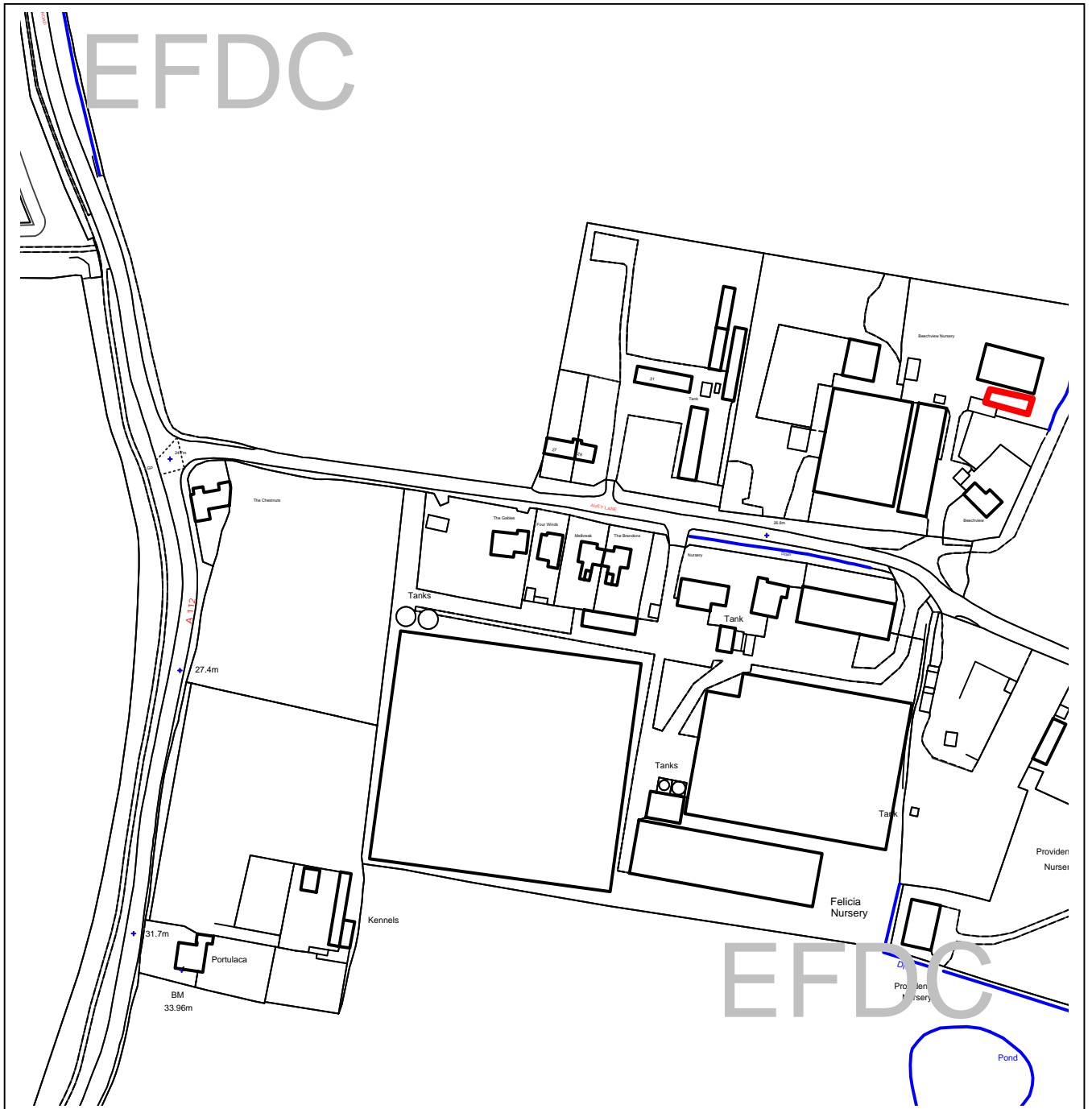
TOWN COUNCIL – The proposal would create increased HGV traffic on a narrow road and vehicles accessing Sewardstone Road from Avey Lane would increase traffic problems at this junction.

29 AVEY LANE – Object. It will cause further heavy traffic up and down the lane at all hours already causing damage to property and the road. The council should be concerned with restoring the lane's road surface which has been damaged.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	3
Application Number:	EPF/0711/07
Site Name:	Beechview Nurseries, Avey Lane, Waltham Abbey, EN9 3QH
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0941/07
SITE ADDRESS:	12 Highbridge Street Waltham Abbey Essex EN9 1DG
PARISH:	Waltham Abbey
WARD:	Waltham Abbey South West
APPLICANT:	Mintgreen Properties Limited
DESCRIPTION OF PROPOSAL:	Alterations to front elevation, erection of ground and first floor extensions and enlargement of roof to provide one second floor flat.
RECOMMENDED DECISION:	Grant Permission (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 Notwithstanding the materials detailed on the plans, the roof shall be finished in natural slate (not plain clay tiles).
- 3 The windows shall be timber double hung vertical sliding sashes and details of all new windows and doors shall be submitted for approval. The development shall be completed in accordance with those approved materials.
- 4 The dormers in the mansard roof shall be clad in lead.
- 5 The external render shall have a smooth finish and details shall be submitted for approval to the Local Planning Authority. The development shall be carried out in accordance with those approved details.

Description of Proposal:

This application seeks consent to erect a first floor rear extension and raise the existing roof level to provide two bedroom flat in a new second floor and provide a separate kitchen and additional bedroom for an existing one bedroom flat at first floor. The new second floor would take the form of a mansard roof similar to the roof design of the adjoining property (10 Highbridge Street).

It is the intention of the applicant to retain the existing Use Class A1 retail use of the ground floor. The proposal includes a very small ground floor addition to the shop to facilitate the provision of a disabled toilet and small increase in shop floorspace. It also includes a new entrance in the front elevation of the building, which would lead to a reconfigured internal staircase providing access to the upper floors.

Works have already commenced on the site.

Description of Site:

This premises is situated on the northern side of Highbridge Street, close to the Abbey Church. The building is currently 2 storeys and is attached to one other 3 storey property to the west, (number 10 Highbridge Street). The curtilage of the unit consists of a small yard to the rear, behind which is a small tributary of Cornmill Stream.

The premises are within the Waltham Abbey Conservation Area, although outside of the key retail town centre frontage. The premises forms part of a street of shops and restaurants. To the north and west are 2 other detached Listed Buildings.

Relevant History:

EPF/0009/07 New second floor addition to form two self contained flats on first and second floors
- Refused on grounds of poor design and harm caused to amenity.

Policies Applied:

Southend on Sea Replacement Structure Plan
HC2 Conservation Areas

Adopted Local Plan and Alterations:

DBE9	Impact of extensions on amenity
DBE10	Design of residential extensions
H10	Conversion of upper storeys in town centres
HC7	Development within Conservation Areas
TC1A	Town centre hierarchy
TC4A	Non retail frontage
ST6A	Vehicle Parking

Issues and Considerations:

The key issues for consideration in relation to this proposal are:

- 1. Street scene and Conservation Area issues*
- 2. Amenity considerations*
- 3. Highways policy requirements*
- 4. Town centre policy*

The previous scheme was refused due to the detailed design of the mansard style roof and the shop front. There were also concerns regarding the impact upon neighbouring number 10.

1. Street Scene and Conservation Area

The scheme will involve a significant alteration to the street scene of this section of the Conservation Area, with the addition of the new second floor. The Town Council (and previously The Waltham Abbey Historical Society) have raised objections to this change, as they feel the diversity of building heights is a major feature of the Conservation Area which should be conserved.

Whilst the above comments are valid concerns, given the height and design of the adjacent property and the fact that this building is not on the Statutory National List or Local List of buildings of interest, the retention of its original appearance is not considered to be an essential element of the historic street scene in the Conservation Area. When assessing development within Conservation Areas the emphasis should be on 'controlled and positive management of change rather than prevention', (PPG15: *Planning and the Historic Environment*). The buildings within the Conservation Area are not necessarily intended to be preserved in perpetuity and the alterations to this premises are acceptable with regard to the surrounding buildings and the character and appearance of the Conservation Area.

Of greater concern to the Council's Heritage Conservation officers in the previously refused scheme were issues of detailed design. The junction of the new mansard roof with the existing adjacent roof of number 10 was ill conceived and would have resulted in 2 competing mansard designs. This aspect of the proposal has now been reworked and is considered appropriate to the character and appearance of the Conservation Area. In addition, the detailing of the shop front is now to be retained as existing, rather than a completely new façade, which was previously considered to be poorly designed.

2. Amenity considerations

The neighbouring number 10/10a Highbridge Street (and the Town Council) also have raised concerns regarding the impact on a side frosted bathroom window, situated in the eastern elevation of the property. Previously the scheme proposed to block up this opening.

The new second floor in this current application will be set away from the window but nevertheless will to some extent deprive it of light and outlook. However, this frosted window serves only a bathroom and not a habitable room and therefore the proposal will not result in any excessive harm being caused to amenity. The measures to retain the window in this revised application are therefore considered to be acceptable.

3. Highways Policy

The Highways Authority have no objection to the creation of the 2 flats. Given the nature of the location within the town centre, it is not considered necessary to provide parking for the extra apartment which is being created by this proposal. The scheme therefore accords with policy ST6A of the Local Plan.

4. Town centre policy

These premises are not within the key retail frontage of the town centre, although the retention of the retail use of the ground floor is still preferable for the Planning Authority, (in light of the town centre hierarchy policy TC1A). This application seeks to marginally increase the floor area of the A1 retail use, which will benefit the premises and town centre.

Conclusion

The alterations to this building are considered to be acceptable with regard to the character and appearance of the Conservation Area. The applicant has improved the detailed design of the scheme and has accommodated the flank bathroom window of number 10a into the design. The increase in size of the A1 retail unit ground floor area is also in accordance with town centre policy. Approval is therefore recommended.

SUMMARY OF REPRESENTATIONS:

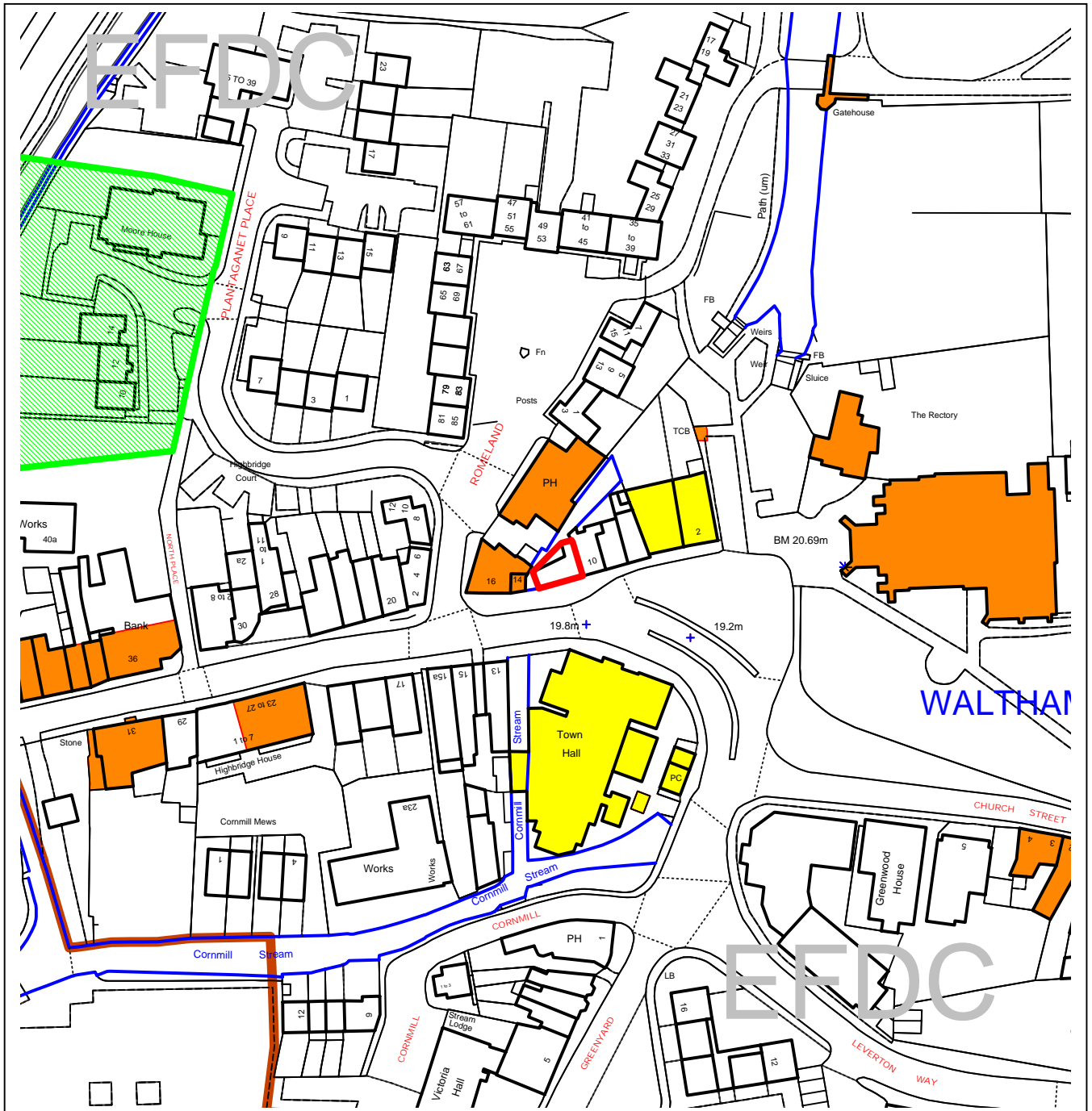
WALTHAM ABBEY TOWN COUNCIL- Strongly object. Loss of light and amenity to building next door and desecration of historic street scene.

10/10a HIGHBRIDGE STREET- Plans restrict outlook and light from bathroom window.



Epping Forest District Council

Area Planning Sub-Committee



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Agenda Item Number:	4
Application Number:	EPF/941/07
Site Name:	12 Highbridge Street, Waltham Abbey, EN9 1DG
Scale of Plot:	1/1250

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Report to Area Planning Sub-Committee West

Report reference: ENF/0375/06

Date of meeting: 4 July 2007



**Epping Forest
District Council**

Portfolio: Planning and Economic Development

Subject: 42/43 Roydon Chalet Estate, Roydon

Officer contact for further information: S. Hart (case officer) and S. Solon

Committee Secretary: Adrian Hendry

Recommendations/Decisions Required:

That Members consider options for action in respect of a planning enforcement investigation including taking direct action under Section 178 of the Town & Country Planning Act 1990 to secure compliance with an Enforcement Notice and, if appropriate, refer the matter to the District Development Control Committee with a recommendation to give authority to the Head of Planning Services and the Head of Legal, Administration and Estates Services to take direct action.

Background:

1. This report sets out options for dealing with the unlawful stationing of a mobile home in the Roydon Chalet Estate that is the subject of an extent enforcement notice.
2. Roydon Lodge Chalet Estate was established before the Second World War as a recreational site for the enjoyment of occupiers during summer holidays and weekends. It has never been intended that the estate provide permanent residential accommodation and long established planning policy relating to the estate seeks to restrict the use of all chalets, caravans and mobile homes to weekends and holidays during the months of April to October inclusive. This is currently expressed in Local Plan Alterations Policy RST10A. In addition, over time many of the original chalets have been replaced and the associated planning permissions were granted subject to conditions limiting the occupation of their replacement to the times allowed for in adopted planning policy. Such conditions also prohibit their use for permanent residential accommodation and occupation during the months of November to March (inclusive).
3. The Estate situated in the Metropolitan Green Belt and within zones of medium and high flood risk including the indicative flood plain adjacent to the River Stort, the Stort Navigation and Roydon Brook. Plot 42/43 Roydon Chalet Estate, the site the subject of this report, comprises two original plots on the Estate that are situated near the confluence of all 3 rivers and as such is in the indicative flood plain. Adopted Council policy relating to development within flood risk areas is set out in Local Plan Alterations U2A. The policy restricts development in areas at high risk of flooding and requires all proposals for development in areas of flood risk to be accompanied by a Flood Risk Assessment (FRA).
4. A small wooden chalet formerly occupied one of the original plots of the 42/43 Roydon Chalet Estate. In 2001 the plots were combined, the chalet was demolished and a considerably larger mobile home was stationed on the site on a new area of hardstanding. The formation of the hardstanding and stationing of the mobile home was carried out without planning permission.

5. The owner of the land subsequently applied for retrospective planning permission for the development in January 2002, which was refused on the grounds that it did not respect with the rural character of the estate, is at risk of flooding and will increase the risk of flooding elsewhere. The owner appealed against this decision but in May 2003 the Secretary of State dismissed his appeal for the reasons the Council refused planning permission and also because the development was inappropriate in the Green Belt and no very special circumstances existed that outweighed the harm caused.

6. Despite requests, the owner did not remove the development and an Enforcement Notice was therefore issued in May 2004. The notice required the owner to 'remove the mobile home together with any associated works including the brick plinth, concrete base, all hardstanding and paving from the land'. The owner appealed against the notice but the Secretary of State dismissed his appeal in October 2004. The notice therefore became effective and the period given for compliance was 4 months.

7. Despite repeated requests, the requirements of the enforcement notice were not complied with. In August 2006 the Council attempted to prosecute the owner for failing to comply with the requirements of the notice, but it was not possible to serve a summons on him. It appears he has moved to Spain but it has not been possible to find a contact address for him.

8. In October 2006 a Notice was pinned on 42/43 Roydon Chalet Estate asking anyone with an interest in the land to contact Enforcement Officer by 1st November 2006. No one has made contact with the Council to discuss the matter and the Council.

Report

9. Since it has not been possible to find a person responsible for complying with the enforcement notice that the Council can prosecute, officers have taken steps to explore the option of taking direct action to secure compliance with the notice.

10. Legal advice is that the Council cannot demolish the home since it is a mobile structure and the requirement of the enforcement notice is to cease using the land for stationing a mobile home and to remove the existing home. The Council must act reasonably and the Head of Legal, Administration and Estates recommend that the mobile home should be removed from the land and stored for at least 1 month in case the owner wishes to claim it.

11. Accordingly, officers have sought quotes for the carrying out of steps to secure compliance with the requirements of the enforcement notice. Only one company has been found that is willing to carry out the work and has the facilities to store the unit securely. This company has quoted £22,850 for the necessary work together with an additional fee of £800 to transport the mobile home to the company's storage facility and an additional storage charge of £100 per week. If the mobile home is not claimed, the company has offered to arrange for its disposal and offset the proceeds of the sale against the costs. It is not known how much the mobile home will be worth once it has been moved. Allowing for 5 weeks storage, the total estimated cost for this action is therefore £24,550. An appropriate contingency to deal with any unforeseen costs in this case is 10% of the estimated cost therefore the total budget for taking direct action to secure compliance with the requirements of the enforcement notice would be £27,000.

12. If a debt remains to the Council after the mobile home has been disposed of, the Council can place a charge upon the land so that monies from any future sale may be offset against the costs incurred.

13. Given that there is no one to prosecute for failing to comply with the requirements of the enforcement notice the alternative to direct action is to take no further action to secure compliance and close the planning enforcement investigation. Having regard to the number

of plots at the Roydon Lodge Chalet Estate this course of action has the potential to seriously undermine long established Council policy in relation to the Estate because owners of other plots would become aware that the Council is not willing to take direct action to secure compliance with its enforcement notices. It would be very undesirable for further mobile homes to be stationed on the Estate as, apart from their adverse impact on flood risk and the openness of the Green Belt, they would be visually intrusive in an area that predominantly consists of well-landscaped open plots with a non-urban, tranquil character.

Conclusion:

14. It has been established that the mobile home and hardstanding is not acceptable in planning terms. Since the Council has not been successful in prosecuting the owner of the land for failing to comply with the requirements of the enforcement notice, if the Council does not uphold it by taking direct action to secure compliance this would result in the harm to flood risk, the Green Belt and visual amenities of the locality continuing to be harmed. Moreover, if the Council does not take direct action to uphold the enforcement notice it could lead to the owners of other plots on the Estate placing similar mobile homes on them, which would exacerbate the harm already caused. However it remains an option to take no further action and close the planning enforcement investigation. Options for action are therefore:

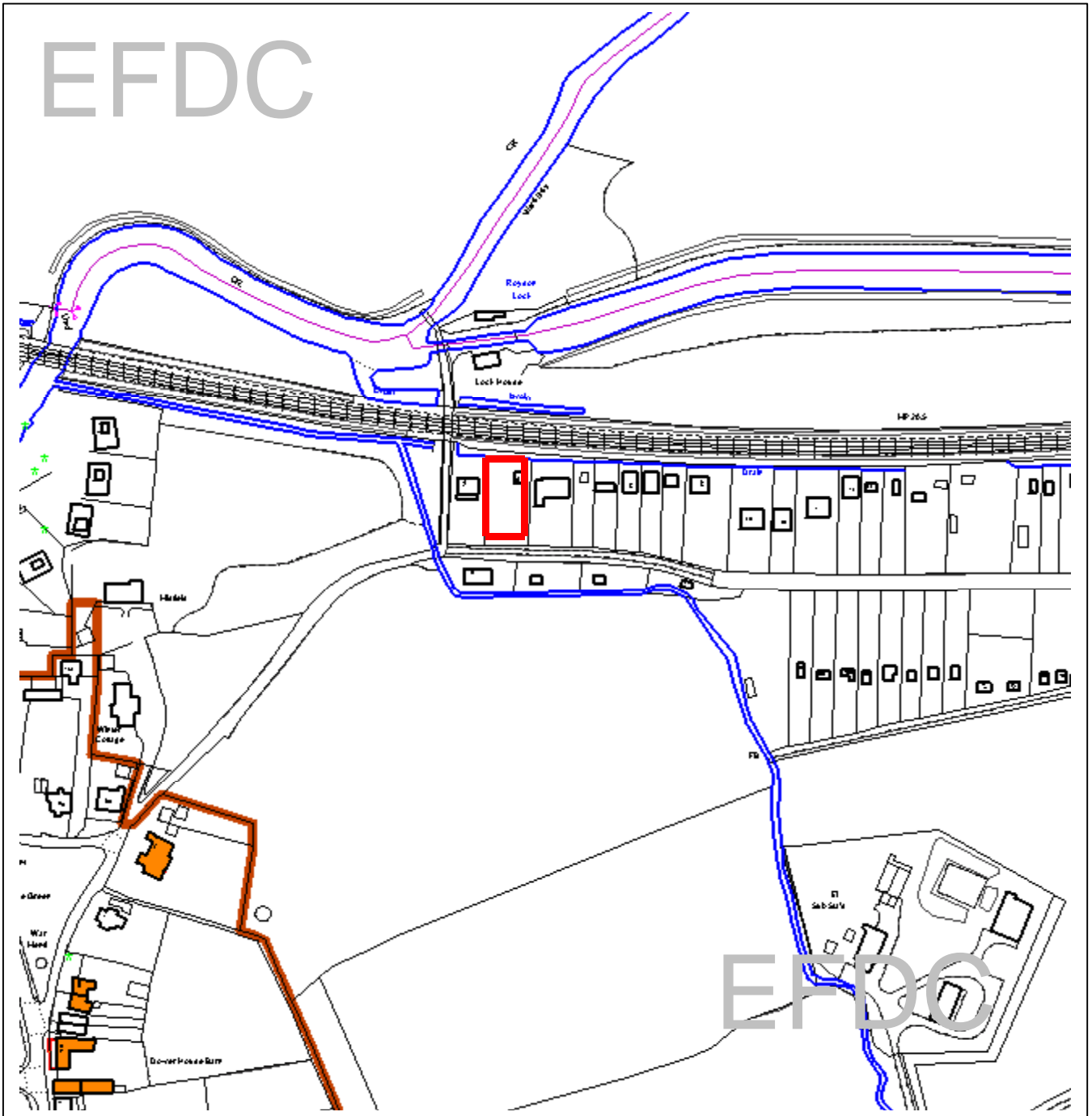
- a) Give further consideration to taking direct action under Section 178 of the Town & Country Planning Act 1990 to secure full compliance with the requirements of the enforcement notice issued 5th May 2004.
- b) Take no further action to secure either full or partial compliance with the requirements of the enforcement notice issued 5th May 2004 and close the planning enforcement investigation.

15. The Area Committee is asked, therefore, to consider the above options, which include the principle of taking direct action. Should the Committee be satisfied that taking direct action is the appropriate course of action and that the likely cost is proportionate to the outcome, the matter must be referred to the District Development Control Committee to authorise the expenditure.



Epping Forest District Council

Area Planning Sub-Committee West



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Site Name:	42/43 Roydon Chalet Estate, Roydon
Scale of Plot:	1:2,500

By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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